BILL NO. R-17-09-18

CONFIRMING RESOLUTION NO. R-________

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 113 W. Berry Street, Fort Wayne, Indiana 46802 (Aptera Software, Inc./CT Financial Berry St, 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, said project will create 20 full-time, permanent jobs for a total additional payroll of $1,495,000 with an average annual job salary being $74,750 and retain 87 full-time, permanent jobs for a current annual payroll of $6,406,128, with the average current annual job salary being $73,633; and

WHEREAS, the total estimated project cost is $2,600,000; and

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

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 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

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

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

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date 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 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 occupation of an eligible vacant building.

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 the value of redevelopment or rehabilitation, all contained in

Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and occupation of an eligible vacant building.

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 $3.35721/$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.35721/$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 $3.35721/$100 (the change would be negligible).

(d) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be $3.35721/$100.

(e) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.35721/$100 (the change would be negligible).

(f) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be $3.35721/$100 (the change would be negligible).

SECTION 6. 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 the deduction from the assessed value of the occupation of the eligible vacant building shall be for a period of one year..

SECTION 7. 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 8. The deduction schedule from the assessed value of the vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	0%

SECTION 9. 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 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 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. For the eligible vacant building, 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 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 12. The performance report must contain the following information

A. The cost and description of real property improvements.

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 property deductions.

F. The tax savings resulting from the real property being abated.

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

SECTION 14. 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 15. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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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 Aptera Software, Inc./CT Financial Berry St. LLC for real property improvements in the amount of $2,600,000. In order to expand, Aptera Software, Inc./CT Financial Berry St. LLC will make real property improvements to a vacant building to which they will relocate.**

EFFECT OF PASSAGE: **Aptera Software, Inc./CT Financial Berry St. LLC will rehabilitate and occupy the former Allen County Courthouse Annex at 113 W. Berry Street which has been vacant since August 2015. 20 new full-time positions will be created and 87 full-time positions will be retained.**

EFFECT OF NON-PASSAGE: **Potential loss of rehabilitation of an existing vacant building and the creation of 20 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**

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EXIBIT A

THIS FORM HAS BEEN PREPARED FOR USE IN THE STATE OF INDIANA ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTION OF SPECIAL CLAUSES, MAY CONSTITUTE THE PRACTICE OF LAW WHICH SHOULD ONLY BE DONE BY A LAWYER.

TAX KEY NO:
02-12-02-453-003.000-074

WARRANTY DEED

THIS INDENTURE WITNESSETH, that **THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA**, Grantor(s) of Allen County, in the State of Indiana, CONVEYS AND WARRANTS to **CT FINANCIAL BERRY ST, LLC**, an Indiana limited liability company, Grantee(s) of Allen County, in the State of Indiana, in consideration of One Dollar ($1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the real estate described as follows, in Allen County, in the State of Indiana:

Lot Number 104 in the Original Plat to the City of Fort Wayne, as recorded in Deed Record D, page 169.

Subject to real estate taxes, easements (both visible and invisible), if any, restrictions of record, if any, public rights-of-way, subdivision control, and zoning ordinances.

Dated this 10th day of July, 2017.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA

Therese M. Brown

F. Nelson Peters

Linda K. Bloom

ATTEST:

Nicholas D. Jordan, Auditor, CPA

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared Therese M. Brown, F. Nelson Peters and Linda K. Bloom of The Board of Commissioners of the County of Allen, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 10 day of July, 2017.

My Commission Expires:

G. WILLIAM FISHERING
Resident of Allen County
My Commission Expires
February 29, 2024

NOTARY PUBLIC SEAL STATE OF INDIANA

Notary Public

County, Indiana

This instrument was prepared by G. William Fishering (6464-02), Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law:

GRANTEE(S) ADDRESS: "Tax Bills to: 113 W. Berry St.
Ft. Wayne, IN 46802

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