BILL NO. R-16-04-10

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 214 W. Wayne Street, Fort Wayne, Indiana 46802 (GLC Skyline, 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 $ 32,500,000; 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:

(a) If the proposed development does not occur, the approximate current year tax rates for this site would be $3.5045/$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.5045/$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 $3.5045/$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 ten 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	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%
11	0%

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 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 10. The performance report must contain the following information

A. The cost and description of real property improvements.

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 property deductions.

F. The tax savings resulting from the real property being abated.

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

SECTION 12. 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 13. 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

EXHIBIT A

LEGAL DESCRIPTION OF PROJECT SITE

Lots 495 through 497 and Lot 508 in The West Part of Hanna's Addition to Fort Wayne, together with a vacated alley lying adjacent to the Easterly line of said Lot 495 and Lot 508 and a vacated alley lying between the Northerly line of Lot 495 and the Southerly line of Lot 508, according to the plat thereof as originally recorded in Deed Record C, page 525 and reprinted in Plat Record 0, page 116 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the Southeasterly corner of Lot 492 in said West Part of Hanna's Addition to Fort Wayne; thence Southwesterly on the Southerly line thereof and continuing on the Southerly line of Lot 493 and Lot 494 in said West Part of Hanna's Addition to Fort Wayne, a distance of 180.00 feet to the Southwesterly corner of said Lot 494 and the POINT OF BEGINNING; thence continuing Southwesterly on the Southerly line of a vacated alley and continuing on the Southerly line of said Lots 495 through 497, a distance of 190.00 feet to the Southwesterly corner of said Lot 497; thence Northwesterly on the Westerly line of said Lot 497, by a deflection angle to the right of 89 degrees 59 minutes 01 second from the previously described course, a distance of 150.00 feet to the Northwesterly corner of said Lot 497; thence Northeasterly on the Northerly line of said Lot 497 and continuing on the Northerly line of said Lot 496, by a deflection angle to the right of 90 degrees 00 minutes 59 seconds from the previously described course, a distance of 120.00 feet to the Northeasterly corner of said Lot 496; thence Northwesterly on the Southeasterly extension of said Lot 508 and continuing on the Westerly line of said Lot 508, by a deflection angle to the left of 90 degrees 00 minutes 59 seconds from the previously described course, a distance of 164.00 feet to the Northwesterly corner of said Lot 508; thence Northeasterly on the Northerly line of said Lot 508 and continuing on the Northerly line of a vacated alley, by a deflection angle to the right of 90 degrees 00 minutes 59 seconds from the previously described course, a distance of 70.00 feet to the Northwesterly corner of Lot 509 in said West Part of Hanna's Addition to Fort Wayne; thence Southeasterly on the Westerly line of said Lot 509 and continuing on the Westerly line of said Lot 494, by a deflection angle to the right of 89 degrees 59 minutes 01 second from the previously described course, a distance of 314.00 feet to the point of beginning, containing 39,978.66 square feet, or 0.918 acre, more or less.

[Please see Survey and Aerial attached hereto]

WELCOME TO ALLEN COUNTY, INDIANA

Search | Owner Name | Enter Address for Search: 1 E Main | 2016 | Search | Tax ID Number | Duplicate Number

Property found at this location

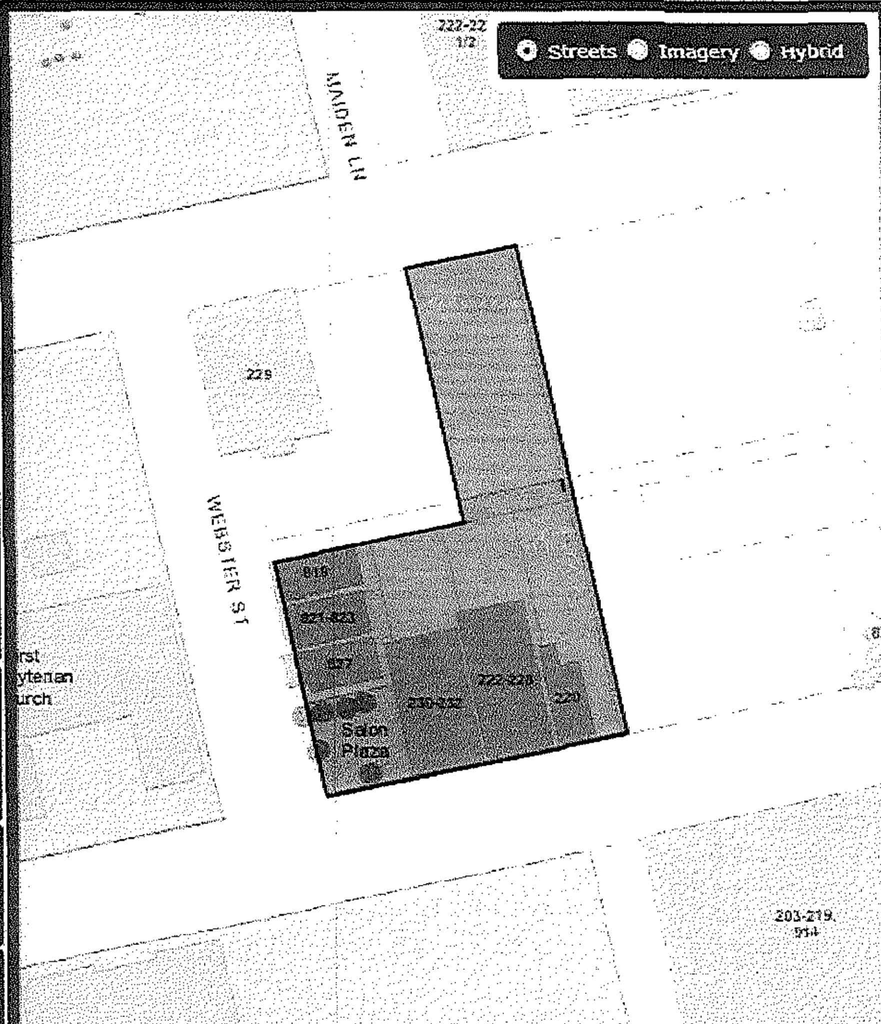
Taxpayer Name:	Fort Wayne City of Dept of Rec 200 E Berry St Ste 320 Fort Wayne , IN 46802 -
Property Address:	221 W Berry St Fort Wayne , IN 46802 -
Tax Year / Pay Year:	2015 Payable 2016
Homestead Deduction:	No
Parcel Number	02-12-02-452-002.000-074
Duplicate Number:	1902787
Taxing District:	FW Wayne
Property Type:	Real
Billed Mortgage Company:	

Legal Description

Lots 495 thru 497 & Lot 508 Hanna Addition & Vac Alleys bet & E of Lots 495 & 508

Total Net Property Tax	$0.00
Delinquent Tax:	$0.00
Delinquent Penalty:	$0.00
Penalty & Fees:	$0.00
Property Tax Adjustments:	$0.00
Other Assessments	
Current Tax:	$0.00
Delinquent Tax:	$0.00
Delinquent Penalty:	$0.00
Other Assess Adjustments:	$0.00
Less Payments Received:	$0.00
Current Account Balance:	**$0.00**

Property Summary | Bill Details | Tax Summary | Tax Distribution | Other Charges | Deductions | Details




S Harrison St
W Berry St
W Wayne St
Maiden Ln
Webster St
COMMUNITY CENTER

Surveyor's Report

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped "GOU LS29500017", and set flush with the ground surface.
Monuments found are noted with an above (+x) or below (-x.x) ground surface dimension.

This purpose of this survey is to describe a tract of land to be transferred from the City of Fort Wayne, Department of Redevelopment to a designated grantee.
The boundary of the real estate depicted hereon is based on information contained on a prior ALTA/ACSM Land Title Survey (retracement survey) of the parent tract of the real estate described hereon, performed by Gouloff-Jordan Surveying and Design, Inc. dated December 12, 2013 as drawing number 20130150(ALTA)(1).

THEORY OF LOCATION
The lines and corners for this survey were established as depicted on the survey drawing and per information shown on the plat of Hanna's Addition to Fort Wayne, based on the results of the prior survey (referenced above).

The uncertainty in the lines and corners found or established by this survey are as follows.

(A) Availability and condition of reference monuments:
Monuments found are described and depicted on the survey drawing.
Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "platted" or "recorded" angular or distance measurements as depicted on the survey drawing. The maximum uncertainty for this survey is 0.35 feet in a North-South direction and 0.60 feet in an East-West direction.

(B) Occupation or possession lines:
No uncertainty was created by visible occupation or possession lines.

(C) Clarity or ambiguity of the record description and or adjoiner's descriptions:
See survey drawing for record description information pertaining to adjoining tracts.

(D) This survey falls under the classification of an "Urban" survey. The acceptable relative positional precision (random errors in measurements) ± 0.07 feet (21 millimeters) plus 50 parts per million as specified in Section 7 of said Rule 12.

Title Commitment Information

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY DESCRIBED IN THE TITLE INSURANCE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO.:1423485, THIRD AMENDED COMMITMENT, WITH AN EFFECTIVE DATE OF DECEMBER 31, 2015.

Schedule B - Section II items

16. Insured real estate lies within the bounds of the premises described as part of the Urban Renewal Plan for the Civic Center Project recorded August 13, 1979 as Document Number 79-31855; and as amended by Document Number 81-3325, recorded February 19, 1981; and as further amended by Document Number 82-15305 recorded September 14, 1982; and as further amended by Document Number 83-20138 recorded October 5, 1983, and as further amended by Document Number 85-12746; and as further amended by Document Number 85-32263, and as further amended by Document Number 86-32204, and as further amended by Document Number 86-41359 recorded October 14, 1986; and as further amended by Document Number 87-16176 recorded April 1, 1987; and as further amended by Document Number 91-42965 recorded October 8, 1991; and as further amended by Document Number 95-7475; and as further amended by Document Number 97005267 recorded April 22, 1997; and as further amended by Document Number 990050742 recorded December 14, 1999.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE.

18. Terms and Provisions of Resolution No. R-70-95, a Resolution Approving the Establishment of an "Economic Improvement District" for the Downtown Area of the City of Fort Wayne and an Initial Combined Improvement Board, adopted October 24, 1995 by the Common Council of the City of Fort Wayne, recorded February 25, 1997 as Document Number 97008234, as modified by Resolution No. R-72-96 adopted November 26, 1996 and recorded February 25, 1997 as Document Number 97008233.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE.

17. Senior Long-Term Lease and Non Disturbance Agreement between City of Fort Wayne, Department of Redevelopment and Harrison/Wayne, LLC dated as of May 30, 2014, recorded June 03, 2014 as Document Number 2014024316.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE.

18. Senior Long-Term Lease and Non Disturbance Agreement between City of Fort Wayne, Department of Redevelopment and Ideal Venture, LLC dated as of May 30, 2014, recorded June 03, 2014 as Document Number 2014024315.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE

19. Parking structure lease by and between Ash Financial Campus, LLC and City of Fort Wayne Department of Redevelopment, landlords and City of Fort Wayne Department of Redevelopment, tenant dated as of August 28, 2014, a memorandum of which was dated August 28, 2014 and recorded September 2, 2014 as Document Number 2014041805, Assigned to and assumed by Fort Wayne Redevelopment Authority by Assignment and Assumption of Parking Structure Lease dated August 28, 2014 and recorded as Document Number 2014041807.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE.

20. Declaration of Easements Covenants and Restrictions dated as of August 28, 2014 executed by City of Fort Wayne Department of Redevelopment and Ash Financial Campus, LLC, recorded September 2, 2014 as Document Number 2014041805.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE, SEE SURVEY DRAWING.

21. Amended and Restated Lease between Fort Wayne Redevelopment Authority and the Fort Wayne Redevelopment Commission, Lessor, dated August 1, 2014, recorded September 2, 2014 as Document Number 2014041808, which grants the Lessee a right and option to purchase the project.
SURVEYOR'S NOTE: AFFECTS SUBJECT REAL ESTATE.

22. Terms and Provisions of Encroachment Agreement dated January 20, 2015 by and between The Board of Public Works of The City of Fort Wayne, Indiana and The City of Fort Wayne Department of Redevelopment and Ash Financial Campus, LLC, recorded January 29, 2015 as Document Number 2015005624.
SURVEYOR'S NOTE: BENEFITS SUBJECT REAL ESTATE, SEE SURVEY DRAWING.

Statement of Encroachments

Concrete parking structure encroaches on subject real estate as depicted on the survey drawing.

Flood Statement

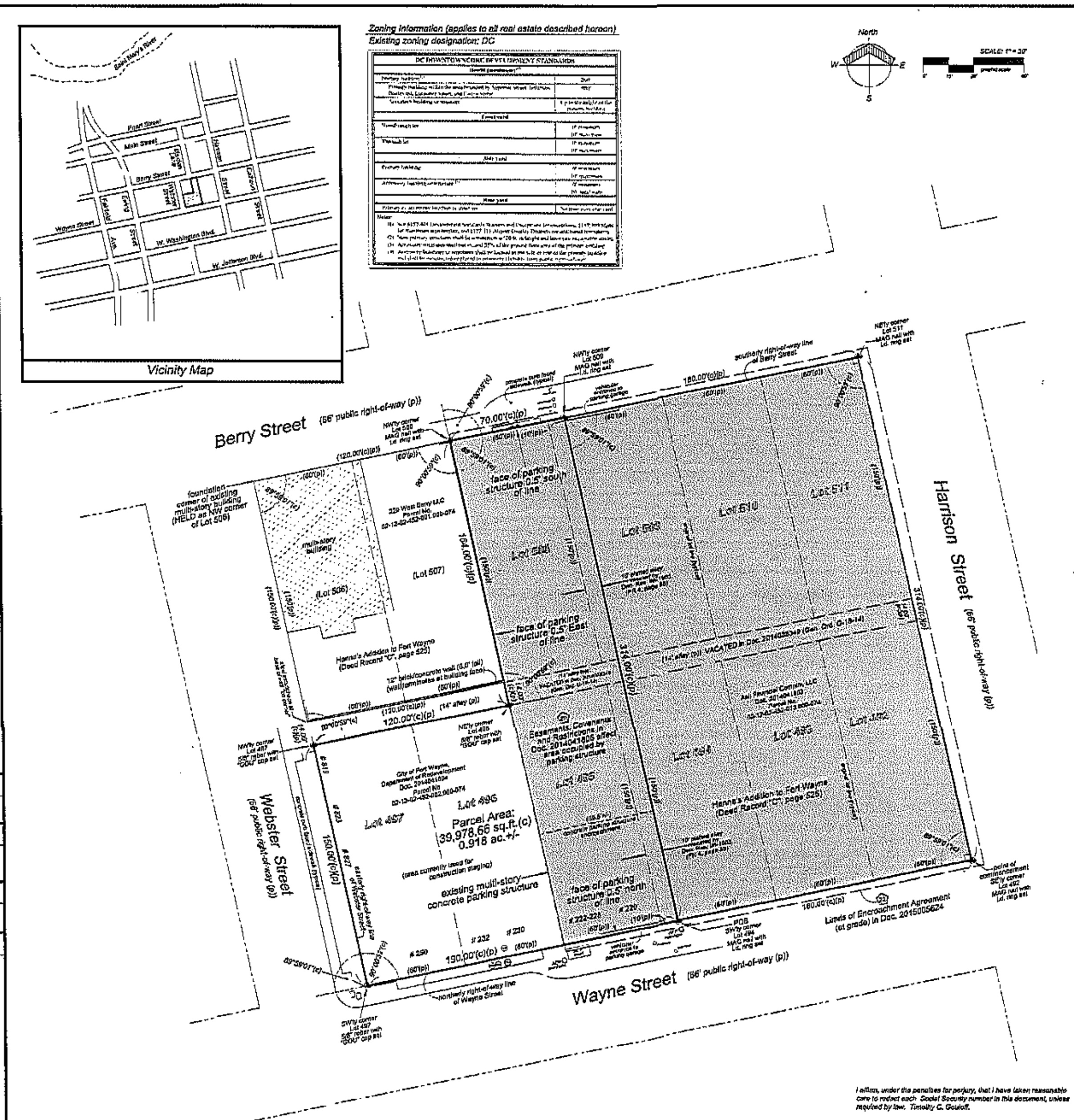
AS SCALED ON THE NFIP FIRM MAP NUMBER 18003C0280G FOR ALLEN COUNTY, INDIANA, DATED AUGUST 3, 2009, THE REAL ESTATE DEPICTED AND DESCRIBED HEREON APPEARS TO LIE IN ZONE "X" (NOT A SPECIAL FLOOD HAZARD AREA).

Bearing Basis

No bearings are depicted hereon. The survey is based on deflection angles.

Legend

S.F.	SQUARE FEET	CLF	CHAIN LINK FENCE
	CONCRETE SURFACE	WPF	WOOD PANEL FENCE
	NO PARKING AREA	PWF	POST & WIRE FENCE
	HANDICAP PARKING SPACE	PPF	PLASTIC PRIVACY FENCE
PS	PARKING SPACE(S)	DI	DRAINAGE INLET
TF	TRANSFORMER		GAS VALVE
AC	AIR CONDITIONER		WATER VALVE
WM	WATER METER		POST INDICATOR VALVE
EM	ELECTRIC METER		STORM MANHOLE, CATCH BASIN
GM	GAS METER		SANITARY MANHOLE
TP	TELEPHONE RISER		UTILITY POLE
CO	CLEAN OUT		GUY ANCHOR
Δ	CENTRAL ANGLE		LIGHT POLE
L	ARC LENGTH		FIRE HYDRANT
R	RADIUS		SIGN
CB	CHORD BEARING		BOLLARD
C	CHORD LENGTH		OVERHEAD UTILITY LINE
(m)	MEASURED		IRRIGATION CONTROL LID
(r)	RECORDED		MONITORING WELL
(c)	CALCULATED		
(p)	PLATTED		



Description

Lots 495 through 497 and Lot 508 in The West Part of Hanna's Addition to Fort Wayne, together with a vacated alley lying adjacent to the Easterly line of said Lot 495 and Lot 508 and a vacated alley lying between the Northerly line of Lot 495 and the Southerly line of Lot 508, according to the plat thereof as originally recorded in Deed Record C, page 525 and reprinted in Plat Record 0, page 116 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

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General Notes

1. THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES AT TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE DEPICTED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.
2. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
3. THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2016 ALTA/NSPS SURVEY REQUIREMENTS.
4. THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO WAYNE STREET, WEBSTER STREET AND BERRY STREET, ALL DEDICATED PUBLIC STREETS.
5. THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON SUBJECT PROPERTY.
6. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
7. THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
8. THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS UNLESS OTHERWISE DEPICTED AND/OR DESCRIBED HEREON.
9. SEE DRAWING FOR ZONING INFORMATION TABLE.
10. BUILDING AREAS SHOWN HEREON ARE FOR THE FOOTPRINT OF THE BUILDING ONLY.
11. NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION. THERE WAS OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
12. NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A STATE OF INDIANA REGISTERED LAND SURVEYOR. ADDITIONS TO OR DELETION FROM THIS SURVEY DRAWING IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE HEREON SIGNED REGISTERED LAND SURVEYOR.
13. NO ATTEMPT WAS MADE TO DETERMINE WETLANDS OR OTHER ENVIRONMENTAL ISSUES, UNLESS OTHERWISE NOTED.

Surveyor's Certificate

TO: CITY OF FORT WAYNE, DEPARTMENT OF REDEVELOPMENT;
GREAT LAKES CAPITAL LLC;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 6(a), 8, 11, 13, 16, 17, AND 18 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 03/03/16.

DATE: 03/03/2016

PRELIMINARY

REGISTERED SURVEYOR: TIMOTHY C. GOULOFF, LS
REGISTERED LAND SURVEYOR NO.: 29500017

REVISION	DATE	COMMENT	REVISION	DATE	COMMENT

ALTA / NSPS Land Title Survey
Property Address:
221 West Berry Street, Fort Wayne, IN 46802

GOULOFF - JORDAN SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Job No.: 20130150
Drawn by: TMJ
Checked by: TCG
Sheet: 1 of 1

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 GLC Skyline, LLC. who will invest $32,500,000 to construct a 170,000 square foot, 12 story, mixed use development comprised of first floor retail, second floor office and ten floors of residential apartments.**

EFFECT OF PASSAGE: **GLC Skyline, LLC. will construct a 170,000 square foot, 12 story, mixed use development comprised of first floor retail, second floor office and ten floors of residential apartments.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, 170,000 square foot, 12 story, mixed use development comprised of first floor retail, second floor office and ten floors of residential apartments will not be built.**

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS):

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