

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 4108 W.
Ferguson Road, Fort Wayne, Indiana 46899
(Ellison Bakery, 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 16 full-time, permanent jobs for a total new, annual payroll of \$482,435, with the average new annual job salary being \$30,152 and will retain 87 full-time and 3 part-time, permanent jobs for a total current annual payroll of \$3,471,060, with the average current, annual job salary being \$38,567; and

WHEREAS, the total estimated project cost is \$1,850,000; 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 personal property for new manufacturing equipment.

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 new manufacturing equipment, all contained

1 in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
2 expected to result from the proposed described installation of the new manufacturing
3 equipment.

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

- 6 (a) If the proposed new manufacturing equipment is not installed, the approximate
7 current year tax rates for this site would be \$2.8706/\$100.
8 (b) If the proposed new manufacturing equipment is installed and no deduction is
9 granted, the approximate current year tax rate for the site would be
10 \$2.8706/\$100 (the change would be negligible).
11 (c) If the proposed new manufacturing equipment is installed, and a deduction
12 percentage of eighty percent (80%) is assumed, the approximate current year
13 tax rate for the site would be \$2.8706/\$100 (the change would be negligible).

14 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
15 from the assessed value of the new manufacturing equipment shall be for a period of seven
16 years.

17 **SECTION 7.** The deduction schedule from the assessed value of new
18 manufacturing equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

19

Year of Deduction	Percentage
1	100%
2	85%
3	71%
4	57%
5	43%
6	29%
7	14%

20
21

22 **SECTION 8.** The benefits described in the Petitioner's Statement of Benefits can be
23 reasonably expected to result from the project and are sufficient to justify the applicable
24 deductions.

25 **SECTION 9.** For new manufacturing equipment, a deduction application must
26 contain a performance report showing the extent to which there has been compliance with
27 the Statement of Benefits form approved by the Fort Wayne Common Council at the time of
28 filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort
29 Wayne's Community Development Division and must be included with the deduction
30

1 application. For subsequent years, the performance report must be updated and submitted
2 along with the deduction application at the time of filing.

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

- 4 (a) The cost and description of real property improvements and/or new
5 manufacturing equipment acquired.
6 (b) The number of employees hired through the end of the preceding calendar year
7 as a result of the deduction.
8 (c) The total salaries of the employees hired through the end of the preceding
9 calendar year as a result of the deduction.
10 (d) The total number of employees employed at the facility receiving the deduction.
11 (e) The total assessed value of the real and/or personal property deductions.
12 (f) The tax savings resulting from the real and/or personal property being abated.

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

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

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

24 _____
25 Member of Council

26 APPROVED AS TO FORM AND LEGALITY

27 _____
28 Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Ellison Bakery, Inc. is requesting the designation of an Economic Revitalization Area for personal property improvements in the amount of \$1,850,000. In order to expand, Ellison Bakery, Inc. will purchase and install new production equipment.**

EFFECT OF PASSAGE: **Installing the new equipment will allow Ellison Bakery, Inc. to strengthen Ellison's presence and will represent the highest and best use of the facility. Sixteen full-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development and sixteen full-time jobs.**

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

ASSIGNED TO COMMITTEE (PRESIDENT): **Thomas Didier and Russ Jehl**

Exhibit A

IDENTIFICATION OF PROPERTY:

Subject property is located at 4108 Ferguson Road, Fort Wayne, Indiana 46809.

LEGAL DESCRIPTION:

The following legal descriptions have been obtained from the property owner. These legal descriptions are assumed to be equal to those used in the mortgage underwriting process.

Beginning on the South line of the Southeast Quarter of said Section 5 at a point situated 650.0 feet, N 89°-08' E (dead bearing and is used as the basis for the bearings in this description) from the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence N 89°-08' E, on and along said South line, being within the right-of-way of Ferguson Road, a distance of 415.0 feet; thence N 01°-41' W and parallel to the West line of the Southeast Quarter of said Southeast Quarter, a distance of 654.55 feet to a point on the South right-of-way line of Piper Drive (formerly "C" Street); thence S 89°-11' W, on and along said South right-of-way line, a distance of 415.0 feet; thence S 01°-41' E and parallel to said West line, a distance of 647.5 feet to the point of beginning, containing 6.202 acres of land (270,148 square feet), subject to legal right-of-way for Ferguson Road and subject to all easements of record.

and

Commencing at a 5/8 diameter rebar with an orange identification cap stamped "SCO Engineering LLC Firm #0053-Boundary Point" at the Southwest Corner of the Southeast Quarter of Fractional Section 5, Township 29 North, Range 12 East, Second Principal Meridian, Pleasant City Township, Allen County, Indiana; thence North 89 degrees 30 minutes 47 seconds East (calculated bearing per the Fort Wayne International Airport-Horizontal and Vertical Control Plan and is the basis for this and all subsequent bearings appearing in this description), along the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, being within the right-of-way of Ferguson Road, a distance of 1065.00 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" at the point of beginning for the parcel herein described; thence North 01 degrees 07 minutes 33 seconds West, parallel with the West line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, a distance of 678.57 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" on the centerline of Piper Drive (formerly "C" Street); thence North 88 degrees 41 minutes 39 seconds East, along the centerline of Piper Drive, a distance of 146.80 feet to a P.K. nail on the centerline of Sixth Street; thence South 01 degrees 13 minutes 46 seconds East, along the centerline of Sixth Street, a distance of 680.68 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" on the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section; thence South 89 degrees 30 minutes 47 seconds West, along the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, a distance of 148.04 feet to the point of beginning for the parcel herein described, containing 2.30 acres of land, more or less.