

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12.1 for property commonly known as 202 W. Berry Street, Fort Wayne, Indiana 46825 (Ashberry Eight, 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, the total estimated project cost is \$25,000,000; and

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

WHEREAS, Ashberry Eight, LLC has submitted a written request for a waiver of non-compliance under I.C. 6-1.1-12.1-11.3; and

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

WHEREAS, the Common Council acknowledges that Ashberry Eight, LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve under I.C. 6-1.1-12.1-11.3; and

WHEREAS, Common Council finds that Ashberry Eight, LLC did not comply with I.C. 6-1.1-12.1 by:

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

(b) failure to designate an area as an economic revitalization area before the initiation of 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 Ashberry Eight, LLC were in attendance and presented testimony on why a waiver should be granted; and

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

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

3 **SECTION 1.** That, Common Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-
4 12.1-11.3 regarding:

5 (a) failure to submit the completed statement of benefits form to the common council before
6 initiation of redevelopment or rehabilitation, and

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

9 (c) failure to file a timely deduction application
10 for which Ashberry Eight, LLC desires to claim an Economic Revitalization Area deduction. Such waiver
11 shall be in effect for real property improvements during the period of April 10, 2017 through the date of this
12 resolution.

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

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

19 **SECTION 4.** That, said designation of the hereinabove described property as an "Economic
20 Revitalization Area" shall apply to a deduction of the assessed value of real estate improvements.

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

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

27 (a) If the proposed development does not occur, the approximate current year tax rates for this
28 site would be \$3.5721/\$100.

29 (b) If the proposed development does occur and no deduction is granted, the approximate
30 current year tax rate for the site would be \$3.5721/\$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 \$3.5721/\$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.
- F. The tax savings resulting from the real and/or personal property being abated.

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

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

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

11 _____
12 Member of Council

13
14 APPROVED AS TO FORM A LEGALITY

15
16 _____
17 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 Ashberry Eight, LLC for real estate improvements in the amount of \$25,000,000. Ashberry Eight, LLC will develop retail, office and residential space.**

EFFECT OF PASSAGE: **Retail, office and residential space will be developed.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and development of retail, office and residential space.**

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

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

ACA Permit Summary



Allen County / City of Fort Wayne BUILDING DEPARTMENT OF ALLEN COUNTY

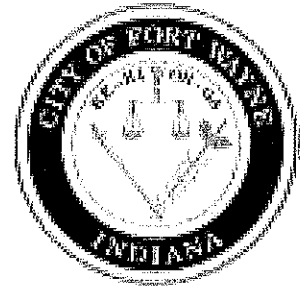
200 E BERRY ST., SUITE 180 - FORT WAYNE, IN

46802

Building/Building Permit/Commercial/NA

Record#: BLD-C-16-022988

Status: COO Issued



Company/Individual Name/Title

Owner

Ashberry Eight Llc

Address

C/O Cbre Sturges, 202 W Berry St Ste 800,
Fort Wayne, IN 46802-

Site Address

202 - 202 W BERRY ST
FORT WAYNE, IN 46802

Applicant

Jeffrey Bragiel

7808 Honeywell Drive, Fort Wayne, Indiana 46825

Permit Mailing Address

WEIGAND
CONSTRUCTION
CO., INC.

7808 HONEYWELL DR, FORT WAYNE, IN 46825

260-490-7449

**THIS IS NOT
A
PERMIT**

Parcel Nbr

02-12-02-414-009.000-074

Tract

Block

Lot

LOTS 518

Application Information:

Basement (sq. ft.)	0
Covered Porch (sq. ft.)	0
Deck (sq. ft.)	0
Garage (sq. ft.)	0
Living (sq. ft.)	146
Total Sq. Ft.	146
Construction Type	Other
Direct Vent	
Gas	
Masonry Stack	
Prefab Stack	
Ventless	
Wood	
Add to Set	CHECKED

**THIS IS NOT
A
PERMIT**

Building Type	OFFICE BUILDING
Current Use of Building or Space	Office
Electrical	Yes
Future Use of Building or Space	Office
Is Mobile Home in a Mobile Home Park	No
Job Value	35000
Lot Number	6TH FLOOR - IT ROOM
Planning District	Fort Wayne
Plumbing	Yes
Project Type	Remodel
Subdivision	HANNAS ADD. WEST PART
Use	Commercial

Upload Date	Document Name	Document Description	File Size
11/21/2016	2016.11.11 - KSM IT Room.pdf	Construction Documents,	255,086
11/22/2016	Building_Permit_20161122_113451.pdf		35,873
11/29/2016	ACA_Building_Permit_20161129_102009.pdf		36,587
12/22/2016	BUILDING_PERMIT_20161122_113451.PDF.ZIP		33,967
12/22/2016	ACA_BUILDING_PERMIT_20161129_102009.PDF.ZIP		34,746
12/22/2016	Certificate_Of_Occupancy_20161222_181722.pdf		116,597
01/27/2017	CERTIFICATE_OF_OCCUPANCY_20161222_181722.PDF.ZIP		114,116

Fees:

Fees Paid

Inspections:
Pending
3

Completed
1

<u>Task</u>	<u>Status</u>	<u>Status By</u>	<u>Date</u>
Intake	Accepted	Diane Smith	11/22/2016
Issue Permit	Issued	Kylene Cross	11/22/2016
Supervisor Review	Approved	Kylene Cross	11/22/2016
Certificate of Occupancy	COO Issued	Shinisha Grayson	12/22/2016
End of Process	Closed	Shinisha Grayson	12/22/2016

<u>SubTask</u>	<u>Status</u>	<u>Status By</u>	<u>Date</u>
Certificate of Occupancy	COO Issued	Shinisha Grayson	12/22/2016
End of Process	Closed	Shinisha Grayson	12/22/2016
Intake	Accepted	Diane Smith	11/22/2016
Issue Permit	Issued	Kylene Cross	11/22/2016
Supervisor Review	Approved	Kylene Cross	11/22/2016

BUILDING DEPARTMENT

OF ALLEN COUNTY, INDIANA
200 EAST BERRY STREET, SUITE 180
FORT WAYNE, INDIANA 46802

PERMIT NUMBER
BLD-C-17-004924

Fort Wayne

PERMIT TYPE
NA

APPLICANT

**Weigand Construction Co., Inc. / WEIGAND CONSTRUCTION CO.,
INC.**

BD-495

COMMERCIAL

\$550,000.00

**7808 HONEYWELL DR
FORT WAYNE, IN, 46825**

(260) 490-7449

Remodel

OFFICE BUILDING

390449

JOB SITE

202 - 202 W BERRY ST, FORT WAYNE, IN 46802

BUILDING INFORMATION:

LIVING AREA

1,100

BASEMENT AREA

COVERED PORCH
AREA

DECK AREA

GARAGE AREA

TOTAL AREA

1,100

SIZE

STORIES

BEDROOMS

HALF BATHS

FULL BATHS

UNITS

SQUARES:

ROOFING

SIDING

SOFFIT

LINEAR FEET:

GUTTER

FIREPLACES: NUMBER :

MASONRY

PREFAB

VENTLESS

DR VENT

GAS

WOOD

COMMENTS :

INTERIOR REMODEL ONLY OF METRO
BLDG LEVEL 06, 1100SF OF CORE
AREA OK JEC
STATE RELEASE # 390449. OK JEC.
AFFIDAVITS REC'D

WEIGAND CONSTRUCTION CO., INC.

OWNER
Ashberry Eight LLC

Issued By: Diane Smith

BUILDING PERMIT

I HEREBY SWEAR OR AFFIRM UNDER PENALTIES OF PERJURY THAT
THE FOREGOING INFORMATION IS COMPLETE, TRUE AND
CORRECT, TO THE BEST OF MY KNOWLEDGE.

THIS IS TO CERTIFY THAT
THIS PERMIT WAS ISSUED ON

03/29/2017

WITH A FEE PAYMENT OF

\$60.00

John E. Caywood

BUILDING COMMISSIONER

DATE

SIGNATURE