BILL NO. R-18-07-38

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 3913 Engleton DriveFort Wayne, Indiana 46804 (Nick Dancer Concrete LLC/Dancer Concrete Design)**

**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 retain 12 full time jobs and four part-time jobs for a retained annual payroll of $555,000 and create nine full-time and four part-time jobs with a created annual payroll of $372,000, with the average annual job salary being $37,413; and

**WHEREAS,** the total estimated project cost is $350,000; 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 improvements to be made between September 1, 2018 and April 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 $3.5479/$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.5479/$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 $3.5479/$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 | 80% |
| 3 | 60% |
| 4 | 40% |
| 5 | 20% |
| 6 | 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.

**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

Exhibit A

PARCEL I:

Lot Number L in the Secondary Plat of Engle Ridge North, an addition to the City of Fort Wayne according to the plat thereof, recorded in Plat Cabinet B, Page 91, in the Office of the Recorder of Allen County, Indiana.

PARCEL II:

Part of the Southeast Quarter of Section 17, Township 30 North, Range 12 East in Allen County, Indiana, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 17; thence North 00 degrees 23 minutes 00 seconds West, on the East line of said Southeast Quarter, 882.00 feet to the Northeast corner of a 9.20 acre tract of real estate described in Deed Book 475, page 483 as found in the Office of the recorder of Allen County, Indiana, said point also being the Point of Beginning; thence South 74 degrees 22 minutes 38 seconds West, on the North line of said 9.20 acre tract, 516.14 (517 feet recorded) to the Northwest corner of said 9.20 acre tract; thence North 00 degrees 23 minutes 00 seconds West, parallel with the East line of said Southeast Quarter, 207.29 feet (216 feet recorded) to a point located 359.90 feet South (359 feet recorded) of the North line of the South Half of said Southeast quarter; thence North 74 degrees 22 minutes 38 seconds East, on a line parallel with and 200 feet Northwest of the aforesaid South line, 516.14 (517 feet recorded) to a point on the East line of said Southeast Quarter; thence south 00 degrees 23 minutes 00 seconds East, on said East line, 207.20 feet (216.02 feet recorded), to the Point of Beginning except the East 25 feet thereof for the right of way of Ardmore Avenue, containing, after said exception, 2.25 acres, more or less, and subject to easements and rights of way of record.

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**RECORDED: 05/22/2014 1:46:02 PM**
**JOHN MCGAULEY**
**ALLEN COUNTY RECORDER**
**FORT WAYNE, IN**

# QUITCLAIM DEED

**This Indenture Witnesseth, that Jeffrey F. Palermo a/k/a Jeff Palermo,** being over the age of eighteen (18) years, of Allen County in the State of Indiana,

**Release and Quitclaim to Alex A. Palermo,** being over the age of eighteen (18) years, 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 following described real estate in Allen County, in the State of Indiana:

**See attached for complete legal description.**

**Property Address: 3913 Engleton Dr., Ft. Wayne, IN 46804**
**4000 Blk. Ardmore Ave., Ft. Wayne, IN 46802**

Key No. 02-12-17-477-001.000-074
02-12-17-477-010.000-074

**Subject** to all current real estate taxes and assessments and all subsequent taxes and assessments.
**Subject** to all easements, covenants, conditions and restrictions of record.

Dated this 22 day of May, 2014.

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AUDITOR'S OFFICE
Duly entered for taxation. Subject to final acceptance for transfer.

MAY 22 2014

Tera K. Klutz
AUDITOR OF ALLEN COUNTY

MAY 22 2014

Stacy O'Day
STACEY O'DAY
ALLEN COUNTY ASSESSOR

20

Jeffrey F. Palermo AKA Jeff Palermo

Jeffrey F. Palermo a/k/a Jeff Palermo

STATE OF INDIANA )
) §:
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this 22 day of May, 2014, personally appeared **Jeffrey F. Palermo a/k/a Jeff Palermo**, who acknowledged the execution of the above and foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: KRISTIN K. MORGAN Notary Public, State of Indiana Noble County My Commission Expires January 13, 2018

______________, Notary Public

Resident of Noble County

*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.* Terry A. Stauffer,

This instrument prepared by: Terry A. Stauffer, Attorney at Law, 3442 Stellhorn Rd., Ft. Wayne, IN 46815. 260-312-3778

Mail Tax Bills To Grantee(s) Mail Recorded Deed To:

3711 WELLS ST
FT WAYNE IND
46808

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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 Nick Dancer Concrete LLC/Dancer Concrete Design for eligible real property improvements in the amount of $350,000. Nick Dancer Concrete LLC/Dancer Concrete Design will construct a new 7,000 square foot facility that will include office, warehouse, service equipment and vehicle storage space.**

EFFECT OF PASSAGE: **Investment of $350,000, 12 full-time and four part-time jobs retained with an annual payroll of $555,000 and nine full-time and three part-time jobs created with an annual payroll of $372,000.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and 12 full-time and four part-time jobs retained with an annual payroll of $555,000 and nine full-time and three part-time jobs created with an annual payroll of $372,000.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **John Crawford and Jason Arp**