BILL NO. R-16-05-02

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 7601 South Anthony Boulevard, Fort Wayne, Indiana 46816 (Live Wire – Fort Wayne, 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, said project will create eight full-time, permanent jobs for a total additional payroll of $282,304, with the average new annual job salary being $35,288; and

WHEREAS, the total estimated project cost is $9,000,000; 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 and occupation of an eligible vacant building.

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 and the estimate of the value of the occupation of the eligible vacant building, 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 and occupation of the eligible vacant building.

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 $3.3053/$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.3053/$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 $3.3053/$100 (the change would be negligible).

(d) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be $3.3053/$100.

(e) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current year tax rate for this site would be $3.3053/$100 (the change would be negligible).

(f) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be $3.3053/$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 and the deduction from the assessed value of the occupation of the eligible vacant building shall be for a period of one year.

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%

SECTION 8. The deduction schedule from the assessed value of the occupation of the vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%

SECTION 9. 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 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 11. For the eligible vacant building, 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 12. 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 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, 4.5 or 4.8 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney

EXHIBIT A

Part of the Northwest Quarter of Section 31, Township 30 North, Range 13 East, in Allen County, State of Indiana; being more particularly described as follows:

Commencing at the Northwest corner of the aforementioned Quarter Section; running; thence South 00 degrees 18 minutes 08 seconds West along the West line thereof a distance of 1034.070 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 253.908 feet; running thence South 89 degrees 41 minutes 52 seconds East a distance of 25.00 feet to a point on the East line of Oetting Road; running thence South 15 degrees 53 minutes 14 seconds East along side right of way a distance of 10.00 feet; running thence North 59 degrees 05 minutes 01 seconds East a distance of 170.00 feet; running thence South 30 degrees 54 minutes 59 seconds East a distance of 125.553 feet; running thence South 59 degrees 05 minutes 01 seconds West a distance of 203.71 feet to a point on the East right of way line of Oetting Road and U.S. Highway #27; running thence South 15 degrees 53 minutes 14 seconds East along said right of way a distance of 16.499 feet; thence South 53 degrees 40 minutes 00 seconds East along said right of way a distance of 50.00 feet; running thence South 51 degrees 22 minutes 34 seconds East along said right of way a distance of 50.04 feet; running thence South 53 degrees 40 minutes 00 seconds East along said right of way a distance of 348.321 feet; running thence North 59 degrees 05 minutes 01 seconds East a distance of 531. 445 feet to the centerline of Decatur Road; running thence North 26 degrees 35 minutes 22 seconds West a distance of 148.666 feet to a point of curvature of a curve concave Southwest having a central angle of 15 degrees 50 minutes 34 seconds and a radius of 1886.179 feet; running thence Northwesterly around said curve an arc distance of 521.555 feet; said arc being subtended by a long chord having a bearing of North 34 degrees 30 minutes 39 seconds West and a length of 519.891 feet; running thence South 72 degrees 40 minutes 38 seconds West a distance of 546.089 feet to the point of beginning.

And:

Commencing at the Northwest corner of said Section 31; running thence South 00 degrees 18 minutes 08 seconds West upon and along the West line thereof a distance of 1287.978 feet; running thence South 89 degrees 41 minutes 52 seconds East a distance of 25.000 feet to a point on the East right of way line of Oetting Road and the right of way of U.S. #27; running thence South 15 degrees 53 minutes 14 seconds East upon and along said right of way line 10.000 feet to the point or beginning of the Real Estate described herein; continuing thence along the same line a distance of 130.000 feet; running thence North 59 degrees 05 minutes 01 seconds East a distance of 203.711 feet; running thence North 30 degrees 54 minutes 59 seconds West a distance of 125.553 feet; running thence South 59 degrees 05 minutes 01 seconds West a distance of 170.00 feet to the point of beginning.

Together with the driveway easement created under that certain Driveway Easement Grant dated October 13, 1969 and recorded July 27, 1970 as Instrument Number 70-11688 in the Office of the Recorder of Allen County, Indiana.

R

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 Live Wire - Fort Wayne, LLC for real property improvements in the amount of $9,000,000. Live Wire - Fort Wayne, LLC will make real property improvements to a vacant building to establish a data center that will house electronically stored data and customer computer equipment.**

EFFECT OF PASSAGE: **Live Wire - Fort Wayne, LLC will rehabilitate and occupy a vacant retail building in the Southtown Centre economic development target area. Eight full-time jobs will be created as a result of the project.**

EFFECT OF NON-PASSAGE: **Potential loss of rehabilitation of an existing vacant building and eight full-time jobs**

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

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