

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as unassigned, northwest
corner of Avionics Drive and Airport Expressway, Fort
Wayne, Indiana 46809 (HBC Realty Corporation)**

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, Petitioner previously submitted a request on July 31, 2015 to have the same property designated and declared 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; and

WHEREAS, the total estimated project cost for the previous project was \$3,200,000 for the construction of a 75,000 square foot speculative building; and

WHEREAS, the previous project stated that 75 full-time, permanent jobs would be created for a total additional payroll of \$3,000,000 with the average new annual job salary being \$40,000; and

WHEREAS, Common Council approved an Economic Revitalization Area for the property under Confirming Resolution R-69-15 on August 25, 2015; and

WHEREAS, Common Council approved General Ordinance G-2-16 on February 9, 2016 that amended Chapter 153 of the Fort Wayne code of Ordinances: "Planning and Development" to add a sub-section in Section 153.19 for projects involving the redevelopment or rehabilitation of a speculative building to receive a ten-year phased deduction (abatement) without adhering to the City's Review System; and

WHEREAS, Petitioner has acknowledged that it will now invest \$5,000,000 in an 100,000 square foot speculative building that can be expanded to approximately 300,000 square feet; and

WHEREAS, Petitioner has requested an "Economic Revitalization Area" be designated on the updated project under Section 153.19 of the Fort Wayne Code of Ordinances; and

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

1 **WHEREAS**, notice of the adoption and substance of said Resolution has been
2 published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has
3 been conducted on said Resolution.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
5 **CITY OF FORT WAYNE, INDIANA:**

6 **SECTION 1.** That, the Declaratory Resolution _____ previously designating
7 the above described property as an "Economic Revitalization Area" is confirmed in all
8 respects and that Confirming Resolution R-69-15 that previously designated the property as
9 an "Economic Revitalization Area" is rescinded.

10 **SECTION 2.** That, the hereinabove described property is hereby declared an
11 "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the
12 effective date of this Resolution and shall terminate on December 31, 2016, unless otherwise
13 automatically extended in five year increments per I.C. 6-1.1-12.1-9.

14 **SECTION 3.** That, said designation of the hereinabove described property as an
15 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real
16 estate.

17 **SECTION 4.** That, the estimate of the number of individuals that will be employed
18 or whose employment will be retained and the estimate of the annual salaries of those
19 individuals and the estimate of the value of redevelopment or rehabilitation, all contained in
20 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
21 expected to result from the proposed described redevelopment or rehabilitation.

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

- 24 (a) If the proposed development does not occur, the approximate current year tax
25 rates for this site would be \$3.5045/\$100.
26 (b) If the proposed development occurs and no deduction is granted, the
27 approximate current year tax rate for the site would be \$3.5045/\$100 (the
28 change would be negligible).
29 (c) If the proposed development occurs, and a deduction percentage of fifty percent
30 (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%

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.

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

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

10 _____
11 Member of Council

12 APPROVED AS TO FORM A LEGALITY

13 _____
14 Carol Helton, City Attorney

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 HBC Realty Corporation for real property improvements in the amount of \$5,000,000. HBC Realty Corporation will construct an 100,000 square foot speculative building for purchase or lease.**

EFFECT OF PASSAGE: **Construction of a speculative building will add to the city and Northeast Indiana's stock of buildings to offer to incoming and existing expanding companies. The quality and location of the building in Southwest Fort Wayne should attract interest from employers that will offer wages for employees above regional average wages.**

EFFECT OF NON-PASSAGE: **Potential loss of development**

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

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

— **EXHIBIT A** —

Part of the Southwest and Southeast Quarters of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at a Harrison monument marking the Southwest corner of the Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 89 degrees 52 minutes 25 seconds East, along the South line of said Southwest Quarter and within the right-of-way of Airport Expressway, a distance of 2550.79 feet; thence North 00 degrees 09 minutes 11 seconds West, a distance of 60.00 feet to the Northerly right-of-way line of Airport Expressway and the Southeast corner a 20.317 acre tract of land conveyed to Tuthill Corporation by deed recorded in Document Number 202069050, this being the Point of Beginning; thence North 00 degrees 09 minutes 11 seconds West, along the Easterly line of said 20.317 acre tract, a distance of 871.00 feet to the Northeast corner thereof; thence North 89 degrees 52 minutes 25 seconds East, along the Easterly extension of the Northerly line of said 20.317 acre tract, a distance of 779.85 feet to the Westerly right-of-way line of Avionics Drive; thence South 00 degrees 29 minutes 13 seconds East, along said Westerly right-of-way line, a distance of 255.83 feet; thence South 01 degrees 25 minutes 20 seconds West, continuing along said Westerly right-of-way line, a distance of 150.08 feet; thence South 00 degrees 29 minutes 13 seconds East, continuing along said Westerly right-of-way line, a distance of 460.73 feet to the Northerly right-of-way line of Airport Expressway; thence South 89 degrees 30 minutes 47 seconds West, parallel to and 60.00 feet Northerly of the South line of the Southeast Quarter of said Section 32, a distance of 704.19 feet; thence South 89 degrees 52 minutes 25 seconds West, parallel to and 60.00 feet Northerly of the South line of the Southwest Quarter of said Section 32, a distance of 75.72 feet to the Point of Beginning, containing 15.55 acres of land, subject to and/or together with all easements of record.