

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12 for property commonly known as 3955 W. Washington Center Road, Fort Wayne, Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,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 120 full-time, permanent jobs for a total additional annual payroll of \$7,539,012, with the average additional, annual job salary being \$62,825; and

WHEREAS, the total estimated project cost is \$32,200,000; and

WHEREAS, representatives of Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,LLC informed Common Council that the application for designation under I.C. 6-1.1-12 was submitted after the initiating the project by applying for a Improvement Location Permit; and

WHEREAS, Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,LLC has submitted a written request for a waiver of non-compliance under I.C. 6-1.1-12.1-11.3; and

WHEREAS, I.C. 6-1.1-12.1-11.3 permits non-compliance events such as the untimely filing of an application, statement of benefits, or another document required to be filed under I.C. 6-1.1-12.1; and

WHEREAS, the Common Council acknowledges that Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve under I.C. 6-1.1-12.1-11.3; and

WHEREAS, Common Council finds that Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,LLC did not comply with I.C. 6-1.1-12.1 by:

(a) failure to provide the completed statement of benefits forms to the Common Council before the public hearing,

(b) failure to submit the completed statement of benefits form to the Common Council before initiation of redevelopment or rehabilitation,

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, I.C. 6-1.1-12.1-11.3(c) and I.C. 5-3-1and a public hearing has been conducted on said Resolution and waiver.

1 **WHEREAS**, representatives of Acadia Fort Wayne JV Holdings, LLC/Acadia
2 Healthcare/FWBH,LLC were in attendance and presented testimony on why a waiver should be
3 granted; and

4 **WHEREAS**, a recommendation has been received from the Committee on Finance
5 concerning said Resolution; and

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

8 **SECTION 1.** That, Common Council hereby adopts a waiver of non-compliance with
9 I.C. 6-1.1-12.1-11.3 regarding:

10 (a) failure to provide the completed statement of benefits forms to the common council
11 before the public hearing,

12 (b) failure to submit the completed statement of benefits form to the common council
13 before initiation of redevelopment or rehabilitation, and for which Acadia Fort Wayne JV
14 Holdings, LLC/Acadia Healthcare/FWBH,LLC desires to claim an Economic Revitalization Area
15 deduction.

16 **SECTION 2.** That, the Resolution previously designating the above described
17 property as an "Economic Revitalization Area" is confirmed in all respects.

18 **SECTION 3.** That, the hereinabove described property is hereby declared an
19 "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the
20 effective date of this Resolution and shall terminate on December 31, 2021, unless otherwise
21 automatically extended in five year increments per I.C. 6-1.1-12.1-9.

22 **SECTION 4.** That, said designation of the hereinabove described property as an
23 "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real
24 estate improvements made between June 1, 2021 and December 31, 2023 and personal
25 property for new information technology equipment improvements to be made between
26 December 1, 2021 and December 31, 2024.

27 **SECTION 5.** That, the estimate of the number of individuals that will be employed or
28 whose employment will be retained and the estimate of the annual salaries of those individuals
29 and the estimate of redevelopment or rehabilitation and estimate of the value of the new
30 manufacturing equipment, all contained in Petitioner's Statement of Benefits are reasonable and
are benefits that can be reasonably expected to result from the proposed described installation of
the new manufacturing, logistical distribution and information technology equipment.

SECTION 6. 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 \$3.2510/\$100.

 (b) If the proposed development does occur and no deduction is granted, the
approximate current year tax rate for the site would be \$3.5721/\$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 \$3.2510/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing, logistical distribution and information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.2510/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.2510/\$100 (the change would be negligible).
- (f) If the proposed manufacturing, logistical distribution and information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.2510/\$100 (the change would be negligible).

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

SECTION 8. 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 9. The deduction schedule from the assessed value of new information technology equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%
11	0%

1 **SECTION 10.** That, the benefits described in the Petitioner's Statement of Benefits can
2 be reasonably expected to result from the project and are sufficient to justify the applicable
3 deductions.

4 **SECTION 11.** For manufacturing, logistical distribution and information technology
5 equipment, a deduction application must contain a performance report showing the extent to
6 which there has been compliance with the Statement of Benefits form approved by Common
7 Council at the time of filing. This report must be submitted to the Allen County Auditor's Office,
8 and the City of Fort Wayne's Community Development Division and must be included with the
9 deduction application. For subsequent years, the performance report must be updated and
10 submitted along with the deduction application at the time of filing.

11 **SECTION 12.** For real property, a deduction application must contain a performance
12 report showing the extent to which there has been compliance with the Statement of Benefits
13 form approved by the Common Council at the time of filing. This report must be submitted to the
14 Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and
15 must be included in the deduction application. For subsequent years, the performance report
16 must be updated each year in which the deduction is applicable at the same time the property
17 owner is required to file a personal property tax return in the taxing district in which the property
18 for which the deduction was granted is located. If the taxpayer does not file a personal property
19 tax return in the taxing district in which the property is located, the information must be provided
20 by May 15.

21 **SECTION 13.** The performance report must contain the following information:

- 22 A. The cost and description of real property improvements and/or new manufacturing,
23 logistical distribution and information technology equipment acquired.
- 24 B. The number of employees hired through the end of the preceding calendar year as a
25 result of the deduction.
- 26 C. The total salaries of the employees hired through the end of the preceding calendar
27 year as a result of the deduction.
- 28 D. The total number of employees employed at the facility receiving the deduction.
- 29 E. The total assessed value of the real and/or personal property deductions.
- 30 F. The tax savings resulting from the real and/or personal property being abated.

SECTION 14. That, the taxpayer is non-delinquent on any and all property tax due to
jurisdictions within Allen County, Indiana.

SECTION 15. 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 16. 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

[illegible]

A PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 31 NORTH, RANGE 12 EAST, WASHINGTON TOWNSHIP, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN AGGREGATE. THE ABOVE DESCRIBED REAL ESTATE CONTAINING 37.583 GROSS NET ACRES.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This is to approve a waiver of non-compliance and confirm the designation of an Economic Revitalization Area for eligible real and personal property improvements. Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH, LLC will construct an 80,000 square foot 120 bed inpatient/outpatient behavior health facility.**

EFFECT OF PASSAGE: **Investment of \$32,200,000 and the creation of 120 new full-time permanent jobs with an annual payroll of \$7,539,012.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and the creation of 120 new full-time permanent jobs with an annual payroll of \$7,539,012.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Jason Arp and Glynn Hines**