

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE APPROVING AN INTERLOCAL COOPERATION
AGREEMENT WITH ALLEN COUNTY COUNCIL**

WHEREAS, Indiana Code 36-1-7-1 provides for an Indiana political subdivision to enter into an interlocal cooperation agreement with the approval of the fiscal body of the political subdivision of the Agreement either before or after it has been executed by the respective parties; and

WHEREAS, Allen County Council ,the county fiscal body, has the authority to designate certain areas within unincorporated Allen County as economic revitalization areas and thereafter to grant deductions for the redevelopment or rehabilitation of real property and the placement of new manufacturing, research and development, logistical distribution, and information technology equipment and other items as set forth in Indiana Code 6-1-12.1, et seq.; and

WHEREAS, the City of Fort Wayne Common Council ("Common Council"), the City of Fort Wayne's fiscal body, has the authority to designate certain areas with the City of Fort Wayne (the "City") as economic revitalization areas and thereafter to grant deductions for the redevelopment or rehabilitation of real property and the placement of new manufacturing, research and development, logistical distribution, and information technology equipment and other items as set forth in the above referenced statute; and

WHEREAS, Sweetwater Holdings, LLC/Sweetwater Sound, Inc., is a corporation currently doing business in the City and has previously been granted economic revitalization area property tax deductions on real property and personal property by the Common Council "Common Council"; and

WHEREAS, Sweetwater Holdings, LLC/Sweetwater Sound, Inc. announced that it will invest over \$76 million in construction and equipping a new 350,000 square foot distribution center at its campus at 5501 U.S. Highway 30 West on property that lies partially within City limits and partially within unincorporated Allen County; and

WHEREAS, the investment will be made in the City of Fort Wayne and Allen County; and

WHEREAS, Sweetwater Holdings, LLC/Sweetwater Sound, Inc. has requested economic revitalization area property tax deductions on the new real and personal property investment; and

WHEREAS, both the City and the Board of Commissioners of the County of Allen deem it beneficial to streamline the administration of the economic revitalization area designation and property tax deduction for Sweetwater Holdings, LLC/Sweetwater Sound, Inc. through the entering into of an Interlocal Cooperation Agreement between the City and the Board of Commissioners of the County of Allen; and

WHEREAS, the City and the County have prepared an Interlocal Cooperation Agreement (attached hereto and made a part hereof as “Exhibit A”) in order to streamline the administration of the economic revitalization area designation and property tax deduction for Sweetwater Holdings, LLC/Sweetwater Sound, Inc.

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

SECTION 1. Common Council hereby ratifies and approves the Interlocal Cooperation Agreement between the Board of Commissioners of the County of Allen and the City of Fort Wayne, under which the City cedes its jurisdiction to the Allen County Council to administer the economic revitalization area property tax deductions granted by the City, including annual Compliance with Statement of Benefits (CF-1) filings made by Sweetwater Holdings, LLC/Sweetwater Sound, Inc. of the area described in “Exhibit A” to the attached Interlocal Cooperation Agreement.

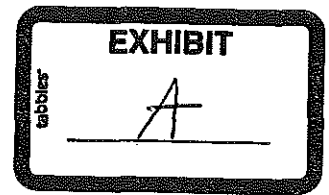
SECTION 2. That, this Resolution shall be in full force and effect from and after its passage.

COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA

Tom Freistroffer
Common Council President

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2 APPROVED AS TO FORM
3 AND LEGALITY:
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5 _____
6 Joseph G. Bonahoom,
7 Attorney for City Council
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INTERLOCAL COOPERATION AGREEMENT

THIS AGREEMENT, made this _____ day of November, 2018, by and between the Board of Commissioners of the County of Allen, Indiana ("County") and the City of Fort Wayne, Indiana ("City").

WHEREAS, the City, acting through its Common Council, has authority under I.C. 6-1.1-12.1, et seq., to designate certain areas within the City as economic revitalization areas and thereafter to grant deductions for the redevelopment or rehabilitation of real property and the placement of new manufacturing, research and development, logistical distribution, and information technology equipment and other items as set forth in the above referenced statute; and

WHEREAS, the Allen County Council ("County Council"), as the fiscal body for the County has the authority to designate certain areas within the County as economic revitalization areas and thereafter to grant deductions for the redevelopment or rehabilitation of real property and the placement of new manufacturing, research and development, logistical distribution, and information technology equipment and other items as set forth in the above referenced statute; and

WHEREAS, Sweetwater Holdings, LLC/Sweetwater Sound, Inc., is a corporation currently doing business in the City and has previously been granted economic revitalization area property tax deductions on real property and personal property by the Common Council; and

WHEREAS, Sweetwater Holdings, LLC/Sweetwater Sound, Inc. announced that it will invest over \$76 million in construction and equipping a new 350,000 square foot distribution center at its campus at 5501 U.S. Highway 30 West on property that lies partially within the City and partially within unincorporated Allen County; and

WHEREAS, the location of the investment will be made in the City of Fort Wayne and the County; and

WHEREAS, Sweetwater Holdings, LLC/Sweetwater Sound, Inc. has requested economic revitalization area property tax deductions on the new real and personal property investment; and

WHEREAS, both the City and the County deem it beneficial to streamline the administration of the economic revitalization area designation and property tax deduction for Sweetwater Holdings, LLC/Sweetwater Sound, Inc.

NOW, THEREFORE, in accordance with I.C. 36-1-7-1 et seq., and to encourage economic development which will benefit the citizens of Fort Wayne and Allen County, the City and the County agree as follows:

1. The City hereby cedes its jurisdiction described in Exhibit A (the "Property") attached hereto and made a part hereof as an economic revitalization area granted by the City, to the County, and specifically to the Allen County Council. The City further cedes its jurisdiction with respect to the administration of the economic

revitalization area property tax deductions granted by the City in said area to County Council.

2. This agreement to cede jurisdiction shall terminate immediately if Sweetwater Holdings, LLC/Sweetwater Sound, Inc. fails to redevelop the property or purchase and install the personal property for which the Allen County Council will consider for economic revitalization area property tax deduction.
3. To the extent that financing, staffing and supplying this joint undertaking shall be required, including budgeting, the same shall be done by the staff of the Allen County Department of Planning Services.
4. To the extent that a fiscal officer of the County is required to implement the joint undertakings contemplated by the agreement, the Auditor of Allen County is hereby so designated.
5. The administration of this agreement shall be provided by a joint board composed of one member of and appointed by the Common Council and one member of and appointed by County Council. Said administrative board shall report as it deems appropriate to the Common Council and the County Council as to whether the purposes for which this agreement has been entered into are being accomplished. In the event said board unanimously agrees that the purpose for which the agreement has been entered into are not being accomplished, said board may recommend to the Common Council and County Council that the agreement be terminated.
6. This agreement shall terminate concurrently with the termination of all current and future economic revitalization area property tax deductions granted to Sweetwater Holdings, LLC/Sweetwater Sound, Inc. by the City and County Council in the Economic Revitalization Area.
7. Any dispute arising with respect to the interpretation or implementation of this agreement shall be submitted to and settled in accordance with the rules of the American Arbitration Association.

IN WITNESS WHEREOF, the parties set their hands and seals this ____ day of November, 2018.

MAYOR OF THE CITY OF FORT WAYNE

Thomas C. Henry

THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

Linda K. Bloom

Therese M. Brown

F. Nelson Peters

APPROVED AS TO FORM:

Title: _____