

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 1919 W. Cook Road, Fort Wayne, Indiana 46825
7 (Silverado Cook Properties, LLC)

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 retain 496 full-time permanent jobs for a current annual payroll of
13 \$41,600,000, with the average current annual job salary being \$83,870; and

14 WHEREAS, the total estimated project cost is \$7,500,000; and

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

18 WHEREAS, Silverado Cook Properties, LLC has submitted a written request for a waiver of non-
19 compliance 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 Silverado Cook Properties, LLC has
23 requested a waiver of non-compliance which the Common Council has the power and authority to approve
24 under I.C. 6-1.1-12.1-11.3; and

25 WHEREAS, Common Council finds that Silverado Cook Properties, LLC did not comply with I.C.
26 6-1.1-12.1 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 Silverado Cook Properties, LLC 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 Silverado Cook Properties, LLC desires to claim an Economic Revitalization Area deduction.
13 Such waiver shall be in effect for real property improvements during the period of April 10, 2017 through
14 the date of this 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 improvements.

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

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

29 (a) If the proposed development does not occur, the approximate current year tax rates for this
30 site would be \$3.4347/\$100.

 (b) If the proposed development does occur and no deduction is granted, the approximate
current year tax rate for the site would be \$3.4347/\$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 \$3.4347/\$100 (the
change would be negligible).

SECTION 7. 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.

SECTION 8. 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 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 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 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 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. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new information technology equipment acquired.
- 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 and/or personal property deductions.

1 F. The tax savings resulting from the real and/or personal property being abated.

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

4 **SECTION 13.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
5 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
6 determined by the county auditor in accordance with section 12 of said chapter if the property owner
7 ceases operations at the facility for which the deduction was granted and if the Common Council finds that
8 the property owner obtained the deduction by intentionally providing false information concerning the
9 property owner's plans to continue operation at the facility.

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

12 _____
13 Member of Council

14
15 APPROVED AS TO FORM A LEGALITY

16
17 _____
18 Carol Helton, City Attorney

Exhibit A

LEGAL DESCRIPTION

A parcel of land situated in the Northeast One-quarter and the Northwest One-quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, and more particularly described as follows:

COMMENCING at the center of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, marked by a Harrison monument; thence North 04 degrees 26 minutes 10 seconds West (bearing base on Deed DOC. #86-009318 and DOC. #86-009319) along the North-South centerline of the said Section 15, a distance of 847.64 feet to the Point of Beginning as marked by a set five-eighths inch diameter steel pin with D&A Firm No. 0026 identification cap.

BEGINNING at the above described point; thence South 86 degrees 57 minutes 00 seconds West, a distance of 869.86 feet to a set five-eighths inch diameter steel pin on the West bank of Spy Run Creek; thence North 51 degrees 34 minutes 50 seconds West (North 50 degrees 48 minutes 14 seconds West - deed), a distance of 192.50 feet to a stone; thence North 04 degrees 11 minutes 11 seconds West (North 04 degrees 14 minutes 14 seconds West - deed) a distance of 1581.25 feet to a set five-eighths inch diameter steel pin on the Southerly line of parcel of land described in DOC. #200063132 also being the Southerly right-of-way line of Cook Road; thence North 88 degrees 12 minutes 33 seconds East along said Southerly line, a distance of 953.56 feet to a set five-eighths inch diameter steel pin; thence South 89 degrees 05 minutes 00 seconds East along said Southerly line, a distance of 219.28 feet to a set five-eighths inch diameter steel pin with D&A Firm No. 0026 identification cap; thence South 70 degrees 15 minutes 43 seconds East along said Southerly line, a distance of 37.51 feet to a set five-eighths inch diameter steel pin with D&A Firm No. 0026 identification cap; thence South 14 degrees 25 minutes 55 seconds East along said Westerly right-of-way line, a distance of 429.03 feet to a four inch by four inch concrete right-of-way marker found; thence South 14 degrees 58 minutes 08 seconds East, a distance of 667.09 feet to a four inch by four inch concrete right-of-way marker found; thence South 15 degrees 07 minutes 53 seconds East along said Westerly right-of-way line a distance of 597.71 feet to a found five-eighths inch diameter steel pin; thence South 86 degrees 57 minutes 00 seconds West, a distance of 508.75 feet to the point of beginning, containing 52.58 acres, more or less.

The above being described by a Survey by Dickmeyer & Associates, Kerry D. Dickmeyer, Land Surveyor, recorded April 9, 2004 in Document Number 204025735.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the Right of Way Parcel Plat marked Exhibit "B" attached to Document Numbers 2008054153 and 2008054154, described as follows:

Commencing at the Southwest corner of said quarter section, designated as point "520" on the Location Control Route Survey Plat recorded in Instrument Number 204040574 in the Office of the Recorder of said County; thence North 2 degrees 14 minutes 35 seconds West 847.58 feet (847.64 feet by Instrument Number 86-009319) along the West line of said quarter section to the South line of the grantor's land; thence South 89 degrees 05 minutes 46 seconds West 334.79 feet (334.80 feet by Instrument Number 86-009319) along said South line to the West line of the tract of land described in Instrument Number 86-009319; thence North 2 degrees 01 minute 56 seconds West 1,694.31 feet along said tract line to the South boundary of Cook Road; thence South 89 degrees 35 minutes 47 seconds East 277.67 feet along the boundary of said Cook Road; thence South 86 degrees 56 minutes 03 seconds East 109.31 feet along said boundary to point "340" designated on said parcel plat and the POINT OF BEGINNING of this description; thence continuing South 86 degrees 56 minutes 03 seconds East 109.97 feet along said boundary to the Southwestern boundary of the intersection of said Cook Road and S.R. 3 (Lima Road); thence South 68 degrees 44 minutes 22 seconds East 31.78 feet along the boundary of the intersection of said Cook Road and said S.R. 3 to the Western boundary of said S.R. 3; thence South 12 degrees 46 minutes 42 seconds East 301.24 feet along the boundary of said S.R. 3 to point "345" designated on said parcel plat; thence South 77 degrees 13 minutes 18 seconds West 5.00 feet to point "344" designated on said parcel plat; thence North 12 degrees 46 minutes 42 seconds West 150.00 feet to point "343" designated on said parcel plat; thence North 19 degrees 07 minutes 06 seconds West 90.55 feet to point "342" designated on said parcel plat; thence North 43 degrees 02 minutes 05 seconds West 69.46 feet to point "341" designated on said parcel plat; thence North 71 degrees 55 minutes 39 seconds West 95.66 feet to the point of beginning and containing 0.125 acres, more or less.

Exhibit B
PERMITTED EXCEPTIONS

1. Utility Easement granted to Indiana & Michigan Electric Company over a portion of insured real estate by instrument recorded October 15, 1986 as Document Number 86-41594.
2. Sanitary Sewer Basement over a portion of insured real estate granted to the City of Fort Wayne, Indiana by instrument recorded April 22, 1987 as Document Number 87-20053
3. Right of Way Grant granted to the State of Indiana for State Road 3 recorded May 23, 1961 in Deed Record 586, pages 9-10.
4. Any limitation of access to and from the land across the limited access right of way line of S.R. 3 abutting the property, as established by instrument recorded November 18, 2008 as Document Numbers 2008054153 and 2008054154.
5. Perpetual Easement over a portion of insured real estate granted to the State of Indiana by instrument recorded November 18, 2008 as Document Number 2008054155
6. Subject to Special Ordinance No. S-202-78 which restricts the height of buildings and other structures which might interfere with the safe descent, landing, and ascent of aircraft of Smith Field Airport.
.....
7. Right of way for drainage, flow and maintenance of Spy Run Creek as set forth in IC 36-9-27-33.

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 Silverado Cook Properties, LLC for real estate improvements in the amount of \$7,500,000. Silverado Cook Properties, LLC improvements will be made to the existing 240,000 square foot building. 200,000 square feet in new structures will be built along with related site improvements.**

EFFECT OF PASSAGE: **Investment of \$7,500,000 and the retention of 496 full-time positions.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and the retention 496 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**