

4 **A CONFIRMING RESOLUTION designating an "Economic**
5 **Revitalization Area" under I.C. 6-1.1-12.1 for property**
6 **commonly known as 3400 Lima Road, Fort Wayne, Indiana**
7 **46805 (Prairie Farms Dairy, Inc.)**

8 **WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution
9 the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of
10 the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

11 **Attached hereto as "Exhibit A" as if a part herein; and**

12 **WHEREAS**, said project will create eight full-time, permanent jobs for a total additional annual
13 payroll of \$316,000, with the average new annual job salary being \$39,500 and retain and retain 117 full-
14 time permanent jobs with a total current payroll of \$7,188,618 and an average salary of \$61,441 with the
15 average current salary being \$61,441; and

16 **WHEREAS**, the total estimated project cost is \$8,766,000; and

17 **WHEREAS**, a recommendation has been received from the Committee on Finance concerning
18 said Resolution; and

19 **WHEREAS**, notice of the adoption and substance of said Resolution has been published in
20 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
21 Resolution.

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

24 **SECTION 1.** That, the Resolution previously designating the above described property as an
25 "Economic Revitalization Area" is confirmed in all respects.

26 **SECTION 2.** That, the hereinabove described property is hereby declared an "Economic
27 Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this
28 Resolution and shall terminate on December 31, 2021, unless otherwise automatically extended in five
29 year increments per I.C. 6-1.1-12.1-9.

30 **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 manufacturing and 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 manufacturing and 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 instillation of the new
manufacturing and 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 \$3.3722/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.3722/\$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 \$3.3722/\$100 (the change would be negligible).
- (d) If the real estate and personal property for new manufacturing, logistical distribution, and information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.3722 /\$100.
- (e) If the real estate and proposed personal property for new manufacturing, logistical distribution, and information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.3722/\$100 (the change would be negligible).
- (f) If the real estate and proposed personal property for new manufacturing and 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 \$3.3722/\$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 ten years, and that the deduction from the assessed value of the new manufacturing and information technology equipment shall be for a period of ten years.

SECTION 7. The deduction schedule from the assessed value of the real property 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 deduction schedule from the assessed value of new manufacturing and information technology equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%
11	0%

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 personal property, new manufacturing and 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 ten 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 ten 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

1 located. If the taxpayer does not file a personal property tax return in the taxing district in which the
2 property is located, the information must be provided by May 15.

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

- 4 A. The cost and description of real property improvements and/or purchase of real estate and
5 new personal property for new manufacturing and information technology equipment .
6 B. The number of employees hired through the end of the preceding calendar year as a result of
7 the deduction.
8 C. The total salaries of the employees hired through the end of the preceding calendar year as a
9 result of the deduction.
10 D. The total number of employees employed at the facility receiving the deduction.
11 E. The total assessed value of the real and/or personal property deductions.
12 F. The tax savings resulting from the real and/or personal property being abated.

13 **SECTION 13.** That, the taxpayer is non-delinquent on any and all property tax due to
14 jurisdictions within Allen County, Indiana.

15 **SECTION 14.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
16 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
17 determined by the county auditor in accordance with section 10 of said chapter if the property owner
18 ceases operations at the facility for which the deduction was granted and if the Common Council finds that
19 the property owner obtained the deduction by intentionally providing false information concerning the
20 property owner's plans to continue operation at the facility.

21 **SECTION 15.** That, this Resolution shall be in full force and effect from and after its passage
22 and any and all necessary approval by the Mayor.

23 _____
24 Member of Council

25 APPROVED AS TO FORM A LEGALITY

26 _____
27 Carol Helton, City Attorney

— EXHIBIT A —

Parcel I:

The South 135 feet North of Northwood Avenue and Figel's Addition to the City of Fort Wayne, Indiana, lying between Figel Avenue and North Clinton Street in said City of Fort Wayne, Indiana, being more particularly described as follows, to wit:

Beginning at a point 25 feet east and 25 feet north of the intersection of North Clinton Street and Northwood Avenue in the City of Fort Wayne, Indiana, thence North 22° 40' West along the East Right of way line of North Clinton Street a distance of 135 feet; thence North 68° 0' East on a line parallel to Northwood Avenue a distance of 256 feet; thence South 22° 40' East on a line parallel to North Clinton Street a distance of 135 feet; thence South 68° 0' West along the North side of Northwood Avenue a distance of 256 feet to the place of beginning, in Allen County, Indiana.

EXCEPTING THEREFROM, that part conveyed to the State of Indiana by Warranty Deed recorded in Deed Record 682, page 7, being more particularly described as follows:

A part of the Southeast Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, described as follows: Beginning at the intersection of the Northeasterly line of Northrop Street with the Northwesterly line of Norfolk Avenue; thence North 30 degrees 16 minutes 00 seconds West 135.00 feet along the Northeasterly boundary of Northrop Street to the Northwesterly line of the Owner's land; thence North 59 degrees 44 minutes 00 seconds East 10.00 feet along said Northwesterly line; thence South 30 degrees 16 minutes 00 seconds East 119.00 feet; thence South 73 degrees 25 minutes 09 seconds East 21.93 feet to the Northwesterly boundary of Norfolk Avenue; thence South 59 degrees 44 minutes 00 seconds West 25.00 feet along said Northwesterly boundary to the point of beginning and containing 1470 square feet, more or less.

Parcel II:

Lots Numbered 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 in Figel's Second Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof. Together with the South 1/2 of vacated Glenn Avenue adjoining Lots 29, 39, 48 and 49 on the North. Also together with vacated Figel Avenue adjoining said lots.

EXCEPTING THEREFROM, that part conveyed to the State of Indiana by Warranty Deed recorded in Deed Record 682, pages 5-6, being more particularly described as follows:

A part of Lot 29 and a part of the Southeastern half of vacated Glenn Avenue, all in Figel's Second Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Record 16, page 179, in the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at the Western corner of said lot; thence North 30 degrees 16 minutes 00 seconds West 25.00 feet to the center line of vacated Glenn Avenue; thence North 59 degrees 03 minutes 59 seconds East 15.00 feet along said center line; thence South 30 degrees 16 minutes 00 seconds East 75.17 feet to a line 210.00 feet Northwesterly from and parallel with the Southeastern line of said Lot 29; thence South 59 degrees 44 minutes 00 seconds West 15.00 feet along said line to the Southwestern line of said lot; thence North 30 degrees 16 minutes 00 seconds West 50.00 feet along said Southwestern line to the point of beginning and containing 1,125 square feet, more or less.

AND EXCEPTING THEREFROM, that part conveyed to the State of Indiana by Warranty Deed recorded in Deed Record 682, pages 177-178, being more particularly described as follows:

A part of Lot 29 in Figel's Second Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Record 16, page 179 in the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at the South corner of said Lot 29; thence Northwesterly 210.00 feet along the Northeastern boundary of North Clinton Street (Now Northrop Street) to the Northwestern line of the Owners' land; thence Northeasterly 10.00 feet along said Northeastern line parallel with the Southeastern line of Lot 29; thence Southeasterly parallel with the Northeastern boundary of North Clinton Street (Now Northrop Street) 210.00 feet to the Southeastern line of said Lot 29; thence Southwesterly 10.00 feet along said Southeastern lot line to the point of beginning and containing 2,100 square feet, more or less.

Parcel III:

A part of that 4.665 acre parcel as found in Document number 20002064 in the Office of the Allen County, Recorder being a part of Lot Number 3 in Eliza Hanna Seniors Subdivision of part of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

To arrive at the point of beginning, commence at the Northwest corner of Lot Number 3 in Eliza Hanna Seniors Subdivision as recorded in Deed Record 60 page 258; thence South on the West line of said Lot Number 3, a distance of 462.0 feet to the Northwest corner of that 0.42 acre parcel described in Document Number 990021320; thence South 89 degrees 41 minutes 14 seconds East (Bearing contained in Doc #990021320 and basis of bearings) parallel to the North line of Lot 3 on the North line of the 0.42 acre parcel aforesaid; a distance of 219.0 feet to the Northeast corner of said 0.42 acres and the point of beginning initially referred to, said point being a Northwesterly corner of the 4.665 acres aforesaid; thence continuing South 89 degrees 41 minutes 14 seconds East parallel to the North line of Lot 3, a distance of 154.8 feet to a Northeasterly corner of said 4.665 acres; thence South 34 degrees 35 minutes 15 seconds West, a distance of 430.40 feet to the Easterly line of Figel's Second Addition as coincident with the Westerly line of said 4.665 acres; thence North 19 degrees 59 minutes 02 seconds West along the East line of Figel's Second Addition, a distance of 233.00 feet to the intersection of the Westerly extension of the South line of said 0.42 acre tract; thence North 61 degrees 06 minutes 31 seconds East along said extension and the South line of said 0.42 acres, a distance of 193.9 to a Russell Engineering capped pin found at the Southeasterly corner of said 0.42 acres; thence North 00 degrees 18 minutes 46 seconds East on the Easterly line of said 0.42 acres, a distance of 42.99 feet to the point of beginning, containing 1.0985 acres, more or less, of land.

Parcel IV:

Lots Numbered 11, 12, 13, 14 and 15 in Figel's Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof. Together with vacated Norfolk Avenue adjoining Lots 13 and 14 on the North, as vacated by General Ordinance No. G-4-16 and recorded as Document Number 2016056281, being more particularly described as follows:

Part of Figel's Addition as recorded in Plat Record 10, page 13 as recorded in the Recorders Office of Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 13 in Figel's Addition as recorded in Plat Record 10, page 13 in the Recorder Office of Allen County, Indiana; thence Northeasterly along the Northwestern line of Lot 13 and 14 and the Southeasterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to the Northeast corner of Lot 14; thence Northwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Southwesterly right of way line of Figel Avenue a distance of 50.0 feet to the intersection of the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) and the Southwesterly right of way line of Figel Avenue; thence Southwesterly with a deflection angle to the left of 90 degrees 00 minutes along the Northwesterly right of way line of Norfolk Avenue (Northwood Avenue, recorded) a distance of 256.0 feet to a point on the original Northeasterly right of way line of Northrop Avenue (North Clinton Street, recorded) said point being 25.0 feet Northeast of the centerline of said Northrop Avenue; thence Southeasterly with a deflection angle to the left of 90 degrees 00 minutes along the said right of way line a distance of 50.0 feet to the point of beginning, containing 0.294 acres.

EXCEPTING THEREFROM, that part conveyed to the State of Indiana by Warranty Deed recorded in Deed Record 674, pages 345-346, being more particularly described as follows:

A part of Lots 11, 12, and 13 in Figel's Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 10, page 13, in the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at the Northwest corner of said Lot 13; thence North 59 degrees 44 minutes 00 seconds East 25.00 feet along the Northwestern line of said Lot 13; thence South 8 degrees 01 minute 25 seconds West 24.21 feet; thence South 30 degrees 16 minutes 00 seconds East 116.00 feet, passing through portions of said Lots 13, 12, and 11, to the Southeasterly line of said Lot 11; thence South 59 degrees 44 minutes 00 seconds West 10.00 feet along said Southeasterly line to the Southwesterly line of said Lot 11; thence North 30 degrees 16 minutes 00 seconds West 135.00 feet along the Southwesterly line of said Lots 11, 12, and 13 to the point of beginning and containing 1,492 square feet, more or less.

Parcel Numbers

02-07-26-427-016.001-073

02-07-26-454-001.000-073

02-07-26-404-025.000-073

02-07-26-476-001.000-073

02-07-26-476-002.000-073

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 Prairie Farms Dairy, Inc. for real and personal property improvements in the amount of \$8,766,000. Prairie Farms Dairy, Inc. will complete a new 22,500 square foot addition that will house a new processing system, packaging and palletizing equipment, as well as multiple methods of storage.**

EFFECT OF PASSAGE: **Eight new full-time positions will be created and new manufacturing equipment will be purchased and installed.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and eight new full-time positions.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Geoff Paddock and Jason Arp**