

1 **BILL No. G-15-05-10**

2
3 **RESOLUTION No. _ - _ -**

4 **An ORDINANCE amending Chapter 153:**
5 **Planning and Development**
6 **of the Fort Wayne Municipal Code of Ordinances**

7 WHEREAS, the Fort Wayne Common Council ("Common Council")
8 periodically reviews certain policies that affect the fiscal impact of commerce and
9 government including property-tax phase-ins for redevelopment projects in
10 Economic Revitalization Areas and Residentially Distressed Areas; and

11 WHEREAS, property tax phase-ins are given careful scrutiny to balance
12 the need to encourage growth and development with the need to maintain
13 government revenues; and

14 WHEREAS, the City of Fort Wayne ("City") has codified its procedures
15 for the orderly application, administration, and monitoring of economic
16 revitalization areas and the related tax phase-ins in Chapter 153 of the City's
17 Municipal Code (the "City Code"); and

18 WHEREAS, significant portions of Ind. Code § 6-1.1-12.1 *et seq.* were
19 incorporated into the current version of Chapter 153 of the City Code; and

20 WHEREAS, effective July 1, 2013, certain provisions of Ind. Code § 6-
21 1.1-12.1 *et seq.* were amended by the state legislature; and

22 WHEREAS, among other things, the amendments to Ind. Code § 6-1.1-
23 12.1 *et seq.* eliminated the deduction schedule set forth in the state code for
24 residentially distressed areas and enabled local government units to establish their
25 own deduction schedules within certain parameters; and

26 WHEREAS, the County Auditor's office relies on the deduction schedule
27 adopted by the Common Council when calculating the amount of the deduction
28 for a qualifying project located in a residentially distressed area; and

29 WHEREAS, pursuant to the provisions of Ind. Code § 6-1.1-12.1 *et seq.*,
30 as amended, the Common Council desires to establish a deduction schedule for
qualifying projects located in a residentially distressed area.

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2 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
3 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

4 **SECTION 1.** That Chapter 153: "Planning and Development" shall be
5 amended to delete Section 153.02 and create a new section 153.26 titled
6 "Designating Residentially Distressed Areas," which shall state as follows:

7 § 153.26 DESIGNATING RESIDENTIALLY DISTRESSED
8 AREAS.

9 (A) Upon appropriate request, the Common Council
10 will designate as "residentially distressed areas those parcels of
11 property which are located within the corporate limits of the City
12 and meet the following criteria specified in Ind. Code § 6-1.1-12.1-
13 2:

14 (1) The area is comprised of parcels that are
15 either unimproved or contained only one- or two- family
16 dwellings or multi-family dwellings designed for up to four
17 families, including accessory structures for those dwellings.

18 (2) Any dwellings in the area are not
19 permanently occupied and are either (i) the subject of an
20 order issued under Ind. Code § 36-7-9 or (ii) evidencing
21 significant building deficiencies.

22 (3) Parcels of property in the area (i) have been
23 sold and not redeemed under Ind. Code § 6-1.1-25 or (ii)
24 are owned by a unit of local government.

25 (B) That any property designated as a residentially distressed
26 area under division (A) must also fulfill the following obligations:

27 (1) Dwellings built or rehabilitated on the
28 property must meet local code standards for habitability.

29 (2) Dwellings must be built or rehabilitated on
30 the property within two years of the date of designation as a
residentially distressed area.

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2 (C) That the amount of the deduction that an owner of property
3 is entitled to receive under Ind. Code § 6-1.1-12.1 for a particular year
4 equals the product of:

5 (1) the increase in the assessed value resulting from the
6 rehabilitation or redevelopment; multiplied by

7 (2) the following percentages for each year that the
8 deduction may be taken:

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Year	Percentage of Increase in Assessed Value
1	100%
2	80%
3	60%
4	40%
5	20%

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15 **SECTION 2.** That this Ordinance shall be in full force and effect from
16 and after its passage and any and all necessary approval by the Mayor.

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19 _____
John Crawford, Council Member

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21 APPROVED AS TO FORM AND LEGALITY:

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23 _____
24 Joseph G. Bonahoom, City Council Attorney
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