

BILL NO. R-15-06-11

CONFIRMING RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 5709 YMCA
Park Drive East, Fort Wayne, Indiana 46835
(Steininger R/E Investors 11 LLC/41 North Senior
Apartments, L.P.)**

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 one full-time and one part-time, permanent jobs for a total current annual payroll of \$57,000, with the average current, annual job salary being \$28,500; and

WHEREAS, the total estimated project cost is \$5,810,998; and

WHEREAS, a recommendation has been received from the Committee on Finance on 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 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 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 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 \$3.2430/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.2430/\$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 \$3.2430/\$100 (the change would be negligible).

SECTION 6. 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 five years.

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	80%
3	60%
4	40%
5	20%

SECTION 8. 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 9. 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 with 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

1 located. If the taxpayer does not file a personal property tax return in the taxing district in
2 which the property is located, the information must be provided by May 15.

3 **SECTION 10.** The performance report must contain the following information

- 4 A. The cost and description of real property improvements.
5 B. The number of employees hired through the end of the preceding calendar year
6 as a result of the deduction.
7 C. The total salaries of the employees hired through the end of the preceding
8 calendar year as a result of the deduction.
9 D. The total number of employees employed at the facility receiving the deduction.
10 E. The total assessed value of the real property deductions.
11 F. The tax savings resulting from the real property being abated.

12 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due
13 to jurisdictions within Allen County, Indiana.

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

21 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its
22 passage and any and all necessary approval by the Mayor.

23 _____
24 Member of Council

25 APPROVED AS TO FORM AND LEGALITY

26 _____
27 Carol Helton, City Attorney
28
29
30

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Steininger R/E Investors 11 LLC/41 North Senior Apartments, L.P. is requesting the designation of an Economic Revitalization Area for real property improvements in the amount of \$5,810,998. Steininger R/E Investors 11 LLC/41 North Senior Apartments, L.P. will construct a 3-story, 57-unit apartment building for low and moderate income seniors.**

EFFECT OF PASSAGE: **Constructing the apartment building will allow Steininger R/E Investors 11 LLC/41 North Senior Apartments, L.P. to develop under-utilized land appropriate for housing development. One full-time job and one part-time job will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development, one full-time job, and one part-time job.**

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

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

41 North Apartments – Real Estate Description

A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN ALLEN COUNTY, THE STATE OF INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD IN A MONUMENT BOX SITUATED IN THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 86 DEGREES 55 MINUTES 19 SECONDS WEST (INDIANA STATE PLANE COORDINATE SYSTEM ZONE EAST GRID BASIS OF BEARINGS), A DISTANCE OF 1318.85 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE POINT OF INTERSECTION WITH THE WEST LINE EXTENDED OF THE TRACT OF LAND DESCRIBED IN THE CONVEYANCE TO STAR FINANCIAL BANK IN ALLEN COUNTY DOCUMENT NO.201007897; THENCE CONTINUING SOUTH 86 DEGREES 55 MINUTES 19 SECONDS WEST, A DISTANCE OF 200.00 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO A MARKER SPIKE WITH TAG (FIRM 0042) IN THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN THE CONVEYANCE TO GENERAL TELEPHONE COMPANY OF INDIANA, INC. (NOW FRONTIER COMMUNICATIONS, INC.) IN ALLEN COUNTY DEED RECORD 678, PAGE 164 (SAID MARKER SPIKE BEING 1116.94 FEET NORTH 86 DEGREES 55 MINUTES 22 SECONDS EAST FROM A REBAR STAKE WITH CAP (FIRM 0042) SITUATED IN THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER); THENCE SOUTH 02 DEGREES 00 MINUTES 11 SECONDS EAST, A DISTANCE OF 40.01 FEET ALONG THE WEST LINE OF SAID GENERAL TELEPHONE TRACT TO A REBAR STAKE WITH CAP (FIRM 0042) IN THE SOUTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN THE CONVEYANCE TO THE COUNTY OF ALLEN IN ALLEN COUNTY DOCUMENT NO.82-006354; THENCE SOUTH 01 DEGREES 59 MINUTES 31 SECONDS EAST, A DISTANCE OF 260.02 FEET ALONG THE WEST LINE OF SAID GENERAL TELEPHONE TRACT TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED REAL ESTATE, SAID POINT OF BEGINNING BEING MARKED BY A REBAR STAKE WITH CAP (FIRM 0042) IDENTIFICATION;

THENCE CONTINUING SOUTH 01 DEGREES 59 MINUTES 31 SECONDS EAST ON AND ALONG THE AFOREMENTIONED WEST LINE THE GENERAL TELEPHONE TRACT A DISTANCE OF 74.95 FEET TO A REBAR STAKE WITH CAP (FIRM 0042) IN THE SOUTHWEST CORNER THEREOF; THENCE NORTH 86 DEGREES 55 MINUTES 19 SECONDS EAST, A DISTANCE OF 200.00 FEET ALONG THE SOUTH LINE OF SAID GENERAL TELEPHONE TRACT TO A REBAR STAKE WITH CAP (FIRM 0042) IN THE SOUTHEAST CORNER THEREOF;

THENCE SOUTH 01 DEGREES 59 MINUTES 31 SECONDS EAST, A DISTANCE OF 595.02 FEET ALONG THE WEST LINE OF TRACTS OF LAND DESCRIBED IN THE CONVEYANCE TO TOPVALCO, INC. IN ALLEN COUNTY DOCUMENT NO.2010007721 TO A REBAR STAKE WITH CAP (FIRM 0042) IN THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 86 DEGREES 55 MINUTES 19 SECONDS EAST, A DISTANCE OF 4.18 FEET ALONG THE SOUTH LINE OF SAID TOPVALCO TRACT TO A REBAR STAKE WITH CAP (FIRM 0042);

THENCE SOUTH 02 DEGREES 10 MINUTES 57 SECONDS EAST, A DISTANCE OF 1043.99 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER TO A REBAR STAKE WITH CAP (FIRM 0042); THENCE SOUTH 87 DEGREES 32 MINUTES 00 SECONDS WEST, A DISTANCE OF 8.38 FEET ALONG THE NORTH LINE OF BOHDE GROVE ADDITION, SECTION D, AS RECORDED IN ALLEN COUNTY PLAT BOOK 28, PAGE 30-31 TO A REBAR STAKE WITH CAP IN THE NORTHWEST CORNER OF LOT #46 THEREIN;

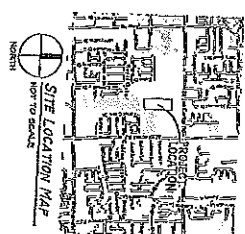
THENCE SOUTH 01 DEGREES 49 MINUTES 24 SECONDS EAST, A DISTANCE OF 103.00 FEET ALONG THE WEST LINE OF SAID BOHDE GROVE ADDITION TO THE NORTHEAST CORNER OF

THE LANDS OF STEININGER R/E INVESTORS '11, LLC AS RECORDED IN DOCUMENT NUMBER 2011059342 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID NORTHEAST CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION;

THENCE SOUTH 86 DEGREES 55 MINUTES 19 SECONDS WEST ON AND ALONG THE NORTH LINE OF THE AFOREMENTIONED LANDS OF STEININGER A DISTANCE OF 552.22 FEET TO THE SOUTHEAST CORNER OF THE LANDS OF YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER FORT WAYNE, INC. AS RECORDED IN DOCUMENT NUMBER 2013008306 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID SOUTHEAST CORNER BEING MARKED BY A 5/8" BY 24" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION;

THENCE NORTH 02 DEGREES 10 MINUTES 56 SECONDS WEST ON AND ALONG THE EAST LINE OF THE AFOREMENTIONED LANDS OF YOUNG MEN'S CHRISTIAN ASSOCIATION (DOC. No. 2013008306) AND THE LANDS OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER FORT WAYNE, INC. AS RECORDED IN DOCUMENT NUMBER 2013059344 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, A DISTANCE OF 1817.24 FEET TO THE NORTHEAST CORNER OF THE LANDS OF YOUNG MEN'S CHRISTIAN ASSOCIATION (DOC. No. 2013059344), SAID NORTHEAST CORNER COINCIDENT WITH THE SOUTHWEST CORNER OF THE LANDS OF THREE RIVER'S FEDERAL CREDIT UNION AS RECORDED IN DOCUMENT NUMBER 2012021470 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA AND BEING MARKED BY A SURVEY MARKER NAIL WITH "FORESIGHT-BOUNDARY" IDENTIFICATION WASHER;

THENCE NORTH 86 DEGREES 55 MINUTES 19 SECONDS EAST ON AND ALONG THE SOUTH LINE OF THE LAND OF THREE RIVERS FEDERAL CREDIT UNION AND THE LANDS OF STEININGER R/E INVESTORS '11, LLC AS RECORDED IN DOCUMENT NUMBER 2011059342 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, A DISTANCE OF 359.31 FEET TO THE POINT OF BEGINNING, CONTAINING 22.95 ACRES (1,001,877.75 SQUARE FEET) OF LAND, MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.



STEININGER R/E INVESTORS '11 LLC
REAL ESTATE DESCRIPTIONS
DOC#2011059342 (PARENT PARCE

NEW TAX PARCEL
REAL ESTATE DESCRIPTIONS

**NEW TAX PARCEL
REAL ESTATE DESCRIPTIONS**

Model CONFIDENTIAL

LAND SURVEYOR CERTIFICATION

[illegible]

 **ForeSight Consulting, LLC**
C/M Engineering ~ Land Surveying
1910 St. Joe, Cir. Rd. #51
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz

*Serving Northeast Indiana with Offices in
Fort Wayne, Auburn and Angola*

"RETRACEMENT" BOUNDARY EXHIBIT FOR:
Brookside Farms Apartments
Fort Wayne, Indiana 46825

Commission Number
131398

Date
May 26, 2015

Title
TBA

Sheet Number
Sr.1

SHEET 1 of 1