BILL NO. R-15-09-29

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 7845 Carnegie Boulevard, Fort Wayne, Indiana 46804 (Oral & Maxillofacial Surgery Associates Holdings, LLP)

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 two full-time, permanent jobs for a total additional annual payroll of $58,000, with the average new annual job salary being $29,000 and retain 56 full-time and 20 part-time, permanent jobs for a current annual payroll of $7,982,799, with the average current annual job salary being $105,037; and

WHEREAS, the total estimated project cost is $2,260,000; 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. 5-3-1and 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 and personal property for new information technology 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 redevelopment or rehabilitation and estimate of the value of the new information technology 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 information technology equipment.

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 $3.3286/$100.

(b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be $3.3286/$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 $3.3286/$100 (the change would be negligible).

(d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be $3.3286/$100.

(e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be $3.3286/$100 (the change would be negligible).

(f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be $3.3286/$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 five years, and that the deduction from the assessed value of the new information technology equipment 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 deduction schedule from the assessed value of the new information technology equipment 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 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 new information technology 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 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 and submitted along with the deduction application at the time of filing.

SECTION 11. 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 12. The performance report must contain the following information:

A. The cost and description of real property improvements and/or new information technology 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 13. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 14. 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 15. 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

(Attached to and becoming a part of document)

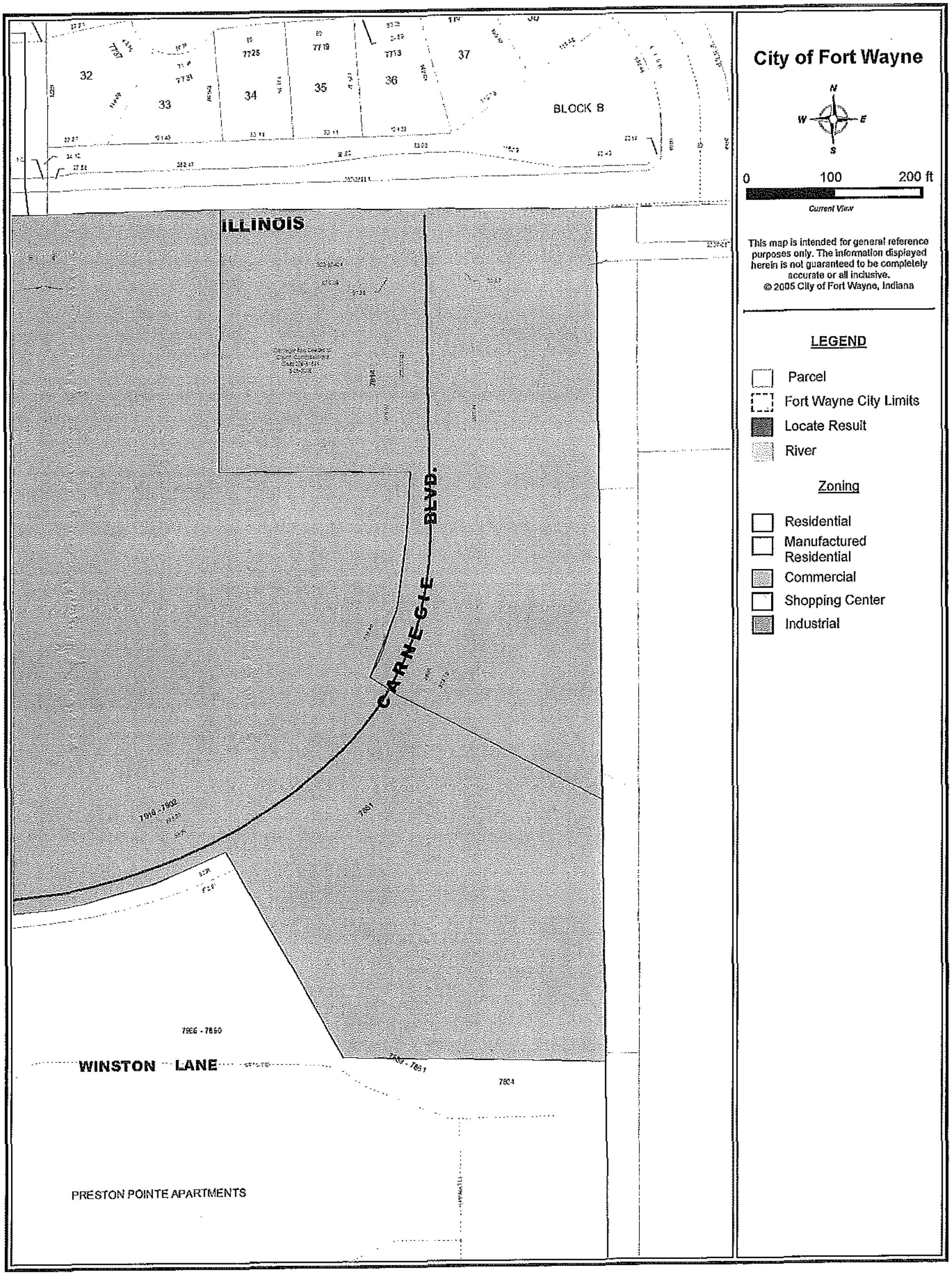
EXHIBIT A

Land situated in the County of Allen, State of Indiana, is described as follows:
Part of the Northwest Quarter of Section 12, Township 30 North, Range 11 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence North 88 degrees 58 minutes 45 seconds East (assumed bearing and basis of bearings to follow), a distance of 671.66 feet (deed) along the North line of said Northwest Quarter and the centerline of State Road 14 to the East Line of the West Half of the West Half of said Northwest Quarter; thence South 00 degrees 11 minutes 24 seconds West, a distance of 318.18 feet (deed) along said East line to a point on the South line of an existing tract as described in Document Number 2014035798 in the Office of the Recorder of Allen County, Indiana, said point being referenced by a 5/8"steel rebar found 0.35 feet North, also being the POINT OF BEGINNING of the herein described tract; thence continuing South 00 degrees 11 minutes 24 seconds West, a distance of 340.18 feet along said East line to a point on the North line of an existing tract as described in Document Number 2008051591, said point being referenced by a 5/8"steel rebar found 0.09 feet North; thence North 62 degrees 30 minutes 04 seconds West, a distance of 246.11 feet (deed) along said North line to a point on a tangent curve, concave to the South, having a radius of 20.00 feet, said point being referenced by a 5/8"steel rebar found 0.20 feet North; thence Southwesterly along said curve and said North line a distance of 30.46 feet, having a central angle of 87 degrees 16 minutes 23 seconds, and a chord of 27.60 feet (deed) bearing South 73 degrees 51 minutes 44 seconds West to a 5/8"steel rebar with Miller Firm#0095 identification cap set on a tangent curve on the East right-of-way line of Carnegie Boulevard; concave to the West, having a radius of 380.00 feet; thence Northerly along said curve and said right-of-way line a distance of 196.92 feet, having a central angle of 29 degrees 41 minutes 27 seconds, and a chord of 194.72 feet bearing North 15 degrees 22 minutes 43 seconds East to a 5/8"steel rebar with Miller Firm#0095 identification cap set at the point of tangency; thence North 00 degrees 32 minutes 00 seconds East, a distance of 48.24 feet along said right-of-way line to a point on the South line of an said existing tract as described in Document Number 2014035798, said point being referenced by a 5/8"steel rebar with Karst identification cap found 0.42 feet North; thence South 89 degrees 28 minutes 27 seconds East, a distance of 193.86 feet (deed) along said South line to the Point of Beginning. Containing 1.362 Acre, more or less.

File Number: 4035-72183

Exhibit A


32
33
34
35
36
37
BLOCK B
ILLINOIS
CARNEGIE BLVD.
WINSTON LANE
PRESTON POINTE APARTMENTS
City of Fort Wayne
N
W
E
S
0
100
200 ft
Current View
This map is intended for general reference purposes only. The information displayed herein is not guaranteed to be completely accurate or all inclusive.
© 2005 City of Fort Wayne, Indiana
LEGEND
Parcel
Fort Wayne City Limits
Locate Result
River
Zoning
Residential
Manufactured Residential
Commercial
Shopping Center
Industrial

Admn. Appr.____________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This is to confirm the designation of an Economic Revitalization Area for Oral & Maxillofacial Surgery Associates Holdings, LLP for both real and personal property improvements in the amount of $2,260,000. Oral & Maxillofacial Surgery Associates PC will construct a new 14,464 square foot medical office as well as purchase and install new information technology equipment.**

EFFECT OF PASSAGE: **In order to expand its business in Northeast Indiana, Oral & Maxillofacial Surgery Associates PC will construct a new facility in Southwest Fort Wayne. Two full-time jobs will be created as a result of the project.**

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

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Russell Jehl and Tom Didier**