

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3000 Wells Street, Fort Wayne, Indiana 46808 (Braun LLC d/b/a Old Fort Supply Company, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, said project will result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

WHEREAS, said project will retain twelve full-time and three part-time permanent jobs for a total current annual payroll of \$462,332, with the average current, annual job salary being \$30,822; and

WHEREAS, the total estimated project cost is \$300,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2016, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to a deduction of the assessed value of occupation of an eligible vacant building and real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the occupation of the eligible vacant building and the estimate of redevelopment or rehabilitation all contained in Petitioner's Statement of

Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described occupation of the eligible vacant building and redevelopment or rehabilitation

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.1973/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.1973/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.1973/\$100 (the change would be negligible).
- (d) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be \$3.1973/\$100.
- (e) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current tax rate for the site would be \$3.1973/\$100 (the change would be negligible).
- (f) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for this would be \$3.1973/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and the deduction from the assessed value of the occupation of the eligible vacant building shall be for a period of one year.

SECTION 7. The deduction schedule from the assessed value of the real property pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%

8	20%
9	10%
10	5%

SECTION 8. The deduction schedule from the assessed value of the vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%

SECTION 9. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 10. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 11. For the eligible vacant building, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 12. The performance report must contain the following information:

A. The cost and description of real property improvements.

- 1 B. The number of employees hired through the end of the preceding calendar year
2 as a result of the deduction.
3 C. The total salaries of the employees hired through the end of the preceding
4 calendar year as a result of the deduction.
5 D. The total number of employees employed at the facility receiving the deduction.
6 E. The total assessed value of the real and/or personal property deductions.
7 F. The tax savings resulting from the real and/or personal property being abated.

8 **SECTION 13.** That, the taxpayer is non-delinquent on any and all property tax due
9 to jurisdictions within Allen County, Indiana.

10 **SECTION 14.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
11 has received a deduction under section 3 or 4.5 of this chapter may be required to repay the
12 deduction amount as determined by the county auditor in accordance with section 12 of said
13 chapter if the property owner ceases operations at the facility for which the deduction was
14 granted and if the Common Council finds that the property owner obtained the deduction by
15 intentionally providing false information concerning the property owner's plans to continue
16 operation at the facility.

17 **SECTION 15.** That, this Resolution shall be in full force and effect from and after
18 its passage and any and all necessary approval by the Mayor.

19 _____
20 Member of Council

21 APPROVED AS TO FORM A LEGALITY

22 _____
23 Carol Helton, City Attorney

EXHIBIT A

(Attached to and becoming a part of document)

EXHIBIT A

Land situated in the County of Allen, State of Indiana, is described as follows:

TRACT 1:

A tract of land located in the Southwest Quarter of Section 26 and in the Northwest Quarter of Section 35, Township 31 North, Range 12 East, in Allen County, the State of Indiana, more fully described as follows:

COMMENCING at a Rebar stake with cap (FIRM 0042) in the Southwest corner of Lot #1 in Romy's Outlots as recorded in Allen County B1B, page 73; thence North 03 degrees 12 minutes 56 seconds West (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 8.00 feet along the East right-of-way line (25 feet) of Wells Street to a rebar stake with cap (Karst), the TRUE POINT OF BEGINNING; thence North 03 degrees 12 minutes 56 seconds West, a distance of 239.57 feet along the East right-of-way line (25 feet) of Wells Street to a rebar stake with cap (FIRM 0042) in the Southwest corner of the tract of land described in the conveyance to Park Properties, Inc. in Allen County Document No. 200012510; thence North 87 degrees 46 minutes 25 seconds East, a distance of 619.00 feet along the South line of said Park Properties tract to a rebar stake with cap (FIRM 0042) in the Southwest corner of the tract of land described in the conveyance to Roethele Building Materials, Inc. in Allen County Document No. 2012029420; thence North 87 degrees 46 minutes 25 seconds East, a distance of 83.24 feet along said South line extended to the Southeast corner of said Roethele tract; thence North 02 degrees 08 minutes 46 seconds West, a distance of 224.99 feet along the East line of said Roethele tract to a rebar stake with cap (FIRM 0042) in the North corner thereof; thence North 87 degrees 44 minutes 09 seconds East, a distance of 30.00 feet along the South line of said Park Properties tract to the Northeast corner of the tract of land described in the conveyance to Roethele Building Materials, Inc. in Allen County Document No. 2008036483; thence South 02 degrees 08 minutes 46 seconds East, a distance of 41.00 feet along the East line of said last referenced Roethele Tract; thence North 87 degrees 44 minutes 09 seconds East, a distance of 20.00 feet along a North line of said last referenced Roethele Tract; thence South 02 degrees 08 minutes 46 seconds East, a distance of 100.00 feet along the West right-of-way line of the former Ft. Wayne & Jackson Railroad right-of-way; thence South 02 degrees 08 minutes 46 seconds East, a distance of 336.63 feet along the West right-of-way line of the former Ft. Wayne & Jackson Railroad right-of-way to the Southeast corner of Lot #1 in Romy's Outlots referenced above; thence South 02 degrees 08 minutes 46 seconds East, a distance of 293.12 feet along the West right-of-way line of the former Ft. Wayne & Jackson Railroad right-of-way to a rebar stake with cap (FIRM 0042) in the Northeast corner of the tract of land described in the conveyance to Lois M. & Peter Perona in Allen County Document No. 201035485; thence South 88 degrees 09 minutes 47 seconds West, a distance of 480.03 feet along the North line of the tracts of land described in the conveyances to Perona (Document No. 201035485), Gillum (Document No. 204062890 & 204062889), Miller (Document No. 2009003071) and Ferguson (Document No. 2012036432) to a rebar stake in the Northwest corner of said Ferguson tract; thence South 88 degrees 09 minutes 47 seconds West, a distance of 237.91 feet to a rebar stake with cap (FIRM 0042) in the Northeast corner of the tract of land described in the conveyance to the County of Allen in Allen County

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Document No. 970012191; thence South 88 degrees 09 minutes 47 seconds West, a distance of 9.22 feet to a rebar stake with cap (FIRM 0042) in the Southeast corner of the Public Dedication as recorded in Allen County Document No. 71-13872; thence North 03 degrees 12 minutes 56 seconds West, a distance of 293.20 feet along the East line of said Public Dedication being parallel with and Forty (40) feet East of the centerline of Wells Street to a rebar stake with cap (FIRM 0042) in the South line of Lot #1 in Romy's Outlots referenced above; thence North 03 degrees 12 minutes 56 seconds West, a distance of 8.00 feet along the East line of said Public Dedication to a rebar stake with cap (FIRM 0042) in the Northeast corner thereof; thence South 88 degrees 09 minutes 47 seconds West, a distance of 15.00 feet along a line parallel with the South line of said Lot #1 in Romy's Outlots to the POINT OF BEGINNING, said in previous deed to contain 9.456 Acres, more or less. A survey of said tract being represented by Plat of Survey #31-12-26-02 as prepared by D.A. Brown Engineering Consultants, Inc., 5419 County Road 427, Suite C, Auburn, Indiana 46706.

TRACT 2:

A tract of land located in the Southwest Quarter of Section 26, Township 31 North, Range 12 East, in Allen County, the State of Indiana, more fully described as follows:

COMMENCING at a rebar stake with cap (FIRM 0042) in the Southwest corner of Lot #1 in Romy's Outlots as recorded in Allen County B1B, page 73; thence North 03 degrees 12 minutes 56 seconds West (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 8.00 feet along the East right-of-way line (25 feet) of Wells Street to a rebar stake with cap (Karst); thence North 03 degrees 12 minutes 56 seconds West, a distance of 239.57 feet along the East right-of-way line (25 feet) of Wells Street to a rebar stake with cap (FIRM 0042) in the Southwest corner of the tract of land described in the conveyance to Park Properties, Inc. in Allen County Document No. 200012510; thence North 87 degrees 46 minutes 25 seconds East, a distance of 619.00 feet along the South line of said Park Properties tract to a rebar stake with cap (FIRM 0042) in the TRUE POINT OF BEGINNING; thence North 87 degrees 46 minutes 25 seconds East, a distance of 83.24 feet; thence North 02 degrees 08 minutes 46 seconds West, a distance of 224.99 feet along the West line of the tract of land described in the conveyance to Roethele Building Materials, Inc. in Allen County Document No. 2008036483 to a rebar stake with cap (FIRM 0042) in the Northwest corner thereof; thence South 18 degrees 08 minutes 51 seconds West, a distance of 240.00 feet along an Easterly line of said Park Properties Tract to the POINT OF BEGINNING, said in previous deed to contain 0.215 Acres, more or less.

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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Confirming Resolution

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: Braun LLC d/b/a Old Fort Supply Company, Inc. is requesting the designation of an Economic Revitalization Area for real property improvements in the amount of \$300,000. In order to expand, Braun LLC d/b/a Old Fort Supply Company, Inc. will remodel the inside and outside of fourteen buildings. The buildings Braun LLC d/b/a Old Fort Supply Company, Inc. will move into have been vacant for over one year.

EFFECT OF PASSAGE: Completing the real property improvements will allow Braun LLC d/b/a Old Fort Supply Company, Inc. to maintain a competitive business environment. Twelve full-time and three part-time jobs will be retained.

EFFECT OF NON-PASSAGE: Potential loss of development.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Russ Jehl and John Crawford