

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 2807, 2817, 2827, 2903,
2907, 2917 Westbrook Drive , Fort Wayne, Indiana
46805 (Biggs-RCI LLC)**

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, the total estimated project cost is \$17,000,000; and

WHEREAS, a recommendation has been received from the Committee on Finance;
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:

- 1 (a) If the proposed development does not occur, the approximate current year tax
2 rates for this site would be \$3.5045/\$100.
- 3 (b) If the proposed development occurs and no deduction is granted, the
4 approximate current year tax rate for the site would be \$3.5045/\$100 (the
5 change would be negligible).
- 6 (c) If the proposed development occurs, and a deduction percentage of fifty percent
7 (50%) is assumed, the approximate current year tax rate for the site would be
8 \$3.5045/\$100 (the change would be negligible).

9 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
10 from the assessed value of the real property shall be for a period of ten years.

11 **SECTION 7.** The deduction schedule from the assessed value of the real
12 property pursuant to I.C. 6-1.1-12.1-17 shall look like this:

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Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%
11	0%

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

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

1 years, the performance report must be updated each year in which the deduction is
2 applicable at the same time the property owner is required to file a personal property tax
3 return in the taxing district in which the property for which the deduction was granted is
4 located. If the taxpayer does not file a personal property tax return in the taxing district in
5 which the property is located, the information must be provided by May 15.

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

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

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

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

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

26 _____
27 Member of Council

28 APPROVED AS TO FORM A LEGALITY

29 _____
30 Carol Helton, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

A tract of land situated in the City of Fort Wayne, Allen County, Indiana, and known as being part of Blocks Numbered 1, 3, 4, 6, 7 and 8 in Centlivre Park, Plat 2, the plat of which is recorded in Plat Book 8, page 63 in the Office of the Recorder of Allen County, Indiana, said tract of land being more particularly described as follows, to-wit:

COMMENCING at the point of intersection of the centerline of Westbrook Drive with the centerline of Grove Street (50 feet wide), as rededicated on January 13, 1965; thence South 86 degrees 49 minutes 00 seconds West on and along the centerline of said Grove Street, 41.70 feet to a point on the Westerly right-of-way line of Westbrook Drive, said point being the true point of beginning; thence South 03 degrees 26 minutes 13 seconds West, on and along said Westerly right-of-way line, a distance of 395.36 feet; thence North 87 degrees 37 minutes 30 seconds West, a distance of 218.42 feet; thence South 21 degrees 30 minutes 30 seconds West, a distance of 95.29 feet; thence South 42 degrees 52 minutes 30 seconds West, a distance of 191.65 feet; thence South 55 degrees 23 minutes 30 seconds West, a distance of 180.32 feet to a point on the Northerly line of Brookview Addition; thence South 86 degrees 59 minutes 32 seconds West, on and along said Northerly line, a distance of 435.46 feet to the Northwest corner of said Brookview Addition being a point on the Easterly right-of-way line of the Fort Wayne, Jackson and Saginaw Railroad (also known as the New York Central Railroad and Lake Shore Railroad); thence North 03 degrees 10 minutes 00 seconds West, on and along said Easterly right-of-way line, a distance of 612.70 feet; thence North 86 degrees 22 minutes 36 seconds East, a distance of 349.97 feet; thence North 50 degrees 31 minutes East, a distance of 81.64 feet to a point on the Southerly line of Park Place at Centlivre, Additional Tract I, a horizontal property regime, the plat and plans of which are recorded in Condominium Book 7, pages 156 through 161 in the Office of said Recorder; thence North 86 degrees 22 minutes 36 seconds East, on and along the Southerly line of said Park Place at Centlivre, Additional Tract I, a distance of 85.33 feet to the Southeast corner thereof; thence North 08 degrees 02 minutes 06 seconds West, on and along the Easterly line of said Park Place at Centlivre, Additional Tract I, a distance of 426.66 feet to the Southerly line of non-exclusive roadway easement, 25 feet in width, the description of which is set forth in said Condominium Book 7, pages 156 through 161 in the Office of said Recorder; thence North 87 degrees 45 minutes 30 seconds East, on and along the Southerly line of said easement, a distance of 84.32 feet to the point of curvature of a regular curve to the right having a radius of 387.34 feet; thence Easterly on and along the Southerly line of said easement, as defined by the arc of said curve, an arc distance of 48.37 feet, being subtended by a long chord having a length of 48.34 feet and a bearing of South 88 degrees 39 minutes 50 seconds East to the point of tangency; thence South 85 degrees 05 minutes 10 seconds East continuing along the Southerly line of said easement and tangent to said curve, a distance of 198.27 feet to the point of curvature of a regular curve to the left having a radius of 592.61 feet; thence Easterly, continuing along the Southerly line of said easement, as defined by the arc of said curve, an arc distance of 81.59 feet, being subtended by a long chord having a length of 81.53 feet and a bearing of South 89 degrees 01 minutes 50 seconds East to the point of tangency; thence North 87 degrees 01 minutes 30 seconds East, continuing along the Southerly line of said easement and tangent to said curve, a distance of 129.0 feet to the point of curvature of a regular curve to the right having a radius of 96.19 feet; thence Easterly, continuing along the Southerly line of said easement, as defined by the arc of said curve, an arc distance of 44.51 feet, being subtended by a long chord having a length of 44.11 feet and a bearing of South 79 degrees 43 minutes 10 seconds East to the Easterly terminus of the Southerly line of said easement, being a point on the westerly right-of-way line of Westbrook Drive; thence South 00 degrees 26 minutes 13 seconds East on and along said westerly right-of-way line, a distance of 356.34 feet to the true point of beginning.

Less and Except:

A part of Centlivre Park Plat 2, per plat thereof, recorded in Plat Book 8, page 63, in the Office of the Recorder of Allen County, Indiana, and being that part of the grantor's land lying within the right-of-way lines and described as follows:

BEGINNING at the Southwest corner of Block 1, in said Centlivre Park Plat 2, also being the Southwest corner of said grantor's land, and the Northwest corner of Lot 220 in Brookview Addition, per plat thereof, recorded in Plat Book 8, page 40, in the Office of the Recorder of Allen County, Indiana (the basis of bearings for this description being as shown on a Location Control Route Survey plat by GAI Consultants, Inc., dated 10/14/2014 and recorded 10/29/2014 as Instrument Number 2014052025 in the Office of the Recorder of Allen County, Indiana); thence North 02 degrees 08 minutes 25 seconds West 25.00 feet, along the West line of said grantor's land; thence North 88 degrees 01 minutes 07 seconds East 172.00 feet, parallel with the South line of said grantor's land, thence South 02 degrees 08 minutes 25 seconds East 25.00 feet, to said South line, thence South 88 degrees 01 minutes 07 seconds West 172.00 feet, along said South line, to the Point of Beginning, containing 0.099 acres, more or less.

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 Biggs-RCI LLC for real property improvements in the amount of \$17,000,000. Biggs-RCI LLC will rehabilitate 465 residential housing units at the Centlivre apartment complex.**

EFFECT OF PASSAGE: **465 residential housing units will be rehabilitated.**

EFFECT OF NON-PASSAGE: **Potential loss of investment to rehabilitate 465 residential housing units.**

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS):

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Glynn Hines and John Crawford**