BILL NO. R-20-07-19

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 3710 E. State Boulevard, Fort Wayne, Indiana 46805 (Keller Development, 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 will create two part-time, permanent jobs for a total additional annual payroll of $25,750, with the average additional, annual job salary being $12,875; and

WHEREAS, the total estimated project cost is $3,654,545; 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 June 1, 2021 and September 1, 2022.

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 $3.2602/$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.2602/$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 $3.2602/$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.

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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

____
Carol Helton, City Attorney

EXHIBIT A

3710 E. State Street

A part of Lots Numbered 26, 27 and 28 in Feichter's Gardenview Addition to the City of Fort Wayne, Indiana as recorded in Plat Book 7A, page 3 in the Office of the Recorder of Allen County, Indiana. The subject tract of land being more particularly defined as follows: Beginning at a point on the South right-of-way line of East State Boulevard, said point being situated 49.5 feet East and 10 feet South of the Northwest corner of Lot #27 in Feichter's Gardenview Addition; thence South 89 degrees 58 minutes 48 seconds East (assumed) along the South right-of-way line of East State Boulevard, said right-of-way line being established by dedication in instrument recorded as Document Number 72-01384, a distance of 140.0 feet to the Northwest corner of a parcel of land conveyed to Franchise Realty Corporation by deed recorded as Document Number 71-19737 in Office of the Recorder; thence along the West and South boundary of the said Franchise Realty Parcel by the following 2 (two) courses; South 00 degrees 00 minutes 00 seconds West along a line parallel with and 140.5 feet West of the East line of Lot #26 in Feichter's Gardenview Addition, a distance of 190.0 feet; thence South 89 degrees 58 minutes 48 seconds West a distance of 115.5 feet to a point on the East boundary line of Harris Court Addition to the City of Fort Wayne, Indiana; thence North 00 degrees 00 minutes 00 seconds East along the said East boundary a distance of 25.0 feet to a point on the North right-of-way line of Forest Avenue; thence North 89 degrees 58 minutes 48 seconds West along the said North right-of-way line a distance of 165.0 feet to a point situated 182.5 feet East of the East right-of-way line of LaVerne Avenue; thence leaving the North right-of-way of Forest Avenue and proceeding North 00 degrees 00 minutes 00 seconds East and parallel with the East right-of-way line of LaVerne Avenue a distance of 164.5 feet; thence North 89 degrees 58 minutes 48 seconds West along a line parallel with the North right-of-way line of Forest Avenue a distance of 177.5 feet to a point on the East right-of-way line of LaVerne Avenue as established by right-of-way grant dated February 6, 1972 and recorded as Document #72-04972 in Office of Recorder, said right-of-way being situated 37 feet East of the West line of Lot #28 in Feichter's Gardenview Addition; thence North 00 degrees 00 minutes 00 seconds East along the said East right-of-way line a distance of 275.0 feet to a point situated 200.0 feet South of the said Lot #28; thence leaving the East right-of-way of LaVerne Avenue South 89 degrees 58 minutes 48 seconds East along a line parallel with the North line of Lots #28 and #27 a distance of 177.5 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 190.0 feet to the point of beginning, containing 4.63 acres more or less and subject to a non-exclusive perpetual easement for ingress and egress over the following described real estates.

Beginning at a point on the South right-of-way line of East State Boulevard and 24.5 feet Wat of the West line of Lot #26 in Feichter's Gardenview Addition; thence South and parallel to the West line of said Lot #26 a distance of 200 feet; thence West and parallel to the South right-of-way line of East State Boulevard, a distance of 54 feet; thence North and parallel to the West line of said Lot #26 a distance of 200 feet to a point on the South right-of-way line of East State Boulevard; thence East along the said right-of-way line a distance of 54 feet to the point of beginning, containing 0.248 acres, more or less.

Together with an easement for the installation, maintenance, operation and repair for sewer purposes over and along Part of Lot #26, Lot #27 and Lot #28 in Feichter's Gardenview Addition as recorded in Plat

Book #7A, page 3 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at point on the South right-of-way line of East State Boulevard, said point being 182.5 feet East of the East right-of-way line of LaVerne Avenue, said point also being 10 feet South of the original North line of Lot #27 in Feichter's Gardenview Addition as recorded in Plat Book #7A, page 3 in the Office of the Recorder of Allen County, Indiana and being now on the existing North line of said Lot #27; 49.5 feet East of the Northwest corner of Lot #27; thence East along the South right-of-way line of East State Boulevard and along the existing North line of Lot #27 and Lot #26 a distance of 66 feet; thence South with a deflection angle to the right of 90 degrees, 04 minutes, and parallel to the East line of Lot #26 in Feitcher's Gardenview Addition a distance of 20 feet; thence East and parallel to the South right-of-way line of East State Boulevard a distance of 20 feet to a point parallel to the East line of said Lot #26; thence North and parallel to the East line of Lot #26 a distance of 20 feet to a point located on the South line of East State Boulevard; thence West along said line 20 feet; together with 7 feet each side of a line beginning 10 feet North of the South line of East State Boulevard on the West line of the 54 foot easement granted herein to the Grantee and terminating 86 feet South of the South line of East State Boulevard on the East line of the 54 foot easement granted herein and all other easements of record

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 Keller Development, Inc. for eligible real property improvements. Keller Development, Inc. will construct five buildings consisting of 40 residential apartments. These apartments will be made available to those at 60% or less of the annual area median income.**

EFFECT OF PASSAGE: **Investment of $3,654,545, the creation of two part-time jobs with an annual payroll of $25,750.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, the creation of two part-time jobs with an annual payroll of $25,750.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Jason Arp and Sharon Tucker**