

**A DECLARATORY RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 101 E. Washington Blvd.,
Fort Wayne, Indiana 46802 (One Summit II, LLC)**

WHEREAS, Petitioner has duly filed its petition dated August 8, 2017 to have the following described 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, to wit:

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

WHEREAS, said project will retain 407 full-time and 41 part-time, permanent jobs for an annual payroll of \$21,976,330, with the average current, annual job salary being \$49,054; and

WHEREAS, the total estimated project cost is \$4,500,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2021, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing.

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

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

9 **SECTION 5.** That, the current year approximate tax rates for taxing units within
10 the City would be:

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

13 (b) If the proposed development does occur and no deduction is granted, the
14 approximate current year tax rate for the site would be \$3.5721/\$100 (the
15 change would be negligible).

16 (c) If the proposed development occurs and a deduction percentage of fifty percent
17 (50%) is assumed, the approximate current year tax rate for the site would be
18 \$3.5721/\$100 (the change would be negligible).

19 **SECTION 6.** That, this Resolution shall be subject to being confirmed, modified
20 and confirmed, or rescinded after public hearing and receipt by Common Council of the
21 above described recommendations and resolution, if applicable.

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

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

26

Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%

27
28
29
30

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

SECTION 11. 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 determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



CITY OF FT WAYNE 03/2013

AUG 08 2017

**ECONOMIC REVITALIZATION AREA APPLICATION DEVL.
CITY OF FORT WAYNE, INDIANA**

APPLICATION IS FOR: (Check appropriate box(es))

- ☒ Real Estate Improvements
☐ Personal Property Improvements
☐ Vacant Commercial or Industrial Building

Total cost of real estate improvements: \$ 4,500,000
Total cost of manufacturing equipment improvements: _____
Total cost of research and development equipment improvements: _____
Total cost of logistical distribution equipment improvements: _____
Total cost of information technology equipment improvements: _____

TOTAL OF ABOVE IMPROVEMENTS: \$ 4,500,000

GENERAL INFORMATION

Real property taxpayer's name: One Summit II, LLC
Personal property taxpayer's name: N/A
Telephone number: 260-422-3406
Address listed on tax bill: 200 E. Main Street, Suite 130, Fort Wayne, IN 46802
Name of company to be designated, if applicable: _____
Year company was established: September 19, 2014
Address of property to be designated: 101 E. Washington Blvd., Fort Wayne, IN 46802
Real estate property identification number: 02-12-02-459-004.000-074
Contact person name: Bill Bean
Contact person telephone number: (260) 422-3406 Contact person Email: billbean2@frontier.com
Contact person address: 200 E. Main Street, Suite 130, Fort Wayne, IN 46802

List company officer and/or principal operating personnel

NAME	TITLE	ADDRESS	PHONE NUMBER
Bill Bean	Member Representative	200 E. Main St., Ste. 130, Fort Wayne, IN 46802	(260) 422-3406
Simon Dragan	Member	201 W. First St., P.O. Box 496, South Whitley, IN 46787	(260) 723-5131

List all persons or firms having ownership interest in the applicant business and the percentage each holds:

NAME	PERCENTAGE
Simon Dragan	50%
Hanning & Bean Enterprises, Inc.	50%

- ☐ Yes ☒ No Are any elected officials shareholders or holders of any debt obligation of the applicant or operating business? If yes, who? (name/title) No
- ☒ Yes ☐ No Is the property for which you are requesting ERA designation totally within the corporate limits of the City of Fort Wayne?
- ☐ Yes ☒ No Do you plan to request state or local assistance to finance public improvements?
- ☒ Yes ☐ No Is the property for which you are requesting ERA designation located in an Economic Development Target Area (EDTA)? (see attached map for current areas)
- ☐ Yes ☒ No Does the company's business include a retail component? If yes, answer the following questions:
- What percentage of floor space will be utilized for retail activities? _____
- What percentage of sales is made to the ultimate customer? _____
- What percentage of sales will be from service calls? _____

What is the percentage of clients/customers served that are located outside of Allen County? _____

What is the company's primary North American Industrial Classification Code (NAICs)? _____

Describe the nature of the company's business, product, and/or service:

Real estate holding company. The Company's single asset is 101 E. Washington Blvd., Fort Wayne, Indiana 46802.

Dollar amount of annual sales for the last three years:

Year	Annual Sales

List the company's three largest customers, their locations and amount of annual gross sales: N/A

Customer Name	City/State	Annual Gross Sales

List the company's three largest material suppliers, their locations and amount of annual purchases: N/A

Supplier Name	City/State	Annual Gross Purchases

List the company's top three competitors: N/A

Competitor Name	City/State

Describe the product or service to be produced or offered at the project site:

Project will provide office space for North American Van Lines, Inc. who provides for the movement of household goods through moving, logistics, and technology-enabled solutions to our corporate, governmental and consumer customers.

In order to be considered an Economic Revitalization Area (ERA), the area must be within the corporate limits of the City of Fort Wayne and must have become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. It also includes any area where a facility or group of facilities that are technologically, economically, or energy obsolete is located and where the obsolescence may lead to a decline in employment and tax revenues.

How does the property for which you are requesting designation meet the above definition of an ERA?

See Schedule 1 attached hereto.

REAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value for real property improvements.

Describe any structure(s) that is/are currently on the property:

Office building and appurtenant improvements.

Describe the condition of the structure(s) listed above:

Good condition.

Describe the improvements to be made to the property to be designated for tax phase-in purposes:

Construction of significant real estate improvements to the interior of the building (specifically on Floors 2 and 5-11, and in main lobby area), together with some exterior facade improvements. North American Van Lines, Inc. (taxpayer's tenant and hereafter "NAVL") will be occupying Floors 5-11. All such improvements will be made because of and in connection with taxpayer's underlying lease with NAVL.

Projected construction start (month/year): 08/2017

Projected construction completion (month/year): 11/2017

☐ Yes ☒ No Will construction result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

☐ Yes ☒ No Will construction use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

PERSONAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value of new manufacturing, research and development, logistical distribution or information technology equipment.

List below the equipment for which you are seeking an economic revitalization area designation.

Manufacturing equipment must be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property at the site to be designated. Research and development equipment consists of laboratory equipment, research and development equipment, computers and computer software, telecommunications equipment or testing equipment used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products at the site to be designated. Logistical distribution equipment consists of racking equipment, scanning or coding equipment, separators, conveyors, fork lifts or lifting equipment, transitional moving equipment, packaging equipment, sorting and picking equipment, software for technology used in logistical distribution, is used for the storage or distribution of goods, services, or information. Information technology equipment consists of equipment, including software used in the fields of information processing, office automation, telecommunication facilities and networks, informatics, network administration, software development and fiber optics: (use additional sheets, if necessary)

☐ Yes ☐ No Has the above equipment for which you are seeking a designation, ever before been used for any purpose in Indiana? If yes, was the equipment acquired at an arms length transaction from an entity not affiliated with the applicant? ☐ Yes ☐ No

☐ Yes ☐ No Will the equipment be leased?

Date first piece of equipment will be purchased (month/year): _____

Date last piece of equipment will be installed (month/year): _____

Please provide the depreciation schedule term for equipment under consideration for personal property tax phase-in:

ELIGIBLE VACANT BUILDING INFORMATION

Complete this section of the application if you are requesting a deduction from the current assessed value of a vacant building

☐ Yes ☐ No Has the building for which you are seeking designation for tax phase-in been unoccupied for at least one year? Please provide evidence of occupation. (i.e. certificate of occupancy, paid utility receipts, executed lease agreements)

Describe any structure(s) that is/are currently on the property:

Describe the condition of the structure(s) listed above: _____

Projected occupancy date (month/year): _____

Describe the efforts of the owner or previous owner in regards to selling, leasing or renting the eligible vacant building during the period the eligible vacant building was unoccupied including how much the building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

*** PUBLIC BENEFIT INFORMATION**

EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

**ESTIMATE OF EMPLOYEES AND PAYROLL FOR FORT WAYNE
FACILITY REQUESTING ECONOMIC REVITALIZATION AREA DESIGNATION**

Please be specific on job descriptions. When listing the occupation codes, please avoid using the "Major Occupational Groupings" (i.e. 11-000, 13-000, 15-000, etc.) which are more general in nature. Instead, use specific occupation codes (i.e. 11-1021, 13-1081, 15-2041 etc) for each created and retained job. To fill out information on occupation and occupation code, use data available through Occupation Employment Statistics for Fort Wayne

http://www.bls.gov/oes/current/oes_23060.htm

Any information concerning the cost of the property and specific salaries paid to individual employees is confidential per Indiana Code (I.C. 6-1.1-12.1-5.1)

Current Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Executive	11-1011	22	\$ 3,235,576
Professional	11-1021	138	\$ 9,023,799
Administrative	43-4051	247	\$ 9,183,435

Retained Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Executive	11-1011	22	\$ 3,235,576
Professional	11-1021	138	\$ 9,023,799
Administrative	43-4051	247	\$ 9,183,435

Additional Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
		0	

*Employment figures provided relate to the employees of taxpayer's tenant, North American Van Lines, Inc.

PUBLIC BENEFIT INFORMATION

Current Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
Administrative	43-4051	41	\$ 533,520

Retained Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
Administrative	43-4051	41	\$ 533,520

Additional Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
		0	

Check the boxes below if the existing jobs and the jobs to be created will provide the listed benefits:

- | | | |
|--|--|--|
| ☐ Pension Plan | ☒ Major Medical Plan | ☒ Disability Insurance |
| ☐ Tuition Reimbursement | ☒ Life Insurance | ☒ Dental Insurance |

List any benefits not mentioned above:

When will you reach the levels of employment shown above? (month/year): Current - July 2017

REQUIRED ATTACHMENTS

The following must be attached to the application.

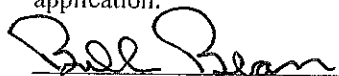
1. **Statement of Benefits Form(s)** (first page/front side completed)
2. **Full legal description of property and a plat map identifying the property boundaries.** (Property tax bill legal descriptions are not sufficient.) Should be marked as **Exhibit A**.
3. **Check for non-refundable application fee made payable to the City of Fort Wayne.**

ERA filing fee (either real or personal property improvements)	.1% of total project cost not to exceed \$500
ERA filing fee (both real and personal property improvements)	.1% of total project cost not to exceed \$750
ERA filing fee (vacant commercial or industrial building)	\$500
ERA filing fee in an EDTA	\$100
Amendment to extend designation period	\$300
Waiver of non compliance with ERA filing	\$500 + ERA filing fee
4. **Owner's Certificate** (if applicant is not the owner of property to be designated)
Should be marked as **Exhibit B** if applicable.

CERTIFICATION

I, as the legal taxpayer and/or owner, hereby certify that all information and representations made on this application and its attached exhibits are true and complete and that no Improvement Location Permit or Structural Permit has been filed for construction of improvements, the occupation of the vacant building has not taken place and no manufacturing, research and development, logistical distribution or information technology equipment which is a part of this application been purchased and installed as of the date of filing of this application. I also certify that the taxpayer is not delinquent on any and all property tax due to taxing jurisdictions within Allen County, Indiana. I understand that any incorrect information on this application may result in a rescission of any tax phase-ins which I may receive.

I understand that I must file a correctly completed Compliance with Statement of Benefits Form (CF-1/Real Property for real property improvements, CF-1/PP for personal property improvements, and CF-1/VBD for vacant building deduction) and the Public Benefit Annual Update with the City of Fort Wayne Community Development Division in each year in which I receive a deduction. Further the CF-1/PP form must be filed with the county assessor and the CF-1/Real Property and CF-1/VBD must be filed with the county auditor. Failure to file the CF-1 form with these agencies may result in a rescission of any tax phase-in occurring as a result of this application.



Signature of Taxpayer/Owner

Bill Bean, VP of Hannaford Bean Enterprises, Inc., its member

Printed Name and Title of Applicant

8-8-17

Date



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

CITY OF FT WAYNE

AUG 08 2017

COMMUNITY DEVL.

2017 PAY 2018

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box)

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1

TAXPAYER INFORMATION

Name of taxpayer One Summit II, LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 200 E. Main Street, Suite 130, Fort Wayne, IN 46802		
Name of contact person Bill Bean	Telephone number (260) 422-3406	E-mail address billbean2@frontier.com

SECTION 2

LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Fort Wayne Common Council		Resolution number
Location of property 101 E. Washington Blvd., Fort Wayne, IN 46802	County Allen	DLGF taxing district number 074
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) See Exhibit "A" attached hereto.		Estimated start date (month, day, year) 08/14/2017
		Estimated completion date (month, day, year) 11/30/2017

SECTION 3

ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
448	\$21,976,330.00	448	\$21,976,330.00	0	\$0.00

SECTION 4

ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	0.00	
Plus estimated values of proposed project	4,500,000.00	To be determined
Less values of any property being replaced	0.00	
Net estimated values upon completion of project	4,500,000.00	To be determined

SECTION 5

WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) N/A	Estimated hazardous waste converted (pounds) N/A
--	--

Other benefits
None.

SECTION 6

TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.	
Signature of authorized representative Bill Bean	Date signed (month, day, year) 8-8-17
Printed name of authorized representative Bill Bean	Title VP of Hamming Bean Enterprises, Inc. MEMBER

*Employment figures of taxpayer's tenant, North American Van Lines, Inc. Page 1 of 2

Schedule I

The subject real property located at 101 East Washington Boulevard (the "Property"), commonly known as the Indiana Michigan Power Center, lies in the heart of Fort Wayne's downtown. The current taxpayer One Summit II, LLC, a locally owned Indiana limited liability company, purchased the Property in October 2014. Prior to One Summit II, LLC's acquisition of the Property, the prior owner(s) did little to revitalize and reinvest in the Property. When One Summit II, LLC acquired the Property, it was One Summit II, LLC's plan and intent to revitalize and reinvest in the free standing building situated thereon. The building was occupied in part by Indiana Michigan Power and Chase Bank, but in dire need of additional tenants for future development and use of the Property. As such, the Property—especially when taking into account the recent decline of reinvestment in the building by its prior owner(s)—had become undesirable for normal development and occupancy. The Property is wholly within the corporate limits of the City of Fort Wayne. Further, the Property wholly lies within an Economic Development Target Area. North American Van Lines, Inc. ("NAVL") is relocating its enormous staff of over 400 employees to the Property pursuant to a long term lease with One Summit II, LLC. NAVL wants to be part of the downtown revitalization movement. However, in order for this to happen, One Summit II, LLC must undertake the construction of significant and expensive interior and exterior improvements to the building. As such, the construction project represents an attempt to address and resolve the current challenge of revitalizing the building to avoid cessation of growth, deterioration of improvements, and obsolescence. Based on all of the foregoing, the Property meets the definition of an Economic Revitalization Area.

EXHIBIT A

LEGAL DESCRIPTION OF THE REAL ESTATE

TRACT 1:

(A) THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA; LOTS NUMBERED 190, 189, 188, 187 AND 186 EXCEPT FOR THE EAST FIVE (5) FEET THEREOF, AND THE VACATED ALLEY ADJACENT TO AND BETWEEN SAID LOTS NUMBERED 187 AND 188, ALL IN THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, AS RECORDED IN DEED RECORD D, PAGE 169, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, EXCEPT FOR THE AIR SPACE ABOVE 830.00 FEET ABOVE MEAN SEA LEVEL OVER THE FOLLOWING DESCRIBED PART OF THE REAL ESTATE DESCRIBED ABOVE:

THE EAST ELEVEN (11) FEET OF LOT NUMBER 188, ALL OF LOT NUMBER 187, LOT NUMBER 186 EXCEPT FOR THE EAST FIVE (5) FEET THEREOF, AND THE VACATED ALLEY ADJACENT TO AND BETWEEN LOTS NUMBERED 187 AND 188, ALL IN THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

(B) THE SOUTH HALF OF THE VACATED (GENERAL ORDINANCE NO. G-30-83) EAST-WEST ALLEY WHICH LIES SOUTH OF WAYNE STREET AND NORTH OF WASHINGTON BOULEVARD, WHICH IS ADJACENT AND NORTH OF LOTS NUMBERED 190, 189, 188, 187 AND 186, EXCEPT THE EAST 5 FEET THEREOF, AND THE ALLEY BETWEEN LOTS NUMBERED 187 AND 188, ALL IN THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, AS RECORDED IN DEED RECORD D, PAGE 169, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

TRACT 2:

EASEMENTS IN, UNDER AND ALONG THE FOLLOWING DESCRIBED TRACTS OF REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA, GRANTED BY THE CITY OF FORT WAYNE, INDIANA, TO INDIANA FRANKLIN REALTY, INC., ITS SUCCESSORS AND ASSIGNS, BY PERPETUAL EASEMENT DATED OCTOBER 16, 1978, RECORDED NOVEMBER 3, 1978 AS DOCUMENT NUMBER 78-35490, FOR THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REMOVAL OF SUBSURFACE FOOTINGS FOR THE IMPROVEMENTS LOCATED ON THE REAL ESTATE DESCRIBED IN TRACT 1 HEREOF, AND ASSIGNED BY SAID GRANTEE TO ONE SUMMIT ASSOCIATES AND THE TEMPORARY EASEMENT GRANTED THEREWITH:

(A) EASEMENT IN CALHOUN STREET:

COMMENCING AT A POINT ON THE WEST PROPERTY LINE OF LOT NUMBER 190 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH POINT IS TEN FEET ELEVEN AND THREE-QUARTER INCHES NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE WEST, A DISTANCE OF ONE FOOT TO A POINT IN THE PUBLIC RIGHT-OF-WAY KNOWN AS CALHOUN STREET; THENCE IN A NORTHERLY DIRECTION PARALLEL WITH AND CONSTANTLY ONE FOOT WEST OF THE SAID WEST LINE OF THE SAID LOT NUMBER 190, A DISTANCE OF THIRTY-FOUR FEET FOUR INCHES; THENCE WEST, A DISTANCE OF SEVEN INCHES; THENCE IN A NORTHERLY DIRECTION AND PARALLEL WITH THE WEST LINE OF SAID LOT NUMBER 190 AND

CONSTANTLY A DISTANCE OF ONE FOOT SEVEN INCHES WEST THEREOF, A DISTANCE OF SIX FEET; THENCE EAST, A DISTANCE OF SEVEN INCHES; THENCE IN A NORTHERLY DIRECTION PARALLEL TO AND CONSTANTLY ONE FOOT WEST OF THE SAID WEST LINE OF THE SAID LOT NUMBER 190, A DISTANCE OF TWENTY-EIGHT FEET SIX AND ONE-QUARTER INCHES; THENCE WEST FURTHER INTO THE PUBLIC RIGHT-OF-WAY KNOWN AS CALHOUN STREET, A DISTANCE OF SIX FEET SIX INCHES; THENCE IN A NORTHERLY DIRECTION AND PARALLEL TO THE WEST LINE OF THE SAID LOT NUMBER 190 AND CONSTANTLY, A DISTANCE OF SEVEN FEET SIX INCHES THEREFROM, A DISTANCE OF SEVENTY FEET TWO INCHES TO A POINT WHICH IS IN THE PUBLIC RIGHT-OF-WAY KNOWN AS CALHOUN STREET AND THE PUBLIC RIGHT-OF-WAY WHICH IS AN EAST-WEST ALLEY LYING BETWEEN WASHINGTON BOULEVARD AND WAYNE STREET, ONE FOOT NORTH AND SEVEN FEET SIX INCHES WEST OF THE NORTHWEST CORNER OF THE SAID LOT NUMBER 190; THENCE IN AN EASTERLY DIRECTION, A DISTANCE OF SEVEN FEET SIX INCHES TO A POINT WHICH IS ONE FOOT NORTH OF THE NORTHWEST CORNER OF SAID LOT NUMBER 190; THENCE IN A SOUTHERLY DIRECTION ALONG THE WEST LINE OF THE SAID LOT NUMBER 190 PROJECTED NORTHWARD AND ALONG SAID WEST LINE, A DISTANCE OF ONE HUNDRED FORTY FEET ONE-QUARTER INCH TO THE PLACE OF BEGINNING.

(B) EASEMENT IN WASHINGTON BOULEVARD:

COMMENCING AT A POINT ON THE SOUTH LINE OF LOT NUMBER 189 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH IS ONE HUNDRED EIGHT FEET SIX AND ONE-HALF INCHES EAST OF THE SOUTHWEST CORNER OF LOT NUMBER 190 OF THE SAID ADDITION; THENCE IN A SOUTHERLY DIRECTION INTO THE PUBLIC RIGHT-OF-WAY KNOWN AS WASHINGTON BOULEVARD, A DISTANCE OF ONE FOOT; THENCE IN AN EASTERLY DIRECTION PARALLEL TO AND CONSTANTLY ONE FOOT SOUTH OF THE SOUTH LINE OF THE SAID LOT 189, AND LOTS 188, 187 AND 186 OF THE SAID PLAT, A DISTANCE OF ONE HUNDRED FORTY-FOUR FEET THREE AND ONE-HALF INCHES TO A POINT; THENCE IN A NORTHERLY DIRECTION A DISTANCE OF ONE FOOT TO THE SOUTH LINE OF SAID LOT 186 OF THE SAID PLAT; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID LOTS 186, 187, 188 AND 189 OF THE SAID PLAT TO THE POINT OF BEGINNING.

TRACT 3:

EASEMENT TO CONSTRUCT AND MAINTAIN FOOTINGS UNDER AND ON THE FOLLOWING DESCRIBED TRACT OF REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA, GRANTED BY THE CITY OF FORT WAYNE, INDIANA, TO INDIANA FRANKLIN REALTY, INC. BY PERPETUAL EASEMENT RECORDED MARCH 16, 1979 AS DOCUMENT NUMBER 79-06787:

COMMENCING AT A POINT ON THE WEST PROPERTY LINE OF LOT NUMBER 190 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH POINT IS TEN FEET ELEVEN AND THREE-QUARTER INCHES NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE WEST, A DISTANCE OF ONE FOOT TO A POINT IN THE PUBLIC RIGHT-OF-WAY KNOWN AS CALHOUN STREET; THENCE IN A NORTHERLY DIRECTION PARALLEL WITH AND CONSTANTLY ONE FOOT WEST OF THE SAID WEST LINE OF THE SAID LOT NUMBER 190, A DISTANCE OF THIRTY-FOUR FEET FOUR INCHES; THENCE WEST, A DISTANCE OF SEVEN INCHES; THENCE IN A NORTHERLY DIRECTION AND PARALLEL WITH THE WEST LINE OF SAID LOT NUMBER 190 AND

CONSTANTLY A DISTANCE OF ONE FOOT SEVEN INCHES WEST THEREOF, A DISTANCE OF SIX FEET; THENCE EAST, A DISTANCE OF SEVEN INCHES; THENCE IN A NORTHERLY DIRECTION PARALLEL TO AND CONSTANTLY ONE FOOT WEST OF THE SAID WEST LINE OF THE SAID LOT NUMBER 190, A DISTANCE OF TWENTY-EIGHT FEET SIX AND ONE-QUARTER INCHES; THENCE WEST FURTHER INTO THE PUBLIC RIGHT-OF-WAY KNOWN AS CALHOUN STREET, A DISTANCE OF SIX FEET SIX INCHES; THENCE IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF TWENTY-FOUR FEET THREE INCHES TO A POINT THREE FEET WEST OF THE WEST LINE OF SAID LOT NUMBER 190; THENCE IN A SOUTHERLY DIRECTION AND PARALLEL TO THE WEST LINE OF SAID LOT NUMBER 190 AND CONSTANTLY A DISTANCE OF THREE FEET THEREFROM, A DISTANCE OF FORTY-EIGHT FEET; THENCE EAST, A DISTANCE OF THREE FEET TO A POINT ON THE WEST LINE OF SAID LOT NUMBER 190, SAID POINT BEING SEVEN FEET ELEVEN AND THREE-QUARTERS INCHES NORTH OF THE SOUTHWEST CORNER OF SAID LOT NUMBER 190; THENCE NORTH ALONG THE WEST LINE OF SAID LOT NUMBER 190, A DISTANCE OF THREE FEET TO THE POINT OF BEGINNING.

TRACT 4:

EASEMENT IN, UNDER AND ALONG THE FOLLOWING DESCRIBED TRACT OF REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA, GRANTED BY THE CITY OF FORT WAYNE, INDIANA, TO INDIANA FRANKLIN REALTY, INC., ITS SUCCESSORS AND ASSIGNS, BY PERPETUAL EASEMENT DATED MAY 28, 1980, RECORDED JUNE 26, 1980 AS DOCUMENT NUMBER 80-13166, FOR THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REMOVAL OF SUBSURFACE FOOTINGS FOR THE IMPROVEMENTS LOCATED ON THE REAL ESTATE DESCRIBED IN TRACT 1 HEREOF, AND ASSIGNED BY SAID GRANTEE TO ONE SUMMIT ASSOCIATES AND THE TEMPORARY EASEMENT GRANTED THEREWITH:

(A) EASEMENT IN WASHINGTON BOULEVARD:

COMMENCING AT A POINT ON THE SOUTH LINE OF LOT NUMBER 189 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH IS ONE HUNDRED FEET, SIX AND ONE-HALF INCHES EAST OF THE SOUTHWEST CORNER OF LOT NUMBER 190 OF SAID ADDITION; THENCE IN A SOUTHERLY DIRECTION INTO THE PUBLIC RIGHT-OF-WAY KNOWN AS WASHINGTON BOULEVARD, A DISTANCE OF FIVE FEET, TWO INCHES; THENCE IN AN EASTERLY DIRECTION PARALLEL TO AND CONSTANTLY FIVE FEET, TWO INCHES SOUTH OF THE SOUTH LINE OF LOT NUMBER 189 OF SAID ADDITION, A DISTANCE OF ELEVEN FEET; THENCE IN A NORTHERLY DIRECTION, A DISTANCE OF FOUR FEET, TWO INCHES; THENCE IN A WESTERLY DIRECTION PARALLEL TO AND CONSTANTLY ONE FOOT SOUTH OF THE SOUTH LINE OF LOT NUMBER 189 OF SAID ADDITION, A DISTANCE OF THREE FEET; THENCE IN A NORTHERLY DIRECTION, A DISTANCE OF ONE FOOT TO A POINT ON THE SOUTH LINE OF LOT NUMBER 189 OF SAID ADDITION, SAID POINT BEING ONE HUNDRED EIGHT FEET SIX AND ONE-HALF INCHES EAST OF THE SOUTHWEST CORNER OF LOT NUMBER 190 OF SAID ADDITION; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF LOT NUMBER 189, A DISTANCE OF EIGHT FEET TO THE POINT OF BEGINNING.

TRACT 5:

EASEMENT WITHIN THE FOLLOWING DESCRIBED AIR SPACE, GRANTED BY THE CITY OF FORT WAYNE, INDIANA, TO ONE SUMMIT ASSOCIATES, BY PERPETUAL RIGHT-OF-WAY AND EASEMENT DATED NOVEMBER 14, 1980, RECORDED APRIL 29, 1981 AS DOCUMENT

NUMBER 81-8197 TO CONSTRUCT, INSTALL, ERECT, OCCUPY, MAINTAIN, IMPROVE, REPLACE AND REMOVE A PEDESTRIAN BRIDGE IN SAID AIR SPACE:

(A) EASEMENT ABOVE WASHINGTON BOULEVARD:

A PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 30 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON BOULEVARD, 99.3 FEET EAST OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON BOULEVARD WITH THE EAST RIGHT-OF-WAY LINE OF CALHOUN STREET, IN THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON BOULEVARD, A DISTANCE OF 11 FEET; THENCE SOUTH TO A POINT ON THE NORTH EXTERIOR WALL OF THE FORT WAYNE MUNICIPAL PARKING GARAGE AS LOCATED ON LOT NUMBER 110 IN SAMUEL HANNA'S FIRST ADDITION TO THE CITY OF FORT WAYNE, BEING A DISTANCE OF 66.5 FEET, MORE OR LESS, SAID POINT BEING 110.3 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF CALHOUN STREET; THENCE WEST ALONG SAID NORTH EXTERIOR WALL OF THE FORT WAYNE MUNICIPAL PARKING GARAGE, A DISTANCE OF 11 FEET; THENCE NORTH TO THE PLACE OF BEGINNING, BEING A DISTANCE OF 66.5 FEET, MORE OR LESS, FROM 806 FEET ABOVE SEA LEVEL TO 791 FEET ABOVE SEA LEVEL ACCORDING TO THE DATUM SHOWN ON THE PLANS.

TRACT 6:

INTENTIONALLY DELETED.

TRACT 7:

EASEMENT IN, UNDER AND ON THE FOLLOWING DESCRIBED TRACT OF REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA, GRANTED BY THE CITY OF FORT WAYNE, INDIANA, TO ONE SUMMIT ASSOCIATES BY PERPETUAL RIGHT-OF-WAY AND EASEMENT DATED NOVEMBER 14, 1980, RECORDED APRIL 29, 1981 AS DOCUMENT NUMBER 81-8197 TO CONSTRUCT, INSTALL, ERECT, OCCUPY, MAINTAIN, IMPROVE, REPLACE AND REMOVE THE COLUMNS AND THE FOUNDATIONS AND FOOTINGS THEREFORE, SAID COLUMNS TO SUPPORT THE BRIDGE ABOVE WASHINGTON BOULEVARD:

(A) EASEMENT IN WASHINGTON BOULEVARD:

COMMENCING AT THE NORTHWEST CORNER OF LOT NUMBER 110 IN SAMUEL HANNA'S FIRST ADDITION TO THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA; THENCE EAST ALONG THE NORTH LINE OF SAID LOT NUMBER 110, A DISTANCE OF 98 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG SAID NORTH LINE, A DISTANCE OF 16 FEET; THENCE NORTH, A DISTANCE OF 5 FEET; THENCE WEST PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 16 FEET; THENCE SOUTH, A DISTANCE OF 5 FEET TO THE TRUE POINT OF BEGINNING.

AND

COMMENCING AT A POINT ON THE SOUTH LINE OF LOT NUMBER 189 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH IS ONE HUNDRED FEET SIX AND ONE-HALF INCHES EAST OF THE SOUTHWEST

CORNER OF LOT NUMBER 190 OF SAID ADDITION; THENCE IN A SOUTHERLY DIRECTION INTO THE PUBLIC RIGHT-OF-WAY KNOWN AS WASHINGTON BOULEVARD, A DISTANCE OF FIVE FEET TWO INCHES; THENCE IN AN EASTERLY DIRECTION PARALLEL TO AND CONSTANTLY FIVE FEET TWO INCHES SOUTH OF THE SOUTH LINE OF LOT NUMBER 189 OF SAID ADDITION, A DISTANCE OF ELEVEN FEET; THENCE IN A NORTHERLY DIRECTION, A DISTANCE OF FOUR FEET TWO INCHES; THENCE IN A WESTERLY DIRECTION PARALLEL TO AND CONSTANTLY ONE FOOT SOUTH OF THE SOUTH LINE OF LOT NUMBER 189 OF SAID ADDITION, A DISTANCE OF THREE FEET; THENCE IN A NORTHERLY DIRECTION, A DISTANCE OF ONE FOOT TO A POINT ON THE SOUTH LINE OF LOT NUMBER 189 OF SAID ADDITION, SAID POINT BEING ONE HUNDRED EIGHT FEET SIX AND ONE-HALF INCHES EAST OF THE SOUTHWEST CORNER OF LOT NUMBER 190 OF SAID ADDITION; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF LOT NUMBER 189, A DISTANCE OF EIGHT FEET TO THE POINT OF BEGINNING.

TRACT 8:

EASEMENT OVER THE FOLLOWING DESCRIBED TRACT OF REAL ESTATE LOCATED IN ALLEN COUNTY, INDIANA, RESERVED IN DEED FROM PEOPLES TRUST BANK TO THE CITY OF FORT WAYNE, INDIANA DATED OCTOBER 5, 1979, RECORDED OCTOBER 9, 1979 AS DOCUMENT NUMBER 79-30945, FOR THE PURPOSE OF LOCATING, CONSTRUCTING AND MAINTAINING THE FOOTINGS FOR A PEDESTRIAN BRIDGE:

(A) EASEMENT IN HANNA'S ADDITION TO THE TOWN (NOW CITY) OF FORT WAYNE:

COMMENCING AT THE NORTHWEST CORNER OF LOT NUMBER 110 IN HANNA'S ADDITION TO THE TOWN (NOW CITY) OF FORT WAYNE, ALLEN COUNTY, INDIANA; THENCE EAST ALONG THE NORTH LINE OF SAID LOT NUMBER 110, A DISTANCE OF 98 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG SAID NORTH LINE, A DISTANCE OF 16 FEET; THENCE SOUTH, A DISTANCE OF 5 FEET; THENCE WEST PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 16 FEET; THENCE NORTH, A DISTANCE OF 5 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 9:

EASEMENT WITHIN THE FOLLOWING DESCRIBED AIR SPACE, GRANTED BY THE CITY OF FORT WAYNE, INDIANA, TO ONE SUMMIT ASSOCIATES BY PERPETUAL RIGHT-OF-WAY AND EASEMENT DATED JUNE 16, 1981, RECORDED JULY 9, 1981 AS DOCUMENT NUMBER 81-14083 TO CONSTRUCT, INSTALL, ERECT, OCCUPY, MAINTAIN, IMPROVE, REPLACE AND REMOVE A CANOPY IN SAID AIR SPACE:

(A) EASEMENT ABOVE CALHOUN STREET:

A PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 30 NORTH, RANGE 12 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF LOT NUMBER 190 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH IS TWENTY-FOUR FEET NINE AND THREE-EIGHTHS INCHES (24 FT. 9-3/8 IN.) SOUTH OF THE NORTHWEST CORNER OF SAID LOT NUMBER 190; THENCE SOUTH ALONG SAID WEST LINE OF LOT NUMBER 190, A DISTANCE OF EIGHTEEN FEET ONE AND ONE-FOURTH INCHES (18 FT. 1-1/4 IN.); THENCE WEST, A DISTANCE OF ELEVEN FEET (11 FT.); THENCE

NORTH PARALLEL WITH SAID WEST LINE OF LOT NUMBER 190, A DISTANCE OF EIGHTEEN FEET AND ONE-FOURTH INCHES (18 FT. 1-1/4 IN.); THENCE EAST TO THE POINT OF BEGINNING, BEING A DISTANCE OF ELEVEN FEET (11 FT.), FROM SEVEN HUNDRED SEVENTY-EIGHT FEET SIX INCHES (778 FT. 6 IN.) ABOVE SEA LEVEL TO SEVEN HUNDRED NINETY FEET TWO AND ONE-HALF INCHES (790 FT. 2-1/2 IN.) ABOVE SEA LEVEL ACCORDING TO THE DATUM SHOWN ON EXHIBIT "A" TO THE PETITION FOR THIS RIGHT-OF-WAY AND EASEMENT FILED WITH GRANTOR ON JANUARY, 1981.

AND

COMMENCING AT A POINT ON THE WEST LINE OF LOT NUMBER 190 OF THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, INDIANA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, WHICH IS TWENTY-FOUR FEET NINE AND THREE-EIGHTHS INCHES (24 FT. 9-3/8 IN.) SOUTH OF THE NORTHWEST CORNER OF SAID LOT NUMBER 190; THENCE SOUTH ALONG SAID WEST LINE OF LOT NUMBER 190, A DISTANCE OF EIGHTEEN FEET ONE AND ONE-FOURTH INCHES (18 FT. 1-1/4 IN.); THENCE WEST, A DISTANCE OF TWO FEET (2 FT.); THENCE NORTH PARALLEL WITH SAID WEST LINE OF LOT NUMBER 190, A DISTANCE OF EIGHTEEN FEET ONE AND ONE-QUARTER INCHES (18 FT. 1-1/4 IN.); THENCE EAST TO THE POINT OF BEGINNING, BEING A DISTANCE OF TWO FEET (2 FT.), FROM SEVEN HUNDRED NINETY FEET TWO AND ONE-HALF INCHES (790 FT. 2-1/2 IN.) ABOVE SEA LEVEL TO EIGHT HUNDRED TWENTY-ONE FEET SIX INCHES (821 FT. 6 IN.) ABOVE SEA LEVEL ACCORDING TO THE DATUM SHOWN ON EXHIBIT "A" TO THE PETITION FOR THIS RIGHT-OF-WAY AND EASEMENT FILED WITH GRANTOR ON JANUARY, 1981.

TRACT 10:

EASEMENT TO USE, MAINTAIN, REPAIR AND REMOVE THE WALLS, CURBS, AND DRIVEWAYS, IN, ON, OVER AND ALONG THE FOLLOWING DESCRIBED PROPERTY AS ESTABLISHED AND GRANTED IN EASEMENT AND AGREEMENT, RECORDED OCTOBER 25, 1984 AS DOCUMENT NUMBER 84-026182, TO-WIT:

PART OF LOT NUMBER 186 AND PART OF LOT NUMBER 185 IN THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE, AS RECORDED IN THE PLAT THEREOF, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 185 IN THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF FORT WAYNE; THENCE WEST ALONG THE NORTH LINE OF LOT NUMBER 185 AND LOT NUMBER 186, A DISTANCE OF 65 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF LOT NUMBER 186, A DISTANCE OF 150 FEET TO A POINT ON THE SOUTH LINE OF LOT NUMBER 186, SAID POINT BEING 5 FEET WEST OF THE SOUTHEAST CORNER OF LOT NUMBER 186; THENCE EAST ALONG THE SOUTH LINE OF LOT NUMBER 186, A DISTANCE OF 2.0 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF LOT NUMBER 186, A DISTANCE OF 100.0 FEET; THENCE NORTHEASTERLY WITH A DEFLECTION ANGLE TO THE RIGHT OF 69 DEGREES 00 MINUTES, A DISTANCE OF 9.75 FEET; THENCE NORTH WITH A DEFLECTION ANGLE TO THE LEFT OF 69 DEGREES 00 MINUTES AND PARALLEL TO THE WEST LINE OF LOT NUMBER 185, A DISTANCE OF 4 FEET; THENCE SOUTHWESTERLY WITH A DEFLECTION ANGLE TO THE LEFT OF 111 DEGREES 00 MINUTES, A DISTANCE OF 6.7 FEET; THENCE NORTH WITH A DEFLECTION ANGLE TO THE RIGHT OF 111 DEGREES 00 MINUTES, A DISTANCE OF 20.5 FEET; THENCE NORTHEASTERLY WITH A DEFLECTION ANGLE TO THE RIGHT OF 69 DEGREES 00 MINUTES, A DISTANCE OF 6.7 FEET;

THENCE NORTH WITH A DEFLECTION ANGLE TO THE LEFT OF 69 DEGREES 00 MINUTES, A DISTANCE OF 4.0 FEET; THENCE SOUTHWEST WITH A DEFLECTION ANGLE TO THE LEFT OF 111 DEGREES 00 MINUTES, A DISTANCE OF 9.75 FEET; THENCE NORTH WITH A DEFLECTION ANGLE TO THE RIGHT OF 111 DEGREES 00 MINUTES, A DISTANCE OF 1.1 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 18.7 FEET, A DISTANCE OF 29.38 FEET TO A POINT 1.3 FEET SOUTH OF THE NORTH LINE OF LOT NUMBER 185; THENCE EAST PARALLEL TO THE NORTH LINE OF LOT NUMBER 185, A DISTANCE OF 44.3 FEET TO THE EAST LINE OF LOT NUMBER 185; THENCE NORTH ALONG THE EAST LINE OF LOT NUMBER 185, A DISTANCE OF 1.3 FEET TO THE POINT OF TERMINATION.

EXHIBIT ~~1~~ 6

to Statement of Benefits Real Estate Improvements

Section 2. Location and Description of Proposed Project.

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)

Construction of significant real estate improvements to the interior of the building (specifically on Floors 2 and 5-11, and in main lobby area on Ground Floor), together with some exterior facade improvements. North American Van Lines, Inc. (taxpayer's tenant and hereafter "NAVL") will be occupying Floors 5-11. All such improvements will be made because of and in connection with taxpayer's underlying lease with NAVL.

MEMORANDUM



TO: City Council

FROM: Carman Young, Economic Development Specialist

DATE: August 16, 2017

RE: Request for designation by One Summit II, LLC as an ERA for real property improvements.

BACKGROUND

PROJECT ADDRESS:	101 E. Washington Blvd.	PROJECT LOCATED WITHIN:	EDTA
PROJECT COST:	\$4,500,000	COUNCILMANIC DISTRICT:	5

COMPANY PRODUCT OR SERVICE:	One Summit II, LLC owns the Indiana Michigan Power Center.
PROJECT DESCRIPTION:	One Summit II, LLC will make real property improvements on space to be occupied by North American Van Lines/SIRVA who is relocating downtown from their current location.

CREATED

RETAINED

JOBS CREATED (FULL-TIME):	0	JOBS RETAINED (FULL-TIME):	407
JOBS CREATED (PART-TIME):	0	JOBS RETAINED (PART-TIME):	41
TOTAL NEW PAYROLL:	\$0	TOTAL RETAINED PAYROLL:	\$21,976,330
AVERAGE SALARY (FULL-TIME NEW):	\$0	AVERAGE SALARY (FULL-TIME RETAINED):	\$52,685

COMMUNITY BENEFIT REVIEW

Yes ☐ No ☐ N/A ☒

Project will encourage vacant or under-utilized land appropriate for commercial or industrial use?

Explain:

Yes ☒ No ☐ N/A ☐

Real estate to be designated is consistent with land use policies of the City of Fort Wayne?

Explain: Property to be designated is zoned DC, Downtown Core. Use of property is consistent with the land use policies of the City of Fort Wayne.

Yes ☒ No ☐ N/A ☐

Project encourages the improvement or replacement of a deteriorated or obsolete structure?

Explain: One Summit II, LLC will make real property improvements on space to be occupied by North American Van Lines/SIRVA who is relocating downtown from their current location.

Yes ☐ No ☐ N/A ☒

Project encourages the improvement or replacement of obsolete manufacturing and/or research and development and/or information technology and/or logistical distribution equipment?

Explain:

Yes ☐ No ☐ N/A ☒

Project will result in significant conversion of solid waste or hazardous waste into energy or other useful products?

Yes ☐ No ☐ N/A ☒

Project encourages preservation of a historically or architecturally significant structure?

Yes ☐ No ☐ N/A ☒

Construction will result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

Yes ☐ No ☐ N/A ☒

Construction will use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

Yes ☒ No ☐ N/A ☐

ERA designation induces employment opportunities for Fort Wayne area residents?
Explain: 407 full-time jobs and 47 part-time jobs will be retained as a result of the project.

Yes ☒ No ☐ N/A ☐

Taxpayer is NOT delinquent on any or all property tax due to any taxing jurisdiction within Allen County.

POLICY

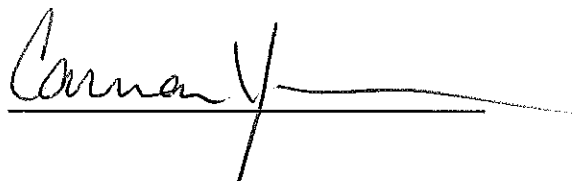
Per the policy of the City of Fort Wayne, the following guidelines apply to this project:

1. The period of deduction for real property is ten years.

Under Fort Wayne Common Council's tax abatement policies and procedures, One Summit II, LLC is eligible for a ten year deduction on real property improvements. Attached is a spreadsheet that shows how the application scored under the review system. Also attached is a calculation of property taxes saved/paid with the deduction. This project is located in and Economic Development Target Area.

COMMENTS

Signed and Reviewed:



Economic Development Specialist

FORT WAYNE COMMUNITY DEVELOPMENT DIVISION

TAX ABATEMENT - ESTIMATE OF SAVINGS

*New tax abatement percentages have been changed to reflect change in state law

ONE SUMMIT II, LLC

REAL PROPERTY TAX ABATEMENT - 10 yr Schedule

Year	Cash Value	True Tax Value	Assessed Value	Tax		Deduction	Taxable AV	Tax Rate	Tax Paid	Tax Saved
				Abatement %	Tax Paid %					
1	\$4,500,000	\$4,500,000	\$4,500,000	100%	0%	\$4,500,000	\$0	0.035721	\$0	\$160,745
2	\$4,500,000	\$4,500,000	\$4,500,000	95%	5%	\$4,275,000	\$225,000	0.035721	\$8,037	\$152,707
3	\$4,500,000	\$4,500,000	\$4,500,000	80%	10%	\$3,600,000	\$450,000	0.035721	\$16,074	\$128,596
4	\$4,500,000	\$4,500,000	\$4,500,000	65%	20%	\$2,925,000	\$900,000	0.035721	\$32,149	\$104,484
5	\$4,500,000	\$4,500,000	\$4,500,000	50%	30%	\$2,250,000	\$1,350,000	0.035721	\$48,223	\$80,372
6	\$4,500,000	\$4,500,000	\$4,500,000	40%	40%	\$1,800,000	\$1,800,000	0.035721	\$64,298	\$64,298
7	\$4,500,000	\$4,500,000	\$4,500,000	30%	50%	\$1,350,000	\$2,250,000	0.035721	\$80,372	\$48,223
8	\$4,500,000	\$4,500,000	\$4,500,000	20%	65%	\$900,000	\$2,925,000	0.035721	\$104,484	\$32,149
9	\$4,500,000	\$4,500,000	\$4,500,000	10%	80%	\$450,000	\$3,600,000	0.035721	\$128,596	\$16,074
10	\$4,500,000	\$4,500,000	\$4,500,000	5%	95%	\$225,000	\$4,275,000	0.035721	\$152,707	\$8,037
11	\$4,500,000	\$4,500,000	\$4,500,000	0%	0%	\$0	\$0	0.035721	\$0	\$0
TOTAL TAX SAVED REAL PROPERTY (10 yrs on 10 yr deduction)										\$795,685
TOTAL TAX PAID REAL PROPERTY (10 yrs on 10 yr deduction)										<u>\$634,941</u>

NOTE: Above calculations assume a constant tax rate over the abatement period. Time value of money is not considered.

Real Property Abatements

Tax Abatement Review System

ONE SUMMIT II, LLC

Points Possible	Points Awarded
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INVESTMENT (30 points possible)

Total new investment in real property (new structures and/or rehabilitation)

Over \$1,000,000	\$4,500,000	10	10
\$500,000 to \$999,999		8	
\$100,000 to \$499,999		6	
Under \$100,000		4	

Investment per employee (both jobs created and retained)

\$35,000 or more		10	
\$18,500 to \$34,999		8	
\$6,250 to \$18,499	\$9,221 / 488 \$9,221	6	6
\$1,250 to \$6,249		4	
less than \$1,249		2	

Estimated local income taxes generated from jobs retained

\$80,000 or more		5	5
\$30,000 to \$79,999	\$296,680	4	
\$10,000 to \$29,999		3	
\$5,000 to \$9,999		2	
less than \$5,000		1	

Estimated local income taxes generated from jobs created
(Double points for start-up)

\$30,000 or more		5	
\$10,000 to \$29,999		4	
\$5,000 to \$9,999		3	
\$3,000 to \$4,999		2	
less than \$3,000		1	

ECONOMIC BASE (20 points possible)

Location Quotient in designated Occupation Code
(use majority Occupation Code of all created and retained jobs)
Greater than 1.0

5

Estimated Percent of Business done outside

Allen County

Greater than 75%		15	
50% to 74%		10	
25% to 49%		5	

JOBS (20 points possible)

Total number of permanent jobs retained

Over 250		10	10
100 to 249	488	8	
50 to 99		6	
25 to 49		4	
10 to 24		2	
1 to 9		1	

Total number of permanent jobs created (Double for start-up)

Over 100		10	
50-99		8	
25-49		6	
10-24		4	
1 to 9		2	

WAGES (20 points possible)

Median salary of the jobs created and/or retained

Over \$47,999		20	20
\$43,000 to \$47,999	\$49,054	16	
\$38,000 to \$42,999		12	
\$33,000 to \$37,999		8	
\$28,000 to \$32,999		4	
under \$28,000		0	

BENEFITS (10 points possible)

Major Medical Plan	7	7
Pension, Tuition Reimbursement, Life Insurance, Dental Insurance,		
Disability Insurance,	3	3

SUSTAINABILITY

Construction uses green building techniques (ie LEED Certification)	5
Construction uses techniques to minimize impact on Combined Sewer Overflows (CSOs)	5

Total	61
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Length of Abatement

20 to 39 points - 3 year abatement
 40 to 59 points - 5 year abatement
 60 to 69 points - 7 year abatement
 70 to 100 points - 10 year abatement

Seven year phase-in

Project is located in EDTA 10 year phase-in

* If Average annual salary of the full-time jobs created by listed occupation is 10% or greater than the average salary for Allen County using current occupational employment statistics, then the applicant is eligible for an alternate deduction schedule.

Real Property Deduction Schedules	Alternative Deduction Real Property Schedules
10 year	10 Year
Year 1: 100%	Year 1: 100%
Year 2: 95%	Year 2: 100%
Year 3: 80%	Year 3: 100%
Year 4: 65%	Year 4: 100%
Year 5: 50%	Year 5: 100%
Year 6: 40%	Year 6: 90%
Year 7: 30%	Year 7: 80%
Year 8: 20%	Year 8: 65%
Year 9: 10%	Year 9: 50%
Year 10: 5%	Year 10: 40%
Year 11: 0%	
7 year	7 Year
Year 1: 100%	Year 1: 100%
Year 2: 85%	Year 2: 100%
Year 3: 71%	Year 3: 100%
Year 4: 57%	Year 4: 100%
Year 5: 43%	Year 5: 100%
Year 6: 29%	Year 6: 71%
Year 7: 14%	Year 7: 43%
Year 8: 0%	
5 year	
Year 1: 100%	
Year 2: 80%	
Year 3: 60%	
Year 4: 40%	
Year 5: 20%	
Year 6: 0%	
3 year	
Year 1: 100%	
Year 2: 66%	
Year 3: 33%	
Year 4: 0%	

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Declaratory Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **One Summit II, LLC is requesting the designation of an Economic Revitalization Area for eligible vacant real property improvements in the amount of \$4,500,000. One Summit II, LLC will prepare tenant space to be occupied by North American Van Lines/SIRVA who is relocating from its current location.**

EFFECT OF PASSAGE: **Investment of \$4,500,000 and the retention of 407 full-time and 41 part-time jobs.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and retention of 407 full-time and 41 part-time jobs.**

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

ASSIGNED TO COMMITTEE (PRESIDENT): **Geoff Paddock and Jason Arp**