BILL NO. R-15-03-11

CONFIRMING RESOLUTION NO. R-________

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12.1 for property commonly known as 2980 E. Coliseum Blvd., Fort Wayne, Indiana 46805 (P&A Realty, Inc./Intellectual Technology, 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 create 10 full-time and 3 part-time, permanent jobs for a total new, annual payroll of $436,000, with the average new annual job salary being $33,538 and retain 64 full-time and 3 part-time, permanent jobs for a total current annual payroll of $3,642,800, with the average current, annual job salary being $54,370; and

WHEREAS, the total estimated project cost is $1,650,000; and

WHEREAS, representatives of P&A Realty, Inc. informed Common Council that the real property improvements for which they are requesting designation of an Economic Revitalization Area under I.C. 6-1.1-12.1 are complete; and

WHEREAS, P&A Realty, Inc. has submitted a written request for a waiver of non-compliance under I.C. 6-1.1-12.1-11.3; and

WHEREAS, I.C. 6-1.1-12.1-11.3 permits non-compliance events such as the untimely filing of an application, statement of benefits, or another document required to be filed under I.C. 6-1.1-12.1; and

WHEREAS, the Common Council acknowledges that P&A Realty, Inc. has requested a waiver of non-compliance which the Common Council has the power and authority to approve under I.C. 6-1.1-12.1-11.3; and

WHEREAS, Common Council finds that P&A Realty, Inc. did not comply with I.C. 6-1.1-12.1 by:

(a) failure to provide the completed statement of benefits forms to the Common Council before the public hearing,

(b) failure to submit the completed statement of benefits form to the Common Council before initiation of redevelopment or rehabilitation,

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, I.C. 6-1.1-12.1-11.3(c) and I.C. 5-3-1and a public hearing has been conducted on said Resolution and waiver.

WHEREAS, representatives of P&A Realty, Inc. were in attendance and presented testimony on why a waiver should be granted; and

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

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

SECTION 1. That, Common Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1-11.3 regarding:

(a) failure to provide the completed statement of benefits forms to the common council before the public hearing, and

(b) failure to submit the completed statement of benefits form to the common council before initiation of redevelopment or rehabilitation for which P&A Realty, Inc. desires to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for real property improvements during the period of February 1, 2015 through the date of this resolution.

SECTION 2. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 3. 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 4. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing and research and development equipment.

SECTION 5. 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 redevelopment or rehabilitation and estimate of the value of the new manufacturing equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing and research and development equipment.

SECTION 6. 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 \$3.2081/\$100.

(b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.2081/\$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 \$3.2081/\$100 (the change would be negligible).

(d) If the proposed new manufacturing and research and development equipment is not installed, the approximate current year tax rates for this site would be \$3.2081/\$100.

(e) If the proposed new manufacturing and research and development equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.2081/\$100 (the change would be negligible).

(f) If the proposed new manufacturing and research and development equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.2081/\$100 (the change would be negligible).

SECTION 7. 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 that the deduction from the assessed value of the new manufacturing and research and development equipment shall be for a period of ten years.

SECTION 8. 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 9. The deduction schedule from the assessed value of new manufacturing and research and development equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%

8	30%
9	20%
10	10%

SECTION 10. 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 11. For new manufacturing and research and development equipment, 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 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 with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 12. 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 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 13. The performance report must contain the following information:

A. The cost and description of real property improvements and/or new manufacturing and research and development equipment acquired.

B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.

C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.

D. The total number of employees employed at the facility receiving the deduction.

E. The total assessed value of the real and/or personal property deductions.

F. The tax savings resulting from the real and/or personal property being abated.

SECTION 14. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

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

SECTION 16. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

____
Member of Council

APPROVED AS TO FORM A LEGALITY

____
Carol Helton, City Attorney

Admn. Appr.______________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **P&A Realty, Inc./Intellectual Technology, Inc. is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of $1,650,000. In order to expand, P&A Realty, Inc./Intellectual Technology, Inc. will construct a 12,000 square foot addition for manufacturing and office space and a 1,200 square foot research facility. They will also purchase and install new manufacturing and research and development equipment.**

EFFECT OF PASSAGE: **Expanding their manufacturing and office space and purchasing new manufacturing and research and development equipment will allow P&A Realty, Inc./Intellectual Technology, Inc. to develop land which has been unused parking and ensure future growth for the company. Ten full-time jobs and three part-time jobs will be created, and sixty-four full-time and three part-time jobs will be retained as a result of the project.**

EFFECT OF NON-PASSAGE: **Potential loss of development, ten full-time, and three part-time jobs.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Thomas Didier and Russ Jehl**

Exhibit "A"

Tract #2 Lease Area Description

PART OF THE SOUTHEAST ONE QUARTER OF SECTION 30, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT NUMBER 174 IN THE PLAT AS RECORDED OF KIRKWOOD PARK ADDITION, SECTION "F", IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY; THENCE RUNNING NORTH ON THE EAST LINE PRODUCED NORTH, OF SAID LOT, A DISTANCE OF 68.0 FEET; THENCE BY A DEFLECTION RIGHT OF 90 DEGREES 02 MINUTES 44 SECONDS, A DISTANCE OF 150.77 FEET; THENCE BY A DEFLECTION LEFT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 117.81 FEET; THENCE BY A DEFLECTION RIGHT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 12.60 FEET TO THE CENTERLINE OF A 60 FEET ACCESS, DRAINAGE, AND UTILITY EASEMENT DESCRIBED IN DOC. 960029834 AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING ON SAID LINE A DISTANCE OF 34.54 FEET; THENCE BY A DEFLECTION RIGHT OF 23 DEGREES 33 MINUTES 39 SECONDS, A DISTANCE OF 203.07 FEET; THENCE BY A DEFLECTION RIGHT OF 90 DEGREES 18 MINUTES 03 SECONDS, A DISTANCE OF 72.50 FEET; THENCE BY A DEFLECTION LEFT OF 89 DEGREES 39 MINUTES 17 SECONDS, A DISTANCE OF 101.10 FEET; THENCE BY A DEFLECTION LEFT OF 90 DEGREES 16 MINUTES 20 SECONDS A DISTANCE OF 39.98 FEET; THENCE BY A DEFLECTION RIGHT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 44.0 FEET; THENCE BY A DEFLECTION RIGHT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 40.19 FEET; THENCE BY A DEFLECTION LEFT OF 89 DEGREES 43 MINUTES 40 SECONDS A DISTANCE OF 58.02 FEET; THENCE BY A DEFLECTION RIGHT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 206.67 FEET; THENCE BY A DEFLECTION RIGHT OF 39 DEGREES 57 MINUTES 37 SECONDS, A DISTANCE OF 279.85 FEET; THENCE BY A DEFLECTION RIGHT OF 26 DEGREES 12 MINUTES 52 SECONDS, A DISTANCE OF 41.17 FEET TO THE CENTERLINE OF SAID 60' ACCESS, DRAINAGE, AND UTILITY EASEMENT; THENCE BY A DEFLECTION RIGHT OF 89 DEGREES 59 MINUTES 37 SECONDS, A DISTANCE OF 530.37 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 10.29 FEET, AND SUBTENDED BY A CHORD DEFLECTING LEFT 1 DEGREE 57 MINUTES 58 SECONDS AND A CHORD LENGTH OF 10.29 FEET TO THE POINT OF BEGINNING, CONTAINING 3.047 ACRES, MORE OR LESS.

PART OF PARENT PARCEL TAX I.D. NO. 02-08-30-428-001.000-072.

THIS DESCRIPTION WAS PREPARED FOR THE ZACHER COMPANY, IAB FINANCIAL BANK, AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY BY BERTSCH-FRANK & ASSOCIATES, LLC. AND CERTIFIED BY MATTHEW G. BERTSCH, P.L.S. INDIANA REGISTERED LAND SURVEYOR NO. 20200087.

MATTHEW G. BERTSCH REGISTERED No. 20200087 STATE OF INDIANA LAND SURVEYOR

Matthew G. Bertsch

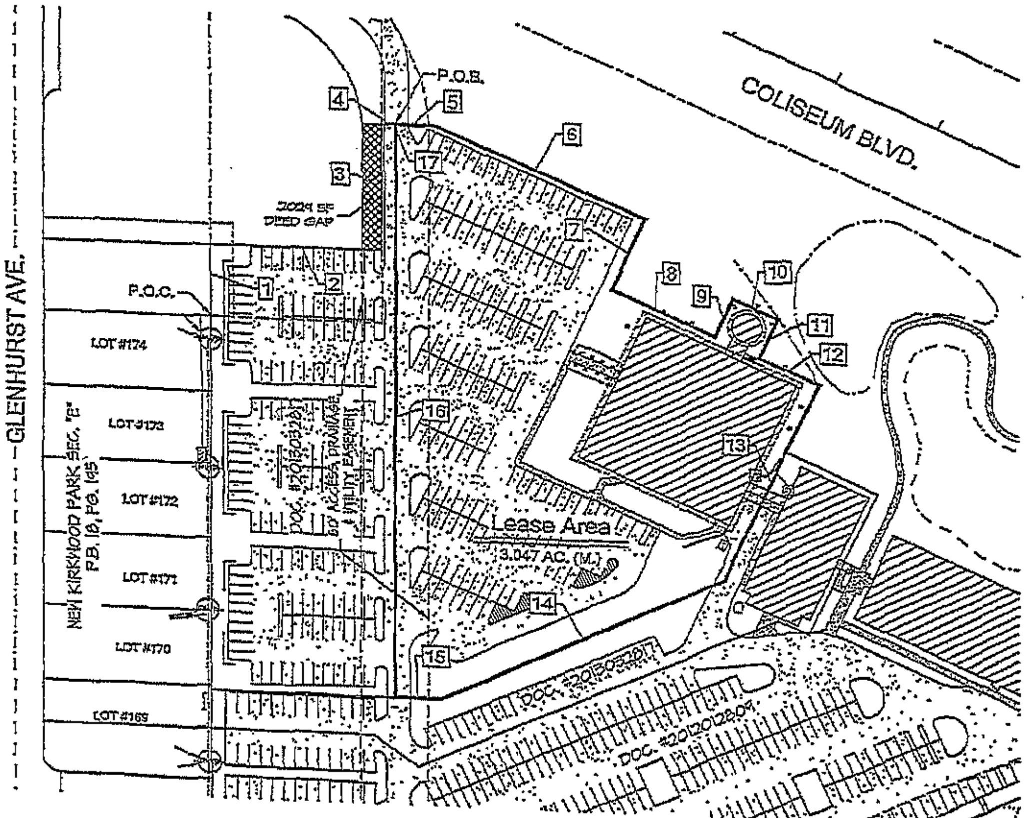
MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR NO. 20200087

EXHIBIT A

BERTSCH - FRANK & ASSOCIATES, LLC Land Surveying · Land Planning 4638 W. Jefferson Blvd. #6 · Telephone (260) 459-9393 Fort Wayne, Indiana 46804 · Facsimile (260) 459-9303	**Park 3000 Business Park** **Tract #2 Lease Area Exhibit** **Exhibit "A"** **IAB Financial** **The Zacher Company**	REVISIONS MARK | DATE | DESCRIPTION	CAD FILE: 13567.2Exhibit DRAWN BY: ARF CHECKED BY: MGB DATE: 10/14/2015 PRJCT. NO.: 13567200

Tract #2 Lease Area			
	Deflection	Distance	
1		68.00'	2
2	Rt. 90°02'44"	150.77'	3
3	Lt. 90°00'	117.81'	4
4	Rt. 90°00'	12.60'	5
5	00°00'00"	34.34'	6
6	Rt. 23°33'29"	203.07'	7
7	Rt. 90°18'03"	72.50'	8
8	Lt. 89°39'17"	101.10'	9
9	Lt. 90°16'20"	39.98'	10
10	Rt. 90°00'	44.0'	11
11	Rt. 90°00'	40.19'	12
12	Lt. 89°43'40"	58.02'	13
13	Rt. 90°00'	206.67'	14
14	Rt. 39°57'57"	279.85'	15
15	Rt. 25°12'52"	41.17'	16
16	Rt. 89°59'37"	530.37'	17
17	150.00' R. (ARC) Lt. 1°57'58" (CH)	10.29' (ARC) 10.29' (CH)	1

*(CH): INDICATES VALUES ARE FOR THE CHORD OF A CURVE.
*(ARC): INDICATES CURVE GEOMETRY.



MATTHEW G. BERTSCH REGISTERED No. 20200087 STATE OF INDIANA LAND SURVEYOR

MATTHEW G. BERTSCH, P.L.S.
INDIANA REGISTERED LAND SURVEYOR No. 20200087

I HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AND I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

General Notes:

1. BEING A PART OF THE SAME PROPERTY CONVEYED TO IAB FINANCIAL BANK PER DOC. 2015032817 IN THE ALLEN COUNTY RECORDER'S OFFICE.
2. PARCEL LIMITS SHOWN ARE PER ALTA/ACSM LAND TITLE SURVEY PERFORMED BY BERTSCH-FRANK & ASSOC., LLC. DATED SEPTEMBER 16, 2015.
3. PART OF TAX PARCEL: 02-08-30-428-001.000-072
4. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

100' 50' 0
SCALE 1" = 100'

BERTSCH - FRANK & ASSOCIATES, LLC
Land Surveying · Land Planning
4630 W. Jefferson Blvd. #6
Fort Wayne, Indiana 46804
Telephone (260) 459-9393
Facsimile (260) 459-9303

Park 3000 Business Park
Tract #2 Lease Area Exhibit
Exhibit "B"
IAB Financial
The Zacher Company

REVISIONS		
MARK	DATE	DESCRIPTION

CAD FILE: 15561Exhibit
DRAWN BY: ART
CHECKED BY: MGB
DATE: 10/14/2015
PRJCT. NO.: 15567.200