

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 3850 Concept Court Fort
Wayne, Indiana 46808 (Rogers Markets, Inc.)**

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 result in a 60,000 square foot speculative building; and

WHEREAS, the total estimated project cost is \$3,800,000; and

WHEREAS, projects involving the redevelopment or rehabilitation of a speculative building are eligible to receive a ten-year phase-in without adhering to the City's Review System; 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 improvements to be made between July 1, 2018 and June 30, 2019.

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.

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 \$3.4092 /\$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3. 4092/\$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. 4092/\$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.

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 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 9. 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 10. 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 11. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 12. 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.

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SECTION 13. 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

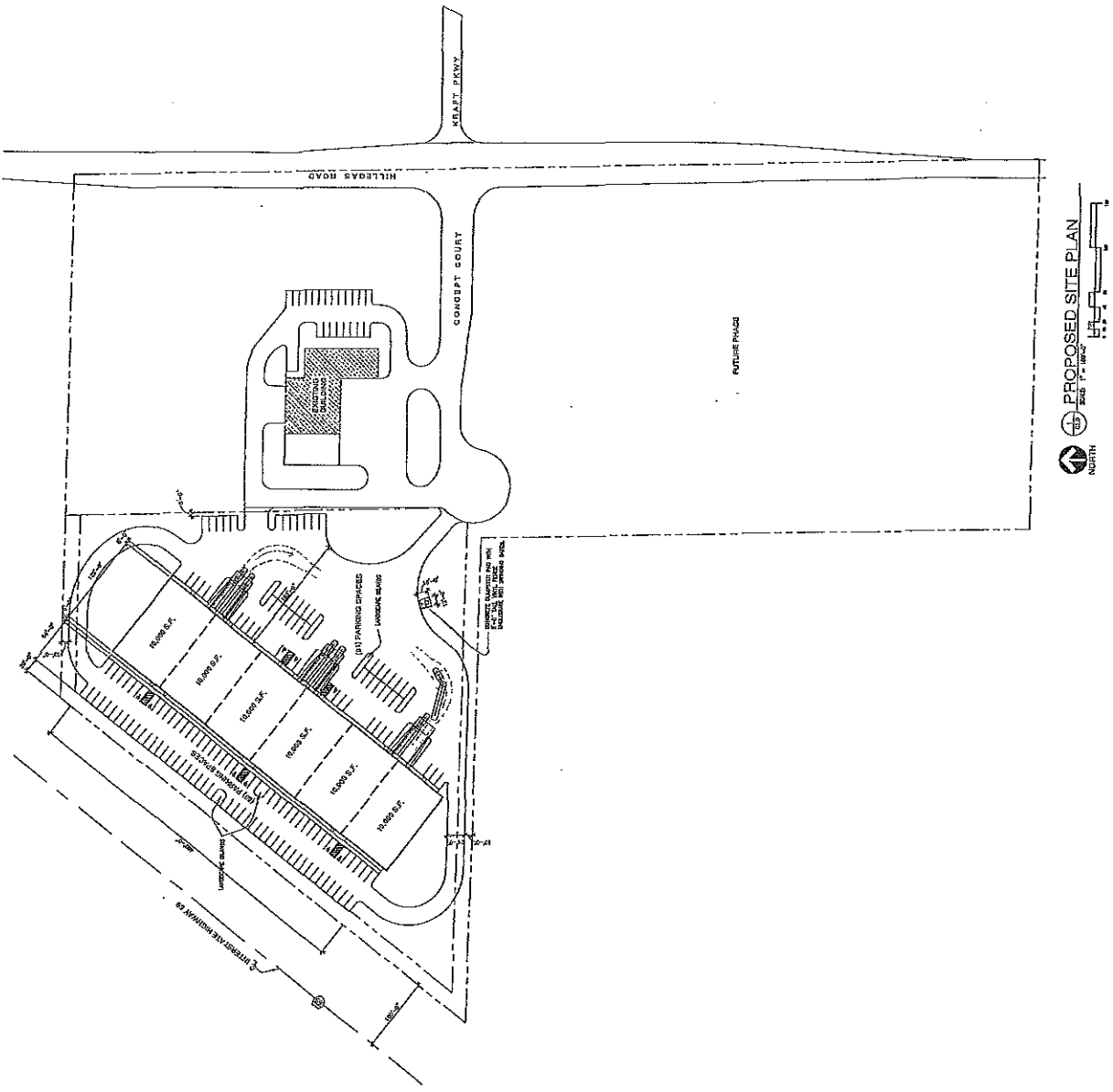
APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

LEGAL DESCRIPTION:

Part of the Northeast Quarter of Section 29, Township 31 North, Range 12 East, Allen County, Indiana more particularly described as follows:

Commencing at a railroad spike found marking the Southeast corner of the Northeast Quarter of Section 29, Township 31 North, Range 12 East, Allen County, Indiana; thence North 89 degrees 17 minutes 15 seconds West (recorded bearing and basis for this description) along the South line of the Northeast Quarter of Section 29 a distance of 898.8 feet; thence North 00 degrees 49 minutes 40 seconds West a distance of 752.51 feet to the POINT OF BEGINNING; thence North 89 degrees 23 minutes 40 seconds West a distance of 652.77 feet to a point on the Easterly right of way line of Interstate Highway #69; thence North 37 degrees 50 minutes East along said right of way line a distance of 713.43 feet; thence South 89 degrees 41 minutes 40 seconds East a distance of 245.56 feet to a point 460.17 feet West of the East line of the Northeast Quarter of Section 29; thence South 00 degrees 49 minutes 40 seconds East a distance of 505.78 feet to a point on the North right of way line of an Ingress and Egress Easement (Document 2013063920); thence Southwesterly along the right of way line, on a curve to the left having a radius of 65.0 feet, a chord bearing of South 28 degrees 23 minutes 46 seconds West, a chord distance of 71.35 feet, an arc distance of 75.53 feet to a non-tangent line; thence North 89 degrees 17 minutes 16 seconds West a distance of 3.79 feet to the point of beginning, containing 6.081 acres.



PROPOSED SITE PLAN
 1" = 100'
 NORTH

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 Rogers Markets, Inc. for eligible real estate improvements. On currently undeveloped land, Rogers Markets, Inc. will construct a 60,000 square foot multi-tenant building with corporate, manufacturing and warehousing capabilities.**

EFFECT OF PASSAGE: **Investment of \$3,800,000 and a new 60,000 square foot speculative building.**

EFFECT OF NON-PASSAGE: **Potential loss of development.**

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

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