

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 8645 Aviation Drive, Fort Wayne, Indiana 46809 (GH FTW II, 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 result in a speculative 150,000 square foot building that is expandable to up to 250,000 square feet; and

WHEREAS, the total estimated project cost is \$6,550,000; 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 September 1, 2020 and April 30, 2021.

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:

- 1 (a) If the proposed development does not occur, the approximate current year tax rates
2 for this site would be \$3.3799/\$100.
- 3 (b) If the proposed development occurs and no deduction is granted, the approximate
4 current year tax rate for the site would be \$3.3799/\$100 (the change would be
5 negligible).
- 6 (c) If the proposed development occurs, and a deduction percentage of fifty percent
7 (50%) is assumed, the approximate current year tax rate for the site would be
8 \$3.3799/\$100 (the change would be negligible).

9 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
10 the assessed value of the real property shall be for a period of ten years.

11 **SECTION 7.** The deduction schedule from the assessed value of the real property
12 pursuant to I.C. 6-1.1-12.1-17 shall look like this:

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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%

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21 **SECTION 8.** The benefits described in the Petitioner's Statement of Benefits can be
22 reasonably expected to result from the project and are sufficient to justify the applicable
23 deductions.

24 **SECTION 9.** For real property, a deduction application must contain a performance
25 report showing the extent to which there has been compliance with the Statement of Benefits
26 form approved by the Fort Wayne Common Council at the time of filing. This report must be
27 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community
28 Development Division and must be included with the deduction application. For subsequent
29 years, the performance report must be updated each year in which the deduction is applicable at
30 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

1 not file a personal property tax return in the taxing district in which the property is located, the
2 information must be provided by May 15.

3 **SECTION 10.** The performance report must contain the following information

- 4 A. The cost and description of real property improvements.
5 B. The number of employees hired through the end of the preceding calendar year as a
6 result of the deduction.
7 C. The total salaries of the employees hired through the end of the preceding calendar
8 year as a result of the deduction.
9 D. The total number of employees employed at the facility receiving the deduction.
10 E. The total assessed value of the real property deductions.
11 F. The tax savings resulting from the real property being abated.

12 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due to
13 jurisdictions within Allen County, Indiana.

14 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has
15 received a deduction under section 3 or 4.5 of this chapter may be required to repay the
16 deduction amount as determined by the county auditor in accordance with section 12 of said
17 chapter if the property owner ceases operations at the facility for which the deduction was
18 granted and if the Common Council finds that the property owner obtained the deduction by
19 intentionally providing false information concerning the property owner's plans to continue
20 operation at the facility.

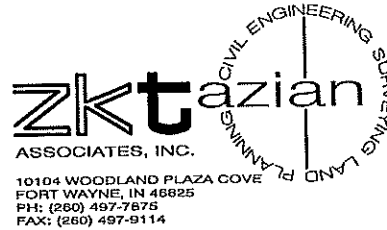
21 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its
22 passage and any and all necessary approval by the Mayor.

23 _____
24 Member of Council

25 APPROVED AS TO FORM A LEGALITY

26 _____
27 Carol Helton, City Attorney

ZOHRAB K. TAZIAN, P.E. & L.S.



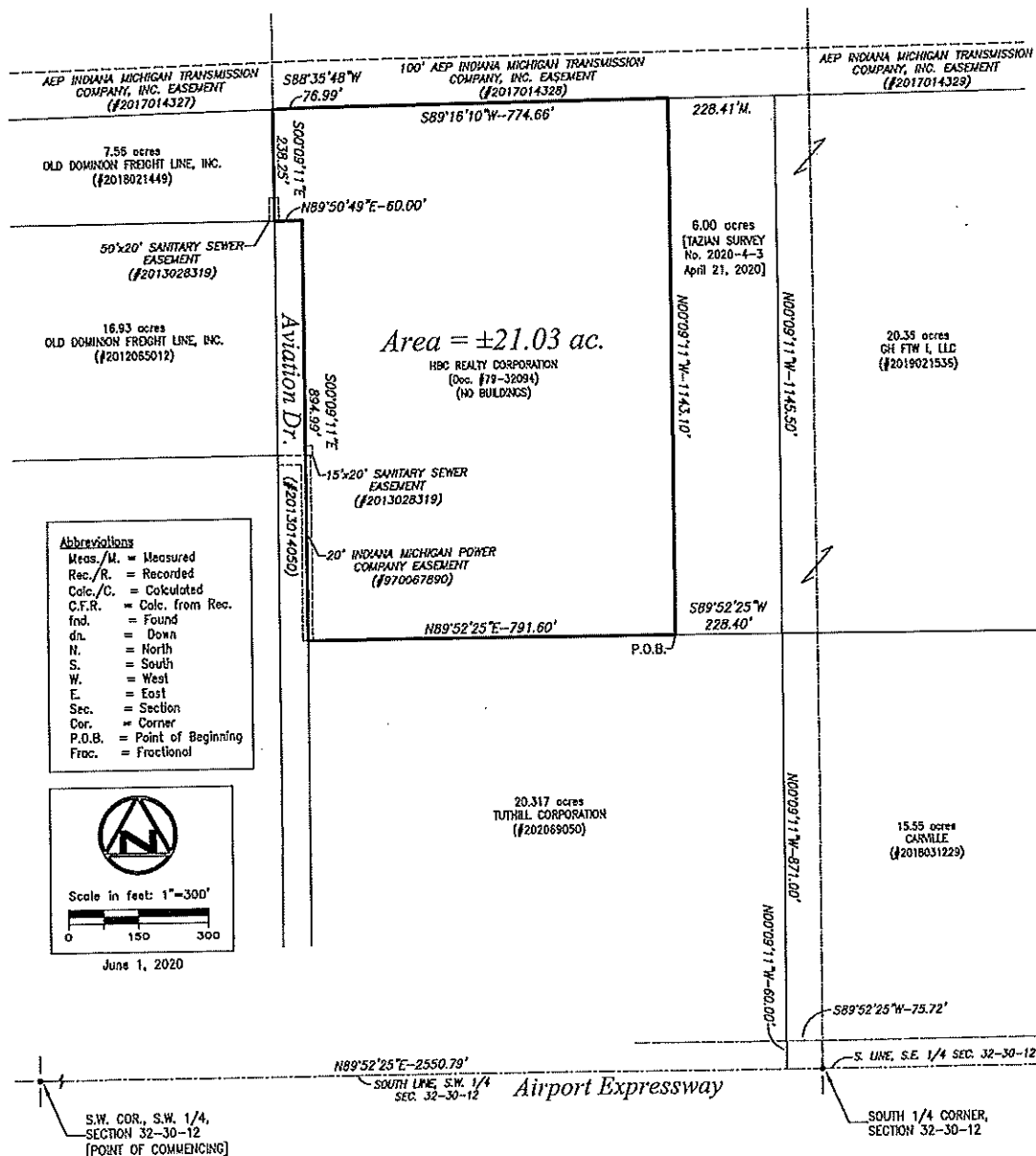
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SURVEY NO. ABC NORTH REMAINDER

CERTIFICATE OF SURVEY

This document is a record of a retracement survey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet & decimals of a foot. Corners were perpetuated as indicated.

SEE PAGE 2 OF 3 FOR DESCRIPTION OF REAL ESTATE



REMAINDER PARCEL DESCRIPTION

Part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at the Southwest corner of the Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 89 degrees 52 minutes 25 seconds East, along the South line of said Southwest Quarter and within the right-of-way of Airport Expressway, a distance of 2550.79 feet; thence North 00 degrees 09 minutes 11 seconds West, a distance of 60.00 feet to the Northerly right-of-way line of Airport Expressway and the Southeast corner of a 20.317 acre tract of land conveyed to Tuthill Corporation by deed recorded in Document Number 202069050; thence North 00 degrees 09 minutes 11 seconds West, along the Easterly line of said 20.317 acre tract, a distance of 871.00 feet to the Northeast corner thereof; thence South 89 degrees 52 minutes 25 seconds West, along the Northerly line of said 20.317 acre tract, a distance of 228.40 feet to the Southwest corner of a certain 6.00 acre tract of land, this being the Point of Beginning; thence North 00 degrees 09 minutes 11 seconds West, along the Westerly line of said 6.00 acre tract of land, a distance of 1143.10 feet to the Southerly line of a 100 foot wide AEP easement recorded in Document Number 2017014328 in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 16 minutes 10 seconds West, along the Southerly line of said easement, a distance of 774.66 feet; thence South 88 degrees 35 minutes 48 seconds West, continuing along said Southerly line, a distance of 76.99 feet to the Northeast corner of a 7.56 acre tract of land conveyed to Old Dominion Freight Line, Inc. by deed recorded in Document No. 2018021449 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 09 minutes 11 seconds East, a distance of 238.25 feet to the Northwest corner of Aviation Drive per Document No. 2013014050; thence North 89 degrees 50 minutes 49 seconds East, along the Northerly line of said Aviation Drive, a distance of 60.00 feet to the Northeast corner thereof; thence South 00 degrees 09 minutes 11 seconds East, along the Easterly line of said Aviation Drive, a distance of 894.99 feet to the Northwest corner of the aforesaid 20.317 acre tract of land; thence North 89 degrees 52 minutes 25 seconds East, along the Northerly line of said 20.317 acre tract, a distance of 791.60 feet to the Point of Beginning, containing 21.03 acres of land, subject to and/or together with all easements of record.

SURVEYOR'S REPORT

IN ACCORDANCE WITH RULE 12 OF TITLE 865 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES OF THE LOCATION OF LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS RESULT OF THE AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS; INCONSISTENCIES IN OCCUPATION OR POSSESSION LINES; DISCREPANCIES OR AMBIGUITIES IN RECORD DESCRIPTIONS AND PLATS; AND RANDOM ERRORS IN MEASUREMENTS. REFER TO THE GRAPHIC PORTION OF THIS SURVEY FOR ADDITIONAL INFORMATION REGARDING THIS DISCUSSION. THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR AN URBAN CLASS SURVEY AS DEFINED IN IAC 865. **CONTRACT REQUIREMENTS:** THIS SURVEY WAS COMPLETED IN ACCORDANCE WITH TITLE 865 INDIANA ADMINISTRATIVE CODE 1-12-12 TO THE OWNER OF RECORD AND THE TITLE COMPANY OF CONTRACT FOR THE EXCLUSIVE USE IN THE CONVEYANCE OF THE ABOVE DESCRIBED REAL ESTATE.

This survey was completed without the benefit of a title commitment or abstract of title. A complete title search may reveal facts that may change portions of this survey. The parent tract of this parcel was previously surveyed by this firm on July 31, 2015 as Survey No. 2015-7-6.

The purpose of this survey is to prepare a survey of a the remainder 21.03 acre tract of real estate remaining from the parent tract described in Document No. 79-32094 as recorded in the Office of the Recorder of Allen County, Indiana.

REFERENCES: The following documents were reviewed for the preparation of this survey.

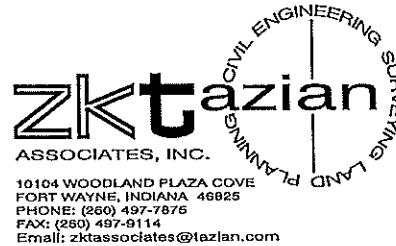
- a) The record deeds for the parent tract and adjoining parcels, as shown on the graphic portion of the survey.
- b) Allen County Surveyor's Office cornerstone records.

AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:

In our field research for this survey, we located a sufficient number of adjacent monuments (as shown on the graphic segment of this survey), which in our opinion, provided us with enough data to verify or reestablish the deed location of the subject property relative to the applicable found and accepted governmental lines and/or corners (i.e.: section or quarter section) or adjacent lots within a platted subdivision. Unless noted otherwise on this survey, all found monuments are flush with the ground, in good material condition and firmly set in the ground.

- The South Quarter corner of Section 32-30-12: ----- 5/8-inch rod over stone found per County records.
- The Southwest corner, Southwest 1/4 of Section 32: ----- Harrison monument found per County records.
- The Southeast corner, Southeast 1/4 of Section 32: ----- Harrison monument found per County records.

The portion of the Distribution Easement granted to Indiana Michigan Power Company in Instrument No. 970067890 that crossed the remainder parcel has been released by Instrument No. 202008625.



SURVEY NOTES (continued):

This property is in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as the description plots by scale on FIRM Map No. 18003C0290G, effective date August 3, 2009. No portion of the Property shown on the survey lies within a Special Hazard Area, as described on the Flood Insurance Rate Map for the community in which the subject Property is located

ESTABLISHMENT OF LINES AND CORNERS:

The line between the monuments found at the Southwest corner of the Southwest Quarter of Section 32-30-12 and the South Quarter corner of Section 32-30-12 was held as the baseline for this survey. This baseline was used because the terminal ends appeared to be undisturbed monuments which were referenced by the Allen County Surveyor's Office as marking said corners. Also, the angular and distance relationships to adjacent monuments were within tolerances for an Urban class of survey when compared to data given on the record deed.

- The East line of the subject parcel was established along the Westerly line of the East adjoining 6.00 acre parcel.
- The South line of the subject parcel was established along the North line of the South adjoining 20.317 acre parcel.
- The West line of the subject parcel was established as along the Easterly line of the West adjoining 7.56 acre parcel and the Easterly right-of-way line of Aviation Drive.
- The North line of the subject parcel was established along the South line of the existing 100 foot AEP easement.
- The client for this survey is the owner, HBC Realty Corporation.

There are no apparent discrepancies in the record deed of the parent parcel.

INCONSISTENCIES IN OCCUPATION OR POSSESSION LINES: Items, such as fences indicating occupation or possession lines, are shown on the graphic portion of this survey with dimensions indicating their position relative to the lines and corners of this survey. The dimensions are given to the nearest tenth of a foot to illustrate the difference of the inconsistencies between said occupation or possession lines with the deed or plat line(s). Any uncertainty associated with these items is limited to the significant figures indicated by the dimensions.

There is no visible evidence of possession found along the boundary lines.

It is my opinion that the relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for an Urban class of survey; 0.07 feet plus 50 parts per million, as defined in IAC 865.

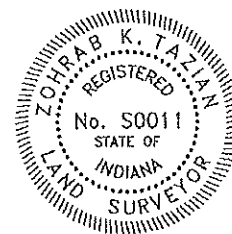
NOTES:

1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. Unplatted easements, setback lines, restrictive covenants, or land use regulation affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
3. Subsurface and environmental condition were not examined or considered as a part of this survey.
4. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distance nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in this report.

THIS SURVEY WAS PERFORMED BY, OR UNDER, THE RESPONSIBLE DIRECTION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR AND TO THE BEST OF SAID REGISTERED LAND SURVEYOR'S KNOWLEDGE AND BELIEF, SAID SURVEY WAS EXECUTED ACCORDING TO THE APPLICABLE SURVEY REQUIREMENTS OF Title 865 I.A.C. - 1-12.

DATE: June 01, 2020


REGISTERED INDIANA LAND SURVEYOR



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.
Printed name: Zohrab K. Tazian.

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 GH FTW II, LLC for eligible real property improvements. GH FTW II, LLC will construct a 150,000 square foot speculative building that is expandable to 250,000 square feet investing \$6,550,000.**

EFFECT OF PASSAGE: **Investment of \$6,550,000 and a new speculative building.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and new speculative building.**

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

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