

3 **A CONFIRMING RESOLUTION designating an "Economic**
4 **Revitalization Area" and approving a waiver of non-**
5 **compliance under I.C. 6-1.1-12.1 for property commonly**
6 **known as 6403 Highview Drive, Fort Wayne, Indiana 46818**
7 **(Apollo Plaza, LTD.)**

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 24 full-time, permanent jobs for a total additional annual
13 payroll of \$720,000, with the average new annual job salary being \$30,000; and

14 **WHEREAS**, the total estimated project cost is \$750,000; and

15 **WHEREAS**, representatives of Apollo Plaza, LTD. informed Common Council that the real
16 property improvements for which they are requesting designation of an Economic Revitalization Area
17 under I.C. 6-1.1-12.1 have been initiated; and

18 **WHEREAS**, Apollo Plaza, LTD. has submitted a written request for a waiver of non-compliance
19 under I.C. 6-1.1-12.1-11.3; and

20 **WHEREAS**, I.C. 6-1.1-12.1-11.3 permits non-compliance events such as the untimely filing of an
21 application, statement of benefits, or another document required to be filed under I.C. 6-1.1-12.1; and

22 **WHEREAS**, the Common Council acknowledges that Apollo Plaza, LTD. has requested a waiver
23 of non-compliance which the Common Council has the power and authority to approve under I.C. 6-1.1-
24 12.1-11.3; and

25 **WHEREAS**, Common Council finds that Apollo Plaza, LTD. did not comply with I.C. 6-1.1-12.1
26 by:

27 (a) failure to submit the completed statement of benefits form to the Common Council before
28 initiation of redevelopment or rehabilitation, and

29 (b) failure to designate an area as an economic revitalization area before the initiation of
30 redevelopment or rehabilitation, and

(c) failure to file a timely deduction application

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, I.C. 6-1.1-12.1-11.3(c) and I.C. 5-3-1 and a public hearing has been
conducted on said Resolution and waiver.

WHEREAS, representatives of Apollo Plaza, LTD. were in attendance and presented testimony
on why a waiver should be granted; and

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

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

5 **SECTION 1.** That, Common Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-
6 12.1-11.3 regarding:

7 (a) failure to submit the completed statement of benefits form to the Common Council before
8 initiation of redevelopment or rehabilitation, and

9 (b) failure to designate an area as an economic revitalization area before the initiation of
10 redevelopment or rehabilitation, and

11 (c) failure to file a timely deduction application
12 for which Apollo Plaza, LTD. desires to claim an Economic Revitalization Area deduction. Such waiver
13 shall be in effect for real property improvements during the period of May 22, 2017 through the date of this
14 resolution.

15 **SECTION 2.** That, the Resolution previously designating the above described property as an
16 "Economic Revitalization Area" is confirmed in all respects.

17 **SECTION 3.** That, the hereinabove described property is hereby declared an "Economic
18 Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this
19 Resolution and shall terminate on December 31, 2021, unless otherwise automatically extended in five
20 year increments per I.C. 6-1.1-12.1-9.

21 **SECTION 4.** That, said designation of the hereinabove described property as an "Economic
22 Revitalization Area" shall apply to a deduction of the assessed value of real estate and personal property
23 for new information technology equipment.

24 **SECTION 5.** That, the estimate of the number of individuals that will be employed or whose
25 employment will be retained and the estimate of the annual salaries of those individuals and the estimate
26 of redevelopment or rehabilitation and estimate of the value of the new real estate improvements, all
27 contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
28 expected to result from the proposed described real estate improvements.

29 **SECTION 6.** The current year approximate tax rates for taxing units within the City would be:

30 (a) If the proposed development does not occur, the approximate current year tax rates for this
site would be \$3.4370/\$100.

(b) If the proposed development does occur and no deduction is granted, the approximate
current year tax rate for the site would be \$3.4370/\$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 \$3.4370/\$100 (the
change would be negligible).

1 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
2 the assessed value of the real property shall be for a period of three years.

3 **SECTION 8.** The deduction schedule from the assessed value of the real property pursuant to
4 I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	66%
3	33%
4	0%

5
6
7
8
9 **SECTION 9.** That, the benefits described in the Petitioner's Statement of Benefits can be
10 reasonably expected to result from the project and are sufficient to justify the applicable deductions.

11 **SECTION 10.** For real property, a deduction application must contain a performance report
12 showing the extent to which there has been compliance with the Statement of Benefits form approved by
13 the Common Council at the time of filing. This report must be submitted to the Allen County Auditor's
14 Office and the City of Fort Wayne's Community Development Division and must be included in the
15 deduction application. For subsequent years, the performance report must be updated each year in which
16 the deduction is applicable at the same time the property owner is required to file a personal property tax
17 return in the taxing district in which the property for which the deduction was granted is located. If the
18 taxpayer does not file a personal property tax return in the taxing district in which the property is located,
19 the information must be provided by May 15.

20 **SECTION 11.** The performance report must contain the following information:

- 21 A. The cost and description of real property improvements and/or new information technology
22 equipment acquired.
23 B. The number of employees hired through the end of the preceding calendar year as a result of
24 the deduction.
25 C. The total salaries of the employees hired through the end of the preceding calendar year as a
26 result of the deduction.
27 D. The total number of employees employed at the facility receiving the deduction.
28 E. The total assessed value of the real and/or personal property deductions.
29 F. The tax savings resulting from the real and/or personal property being abated.

30 **SECTION 12.** That, the taxpayer is non-delinquent on any and all property tax due to
jurisdictions within Allen County, Indiana.

SECTION 13. 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

1 determined by the county auditor in accordance with section 12 of said chapter if the property owner
2 ceases operations at the facility for which the deduction was granted and if the Common Council finds that
3 the property owner obtained the deduction by intentionally providing false information concerning the
property owner's plans to continue operation at the facility.

4 **SECTION 14.** That, this Resolution shall be in full force and effect from and after its passage
5 and any and all necessary approval by the Mayor.

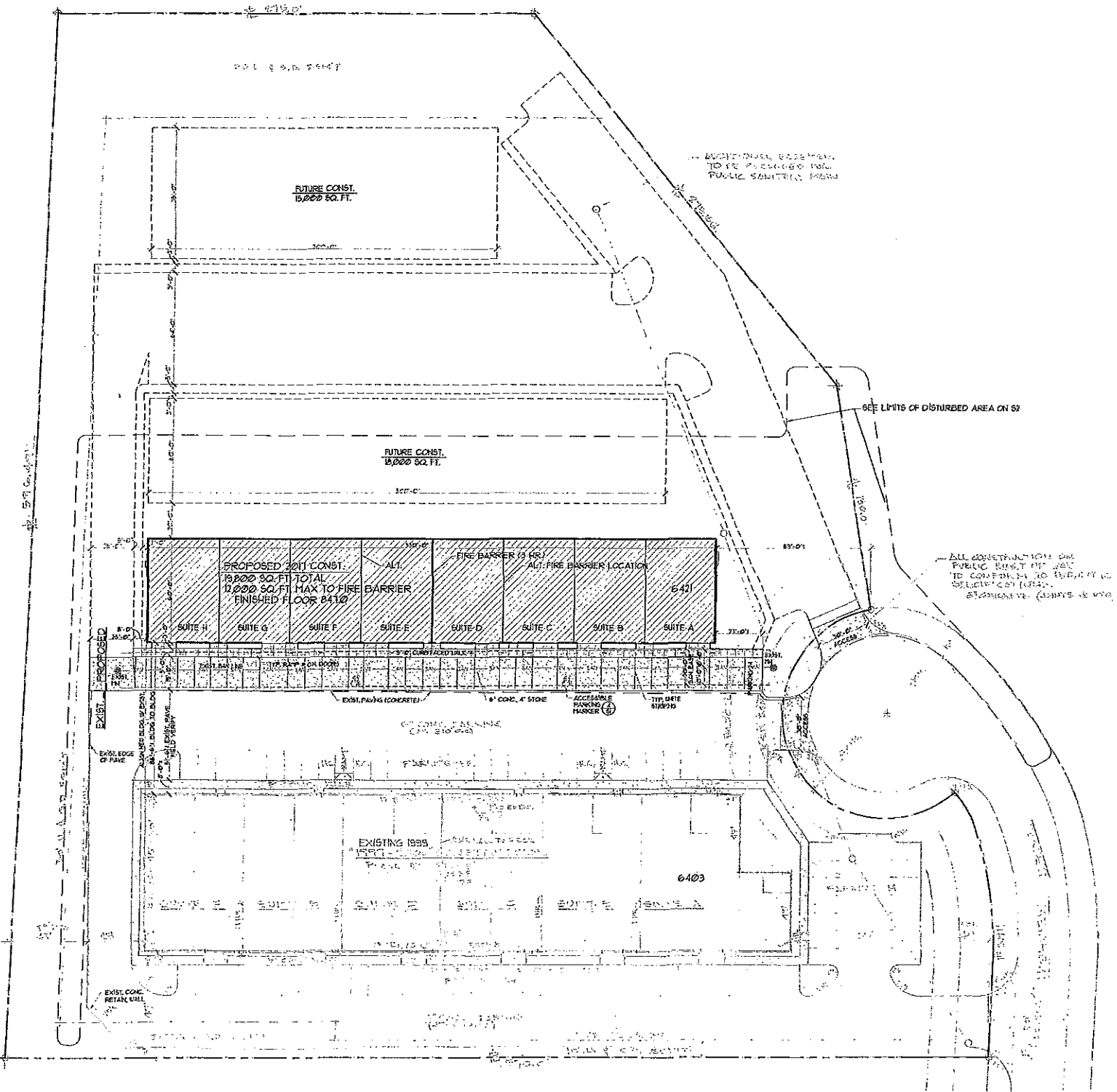
6
7
8 _____
9 Member of Council

10
11 APPROVED AS TO FORM A LEGALITY

12
13 _____
14 Carol Helton, City Attorney

Exhibit A:

Legal Description:
Edgewood Industrial Park Block D Lot 52



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 Apollo Plaza, LTD. for real estate improvements in the amount of \$750,000. Apollo Plaza, LTD. is building a 20,000 square foot structure with eight units to offer manufacturing and warehousing space for startup businesses.**

EFFECT OF PASSAGE: **Investment of \$750,000 and 24 new full-time jobs.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and 24 new full-time jobs.**

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

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