BILL NO. R-22-04-28

DECLARATORY RESOLUTION NO. R-_______

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 9107 Yeager Lane, Fort Wayne, Indiana 46809 (HDS, LLC)

WHEREAS, Petitioner has duly filed its petition dated April 15, 2022 to have the following described property designated and declared 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 70 full-time, permanent jobs for a total created, annual payroll of $3,304,050, with the average created annual job salary being $47,200 and retain 20 full-time, permanent jobs for a total retained annual payroll of $809,266, with the average retained, annual job salary being $40,463; and

WHEREAS, the total estimated project cost is $1,211,961; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2026, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

(a) Said Resolution shall be filed with the Allen County Assessor;

(b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an "Economic Revitalization Area";

(c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing.

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 May 1, 2022 and February 28, 2023 and occupation of an eligible vacant building. Should any delays occur, an updated timeframe will be communicated to the Allen County Assessor and Allen County Auditor by Community Development staff in writing.

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 and occupation of an eligible vacant building.

SECTION 5. That, 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 \$3.1458/\$100.

(b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.1458/\$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 \$3.1458/\$100 (the change would be negligible).

(d) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be \$3.1458/\$100.

(e) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.1458/\$100 (the change would be negligible).

(f) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.1458/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

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 property shall be for a period of ten years and the deduction from the assessed value of the occupation of the eligible vacant building shall be for a period of one year.

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 the real vacant property pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	0%

SECTION 10. That, 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 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 AND LEGALITY

____
Malak Heiny, City Attorney

Admn. Appr.______________

DIGEST SHEET

TITLE OF ORDINANCE: **Declaratory Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **HDS, LLC is requesting the designation of an Economic Revitalization Area for eligible real property improvements and vacant building deduction. HDS, LLC will complete a building constructed to shell finish and vacant since 2019.**

EFFECT OF PASSAGE: **Investment of $3,200,000, the retention of 20 full-time permanent jobs with an annual payroll of $809,266 and the creation of 70 new full-time permanent jobs with an annual payroll of $3,304,050.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, the retention of 20 full-time permanent jobs with an annual payroll of $809,266 and the creation of 70 new full-time permanent jobs with an annual payroll of $3,304,050.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Sharon Tucker and Russ Jehl**

MEMORANDUM

TO: City Council

FROM: Carman Young, Economic Development Specialist

DATE: April 20, 2022

RE: Request for designation by HDS, LLC as an ERA for real property improvements.

BACKGROUND

PROJECT ADDRESS:	**9107 Yeager Lane**	PROJECT LOCATED WITHIN:	**N/A**
PROJECT COST:	**$3,200,000**	COUNCILMANIC DISTRICT:	**4**

COMPANY PRODUCT OR SERVICE:	**HDS, LLC is a real estate company.**
PROJECT DESCRIPTION:	**HDS, LLC will complete a vacant 76,551 square foot shell building to provide office, warehouse and storage space to Smith Brothers of Berne, Inc.**

CREATED		RETAINED	
JOBS CREATED (FULL-TIME):	**70**	JOBS RETAINED (FULL-TIME):	**20**
JOBS CREATED (PART-TIME):	**0**	JOBS RETAINED (PART-TIME):	**0**
TOTAL NEW PAYROLL:	**$3,304,050**	TOTAL RETAINED PAYROLL:	**$809,266**
AVERAGE SALARY (FULL-TIME NEW):	**$47,200**	AVERAGE SALARY (FULL-TIME RETAINED):	**$40,463**

COMMUNITY BENEFIT REVIEW

Yes ☒ **No** ☐ **N/A** ☐

Project will encourage vacant or under-utilized land appropriate for commercial or industrial use?
Explain: The building to be completed and occupied has been vacant since 2019.

Yes ☒ **No** ☐ **N/A** ☐

Real estate to be designated is consistent with land use policies of the City of Fort Wayne?
Explain: Property to be designated is zoned I-2, General Industrial. Use of this property is consistent with the land use policies of the City of Fort Wayne.

Yes ☒ **No** ☐ **N/A** ☐

Project encourages the improvement or replacement of a deteriorated or obsolete structure?
Explain: The building to be completed and occupied was built to shell finish in 2019 and has been vacant since that time.

Yes ☒ **No** ☐ **N/A** ☐

Project encourages the improvement or replacement of obsolete manufacturing and/or research and development and/or information technology and/or logistical distribution equipment?
Explain: The tenant will purchase and install new personal property manufacturing, logistical distribution, and information technology equipment.

Yes ☐ **No** ☐ **N/A** ☒ Project will result in significant conversion of solid waste or hazardous waste into energy or other useful products?

Yes ☐ **No** ☐ **N/A** ☒ Project encourages preservation of a historically or architecturally significant structure?

Yes ☐ **No** ☒ **N/A** ☐ Construction will result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

Yes ☐ **No** ☐ **N/A** ☒ Construction will use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

Yes ☐ **No** ☐ **N/A** ☒ ERA designation induces employment opportunities for Fort Wayne area residents?
Explain: Project will create 70 new full-time jobs with an annual payroll of $3,304,050 and retain 20 current full-time jobs with an annual payroll of $809,266.

Yes ☒ **No** ☐ **N/A** ☐ Taxpayer is NOT delinquent on any or all property tax due to any taxing jurisdiction within Allen County.

POLICY

Per the policy of the City of Fort Wayne, the following guidelines apply to this project:

1. The period of deduction for real property improvements is ten years.
2. The period of deduction for vacant building deduction is one year.

Under Fort Wayne Common Council's tax abatement policies and procedures, HDS, LLC is eligible for a recommended ten year deduction on real property improvements and vacant building deduction for one year. Attached is a calculation of property taxes saved/paid with the deduction.

PREVIOUSLY APPROVED PHASE-INS

HDS, LLC has not previously applied, nor been approved, for a tax phase-in.

Signed: ______________________

Economic Development Specialist

FORT WAYNE COMMUNITY DEVELOPMENT DIVISION

TAX ABATEMENT - ESTIMATE OF SAVINGS

*New tax abatement percentages have been changed to reflect change in state law

HDS, LLC

REAL PROPERTY TAX ABATEMENT - 10 yr Schedule

Year	Cash Value	True Tax Value	Assessed Value	Tax Abatement %	Tax Paid %	Deduction	Taxable AV	Tax Rate	Tax Paid	Tax Saved
1	$3,200,000	$3,200,000	$3,200,000	100%	0%	$3,200,000	$0	0.031458	$0	$100,666
2	$3,200,000	$3,200,000	$3,200,000	95%	5%	$3,040,000	$160,000	0.031458	$5,033	$95,632
3	$3,200,000	$3,200,000	$3,200,000	80%	20%	$2,560,000	$640,000	0.031458	$20,133	$80,532
4	$3,200,000	$3,200,000	$3,200,000	65%	35%	$2,080,000	$1,120,000	0.031458	$35,233	$65,433
5	$3,200,000	$3,200,000	$3,200,000	50%	50%	$1,600,000	$1,600,000	0.031458	$50,333	$50,333
6	$3,200,000	$3,200,000	$3,200,000	40%	60%	$1,280,000	$1,920,000	0.031458	$60,399	$40,266
7	$3,200,000	$3,200,000	$3,200,000	30%	70%	$960,000	$2,240,000	0.031458	$70,466	$30,200
8	$3,200,000	$3,200,000	$3,200,000	20%	80%	$640,000	$2,560,000	0.031458	$80,532	$20,133
9	$3,200,000	$3,200,000	$3,200,000	10%	90%	$320,000	$2,880,000	0.031458	$90,599	$10,067
10	$3,200,000	$3,200,000	$3,200,000	5%	95%	$160,000	$3,040,000	0.031458	$95,632	$5,033
11	$3,200,000	$3,200,000	$3,200,000	0%	0%	$0	$0	0.031458	$0	$0

TOTAL TAX SAVED REAL PROP (10 yrs on 10 yr deduction) **$498,295**

TOTAL TAX PAID REAL PROPER (10 yrs on 10 yr deduction) **$508,361**

NOTE: Above calculations assume a constant tax rate over the abatement period. Time value of money is not considered.

Real Property Abatements

Tax Abatement Review System

HDS, LLC	Points Possible	Points Awarded
INVESTMENT (30 points possible)		
Total new investment in real property (new structures and/or rehabilitation)		
Over $1,000,000	10	10
$500,000 to $999,999	8	
$100,000 to $499,999	6	
Under $100,000	4	
Investment per employee (both jobs created and retained)		
$35,000 or more	10	
$18,500 to $34,999	8	
$6,250 to $18,499	6	6
$1,250 to $6,249	4	
less than $1,249	2	
Estimated local income taxes generated from jobs retained		
$80,000 or more	5	
$30,000 to $79,999	4	
$10,000 to $29,999	3	3
$5,000 to $9,999	2	
less than $5,000	1	
Estimated local income taxes generated from jobs created (Double points for start-up)		
$30,000 or more	5	
$10,000 to $29,999	4	4
$5,000 to $9,999	3	
$3,000 to $4,999	2	
less than $3,000	1	
ECONOMIC BASE (20 points possible)		
Location Quotient in designated Occupation Code (use majority Occupation Code of all created and retained jobs)		
Greater than 1.0	5	5
Estimated Percent of Business done outside Allen County		
Greater than 75%	15	15
50% to 74%	10	
25% to 49%	5	
JOBS (20 points possible)		
Total number of permanent jobs retained		
Over 250	10	
100 to 249	8	
50 to 99	6	
25 to 49	4	
10 to 24	2	2
1 to 9	1	
Total number of permanent jobs created (Double for start-up)		
Over 100	10	
50-99	8	8
25-49	6	
10-24	4	
1 to 9	2	
WAGES (20 points possible)		
Median salary of the jobs created and/or retained		
Over $47,999	20	
$43,000 to $47,999	16	16
$38,000 to $42,999	12	
$33,000 to 37,999	8	
$28,000 to $32,999	4	
under $28,000	0	

BENEFITS (10 points possible)

Major Medical Plan	7	7
Pension, Tuition Reimbursement, Life Insurance, Dental Insurance, Disability Insurance,	3	3

SUSTAINABILITY

Construction uses green building techniques (ie LEED Certification)	5	
Construction uses techniques to minimize impact on Combined Sewer Overflows (CSOs)	5	

Total 79

Length of Abatement
20 to 39 points - 3 year abatement
40 to 59 points - 5 year abatement
60 to 69 points - 7 year abatement
70 to 100 points - 10 year abatement

*** If average annual salary of the full-time jobs created by listed occupation is 10% or greater than the current average salary for Allen County and is eligible for a 7 or 10 year abatement, then the applicant is eligible for an alternate deduction schedule.**

Real Property Deduction Schedules	Alternative Deduction Real Property Schedules
10 year	**10 Year**
Year 1: 100%	Year 1: 100%
Year 2: 95%	Year 2: 100%
Year 3: 80%	Year 3: 100%
Year 4: 65%	Year 4: 100%
Year 5: 50%	Year 5: 100%
Year 6: 40%	Year 6: 90%
Year 7: 30%	Year 7: 80%
Year 8: 20%	Year 8: 65%
Year 9: 10%	Year 9: 50%
Year 10: 5%	Year 10: 40%
Year 11: 0%	
7 year	**7 Year**
Year 1: 100%	Year 1: 100%
Year 2: 85%	Year 2: 100%
Year 3: 71%	Year 3: 100%
Year 4: 57%	Year 4: 100%
Year 5: 43%	Year 5: 100%
Year 6: 29%	Year 6: 71%
Year 7: 14%	Year 7: 43%
Year 8: 0%	
5 year	
Year 1: 100%	
Year 2: 80%	
Year 3: 60%	
Year 4: 40%	
Year 5: 20%	
Year 6: 0%	
3 year	
Year 1: 100%	
Year 2: 66%	
Year 3: 33%	
Year 4: 0%	

CITY OF FT. WAYNE

APR 15 2022 CD

COMMUNITY DEVELOPMENT

12/2019

ECONOMIC REVITALIZATION AREA APPLICATION
CITY OF FORT WAYNE, INDIANA

APPLICATION IS FOR: (Check appropriate box(es))

- [x] **Real Estate Improvements**
- [ ] **Personal Property Improvements**
- [x] **Vacant Commercial or Industrial Building**

Total cost of real estate improvements:	$3,200,000.00
Total cost of manufacturing equipment improvements:	
Total cost of research and development equipment improvements:	
Total cost of logistical distribution equipment improvements:	
Total cost of information technology equipment improvements:	
TOTAL OF ABOVE IMPROVEMENTS:	$3,200,000.00

GENERAL INFORMATION

Real property taxpayer's name: HDS, LLC

Personal property taxpayer's name:

Telephone number: 260-483-2519 Ext. 225

Address listed on tax bill: 6714 Pointe Inverness Way, Suite 200, Fort Wayne, Indiana 46804

Name of company to be designated, if applicable:

Year company was established: 1994

Address of property to be designated: 9107 Yeager Lane, Fort Wayne, Indiana 46809

Real estate property identification number: 02-17-05-100-014.000-071

Contact person name: Henry P. Najdeski, Esq.

Contact person telephone number: 260-423-8835 Contact email: hpn@barrettlaw.com

Contact person address: 215 East Berry Street, Fort Wayne, Indiana 46802

List company officer and/or principal operating personnel

NAME	TITLE	ADDRESS	PHONE NUMBER
Joel Harter	Managing Member	10402 Bass Road, Fort Wayne, IN 46818	260-483-2519
John Didier	CFO	6714 Pointe Inverness Way, Suite 200 Fort Wayne, IN 46804	260-483-2519

List all persons or firms having ownership interest in the applicant business and the percentage each holds:

NAME	PERCENTAGE
Joel Harter	**33.3%**
Charlotte Simonis Revocable Trust, Joel Harter-Trustee	**33.3%**
Lisa A. Didier Revocable Trust, Lisa Didier Trustee	**33.3%**

☐Yes ☒No Are any elected officials shareholders or holders of any debt obligation of the applicant or operating business? If yes, who? (name/title) ______________

☒Yes ☐No Is the property for which you are requesting ERA designation totally within the corporate limits of the City of Fort Wayne?

☐Yes ☒No Do you plan to request state or local assistance to finance public improvements?

☐Yes ☒No Is the property for which you are requesting ERA designation located in an Economic Development Target Area (EDTA)? (see attached map for current areas)

☐Yes ☒No Does the company's business include a retail component? If yes, answer the following questions:
What percentage of floor space will be utilized for retail activities? ______________
What percentage of sales is made to the ultimate customer? ______________
What percentage of sales will be from service calls? ______________

What is the percentage of clients/customers served that are located outside of Allen County? N/A

What is the company's primary North American Industrial Classification Code (NAICs)? N/A

Describe the nature of the company's business, product, and/or service: **Real estate holding company.**

Dollar amount of annual sales for the last three years: N/A

Year	**Annual Sales**

List the company's three largest customers, their locations and amount of annual gross sales: N/A

Customer Name	City/State	Annual Gross Sales

List the company's three largest material suppliers, their locations and amount of annual purchases: N/A

Supplier Name	City/State	Annual Gross Purchases

List the company's top three competitors: N/A

Competitor Name	City/State

Describe the product or service to be produced or offered at the project site: **Project will provide office, warehouse, and storage space for Smith Brothers of Berne Incorporated, an Indiana corporation, ultimately for assembly and distribution of custom ordered residential upholstered furniture.**

In order to be considered an Economic Revitalization Area (ERA), the area must be within the corporate limits of the City of Fort Wayne and must have become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. It also includes any area where a facility or group of facilities that are technologically, economically, or energy obsolete is located and where the obsolescence may lead to a decline in employment and tax revenues.

How does the property for which you are requesting designation meet the above definition of an ERA?

See Schedule 1, attached hereto.

REAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value for real property improvements.

Describe any structure(s) that is/are currently on the property: **76,551 square foot commercial speculative building.**

Describe the condition of the structure(s) listed above: **Practically new, with construction having begun in 2018 and been completed in 2019. The speculative building has yet to be occupied as the interior floors have not been poured.**

Describe the improvements to be made to the property to be designated for tax phase-in purposes: **Construction of significant real estate improvements to the interior of the building, consisting of (inter alia): concrete floors; lighting; heating and air conditioning; interior offices, bathrooms, and kitchen facilities; and electrical and sprinkler systems.**

Projected construction start (month/year): **May / 2022**

Projected construction completion (month/year): **February / 2023**

☐ Yes ☒ No Will construction result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

☐ Yes ☒ No Will construction use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

This project will adhere to all applicable federal, state, and municipal statutes, regulations, ordinances and codes, including but not limited to all Indiana and Allen County Building Codes and the Allen County Zoning Ordinance. Adherence to all applicable federal, state, and municipal statutes, regulations, ordinances and codes will be maintained throughout all design, permitting, contractor licensure, and construction phases of the Property owner's project. Said adherence shall be attested to on the initial tax phase-in application and each annual Compliance with Statement of Benefits Form.

PERSONAL PROPERTY [illegible]

<u>Complete this section of the application if you are requesting a deduction from assessed value of new manufacturing, research and development, logistical distribution or information technology equipment.</u>

List below the equipment for which you are seeking an economic revitalization area designation.

Manufacturing equipment must be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property at the site to be designated. Research and development equipment consists of laboratory equipment, research and development equipment, computers and computer software, telecommunications equipment or testing equipment used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products at the site to be designated. Logistical distribution equipment consists of racking equipment, scanning or coding equipment, separators, conveyors, fork lifts or lifting equipment, transitional moving equipment, packaging equipment, sorting and picking equipment, software for technology used in logistical distribution, is used for the storage or distribution of goods, services, or information. Information technology equipment consists of equipment, including software used in the fields of information processing, office automation, telecommunication facilities and networks, informatics, network administration, software development and fiber optics: (use additional sheets, if necessary)

____

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☐Yes ☐No Has the above equipment for which you are seeking a designation, ever before been used for any purpose in Indiana? If yes, was the equipment acquired at an arms length transaction from an entity not affiliated with the applicant? ☐Yes ☐No

☐Yes ☐No Will the equipment be leased?

Date first piece of equipment will be purchased (month/year): ____________________

Date last piece of equipment will be installed (month/year): ____________________

Please provide the depreciation schedule term for equipment under consideration for personal property tax phase-in:

____

____

____

ELIGIBLE VACANT BUILDING [illegible]

<u>Complete this section of the application if you are requesting a deduction from the current assessed value of a vacant building</u>

☒ Yes ☐ No Has the building for which you are seeking designation for tax phase-in been unoccupied for at least one year? Please provide evidence of occupation. (i.e. certificate of occupancy, paid utility receipts, executed lease agreements)

What year was the structure built? **2018-2019**

Describe any structure(s) that is/are currently on the property: **76,551 square foot commercial speculative building.**

Describe the condition of the structure(s) listed above: **Practically new, shell only ... unfinished floors and lights.**

Projected occupancy date (month/year): **February / 2023**

Describe the efforts of the owner or previous owner in regards to selling, leasing or renting the eligible vacant building during the period the eligible vacant building was unoccupied including how much the building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

The building was listed for lease with a commercial real estate broker since June / 2018 for $5.25-$5.75 per square foot.

This project will adhere to all applicable federal, state, and municipal statutes, regulations, ordinances and codes, including but not limited to all Indiana and Allen County Building Codes and the Allen County Zoning Ordinance. Adherence to all applicable federal, state, and municipal statutes, regulations, ordinances and codes will be maintained throughout all design, permitting, contractor licensure, and construction phases of the Property owner's project. Said adherence shall be attested to on the initial tax phase-in application and each annual Compliance with Statement of Benefits Form.

PUBLIC HEARING INFORMATION *

EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

ESTIMATE OF EMPLOYEES AND PAYROLL FOR FORT WAYNE
FACILITY REQUESTING ECONOMIC REVITALIZATION AREA DESIGNATION

Please be specific on job descriptions. When listing the occupation codes, please avoid using the "Major Occupational Groupings" (i.e. 11-000, 13-000, 15-000, etc.) which are more general in nature. Instead, use specific occupation codes (i.e. 11-1021, 13-1081, 15-2041 etc) for each created and retained job. To fill out information on occupation and occupation code, use data available through Occupation Employment Statistics for Fort Wayne **http:www.bls.gov/oes/current/oes_23060.htm**

Any information concerning the cost of the property and specific salaries paid to individual employees is confidential per Indiana Code (I.C. 6-1.1-12.1-5.1)

Current Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Upholsterers	51-6093	13	$535,392.00
Sewing Machine Operators	51-6031	7	$273,874.00

Retained Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Upholsterers	51-6093	13	$535,392.00
Sewing Machine Operators	51-6031	7	$273,874.00

Additional Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
First-Line Supervisors of Production and Operating Workers	51-1010	2	$180,012.00
Upholsterers	51-6093	46	$2,132,133.00
Sewing Machine Operators	51-6031	18	$792,597.00
Maintenance and Repair Workers, General	49-9070	2	$106,607.00
Receptionists and Information Clerks	43-4171	2	$92,701.00

*Employment figures relate to the employees of taxpayer's tenant, Smith Brothers of Berne Incorporated.

[illegible]

Current Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
		0	

Retained Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
		0	

Additional Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
		0	

Check the boxes below if the existing jobs and the jobs to be created will provide the listed benefits:

☐ Pension Plan ☒ Major Medical Plan ☒ Disability Insurance

☒ Tuition Reimbursement ☒ Life Insurance ☒ Dental Insurance

List any benefits not mentioned above: **401k / Roth 401k**

When will you reach the levels of employment shown above? (month/year): **December / 2027**

The following must be attached to the application.

1. **Statement of Benefits Form(s) (first page/front side completed)**

2. **Full legal description of property and a plat map identifying the property boundaries. <u>(Property tax bill legal descriptions are not sufficient.)</u> Should be marked as Exhibit A.**

3. **Check for non-refundable application fee made payable to the <u>City of Fort Wayne</u>.**

ERA filing fee (either real or personal property improvements)	.1% of total project cost not to exceed $1,000
ERA filing fee (both real and personal property improvements)	.1% of total project cost not to exceed $1,500
ERA filing fee (vacant commercial or industrial building)	$500
ERA filing fee in an EDTA	$200
Amendment to extend designation period	$300
Waiver of non-compliance with ERA filing	$1,000 + ERA filing fee

4. **Owner's Certificate (if applicant is not the owner of property to be designated) Should be marked as Exhibit B if applicable.**

I, as the legal taxpayer and/or owner, hereby certify that all information and representations made on this application and its attached exhibits are true and complete and that no Improvement Location Permit or Structural Permit have been filed for construction of improvements, the occupation of the vacant building has not taken place and no manufacturing, research and development, logistical distribution or information technology equipment which is a part of this application been purchased and installed as of the date of filing of this application. I also certify that the taxpayer is not delinquent on any and all property tax due to taxing jurisdictions within Allen County, Indiana. I understand that any incorrect information on this application may result in a rescission of any tax phase-ins which I may receive.

I understand that I must file a correctly completed Compliance with Statement of Benefits Form (CF-1/Real Property for real property improvements, CF-1/PP for personal property improvements, and CF-1/VBD for vacant building deduction) and the Public Benefit Annual Update with the City of Fort Wayne Community Development Division in each year in which I receive a deduction. Further the CF-1/PP form must be filed with the county assessor and the CF-1/Real Property and CF-1/VBD must be filed with the county auditor. Failure to file the CF-1 form with these agencies may result in a rescission of any tax phase-in occurring as a result of this application.

Signature of Taxpayer/Owner HDS, LLC

John Didier / CFO

Printed Name and Title of Applicant

04/13/2022

Date

Return completed application to Community Development staff at 200 E. Berry Street Suite 320 Fort Wayne, IN 46802

EXHIBIT A

Legal Description

Block 15 in Airport Business Center, Section III, according to the plat thereof, recorded in Plat Cabinet "D", page 145 and Document Number 201079987, in the Office of the Recorder of Allen County, Indiana.

SCHEDULE 1

To Economic Revitalization Area Application City of Fort Wayne, Indiana

How does the property for which you are requesting designation meet the above definition of an ERA?

The subject real property located at 9107 Yeager Lane (the "Property") lies in the city limits of Fort Wayne. The current taxpayer, HDS, LLC, a locally owned Indiana limited liability company, purchased the Property in unimproved condition in April 2018. The current taxpayer constructed a speculative building, which construction began in 2018 and was completed in 2019. Despite good faith efforts by the taxpayer, the building has since been unused, underdeveloped, and lying vacant. Smith Brothers of Berne Incorporated just recently entered into a lease with the current taxpayer for the entirety of the Property; however, in order for the lease to be effectuated there must be undertaken construction of significant and expensive interior improvements to the building. As such, the construction project represents an attempt to avoid cessation of growth and deterioration of improvements. Based on all of the foregoing, the Property meets the definition of an Economic Revitalization Area.

CITY OF FT. WAYNE

APR 15 2022 CD

COMMUNITY DEVELOPMENT

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / Real Property

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):
[X] Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
[ ] Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:
1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body* ***BEFORE*** *the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer **HDS, LLC**		
Address of taxpayer *(number and street, city, state, and ZIP code)* **6714 Pointe Inverness Way, Suite 200, Fort Wayne, Indiana 46804**		
Name of contact person **Henry P. Najdeski, Esq.**	Telephone number **(260) 423-8835**	E-mail address **hpn@barrettlaw.com**

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body **Fort Wayne Common Council**		Resolution number **TBD**
Location of property **9107 Yeager Lane, Fort Wayne, Indiana 46809**	County **Allen**	DLGF taxing district number **071**
Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)* **Construction of significant real estate improvements to the interior of the building, consisting of (inter alia): concrete floors; lighting; heating and air conditioning; interior offices, bathrooms, and kitchen facilities; and electrical and sprinkler systems.**		Estimated start date *(month, day, year)* **May 1, 2022** Estimated completion date *(month, day, year)* **February 28, 2023**

* SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional **	Salaries
20	$809,266.00	20	$809,266.00	70	$3,304,050.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	$3,200,000.00	TBD
Less values of any property being replaced		
Net estimated values upon completion of project	$3,200,000.00	TBD

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* N/A

Estimated hazardous waste converted *(pounds)* N/A

Other benefits
None

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative		Date signed *(month, day, year)* 04/13/2022
Printed name of authorized representative John Didier	Title CFO	

*Employment figures of taxpayer's tenant, Smith Brothers of Berne Incorporated.
**By 12/31/2027

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed — calendar years* *(see below)*. The date this designation expires is December 31, 2026. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☒ No

C. The amount of the deduction applicable is limited to $ unlimited.

D. Other limitations or conditions *(specify)* N/A

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

CITY OF FT. WAYNE
APR 18 2022 CR
COMMUNITY DEVELOPMENT

STATEMENT OF BENEFITS
VACANT BUILDING DEDUCTION

State Form 55182 (R2 / 1-21)
Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / VBD

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

This statement is being completed for real property that qualifies as an "eligible vacant building" as defined by IC 6-1.1-12.1-1(17).

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the occupation of the eligible vacant building for which the person wishes to claim a deduction.*
2. *To obtain a vacant building deduction, a Form 322/VBD must be filed with the county auditor before May 10 in the year in which the property owner or his tenant occupies the vacant building or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between January 1 and May 10 of a subsequent year.*
3. *A property owner who files the Form 322/VBD must provide the county auditor and the designating body with a Form CF-1/VBD to show compliance with the approved Form SB-1/VBD. The Form CF-1/VBD must also be updated each year in which the deduction is applicable.*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer
HDS, LLC

Address of taxpayer *(number and street, city, state, and ZIP code)*
6714 Pointe Inverness Way, Suite 200, Fort Wayne, Indiana 46804

Name of contact person	Telephone number	E-mail address
Henry P. Najdeski	(260) 423-8835	hpn@barrettlaw.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Fort Wayne Common Council		TBD
Location of property	County	DLGF taxing district number
9107 Yeager Lan, Fort Wayne, Indiana 46809	Allen	071

Description of eligible vacant building that the property owner or tenant will occupy *(use additional sheets if necessary).*
76,551 square foot commercial speculative building.

Estimated occupancy date *(month, day, year)*
February 28, 2023

Estimated date placed-in-use *(month, day, year)*
February 28, 2023

* **SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS A RESULT OF PROPOSED PROJECT**

Current Number	Salaries	Number Retained	Salaries	Number Additional **	Salaries
20	$809,266.00	20	$809,266.00	70	$3,304,050.00

SECTION — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	$3,200,000.00	TBD
Less values of any property being replaced		
Net estimated values upon completion of project	$3,200,000.00	TBD

SECTION 5 — EFFORTS TO SELL OR LEASE VACANT BUILDING

Described efforts by the owner or previous owner to sell, lease, or rent the building during period of vacancy:
The building was listed for lease with a commercial real estate broker since June 2018.

Show amount for which the building was offered for sale, lease, or rent during period of vacancy.
Offered for lease for $5.25-$5.75 per square foot.

List any other benefits resulting from the occupancy of the eligible vacant building.
None.

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
[signature]	CFO	4-18-22

*Employment figures of taxpayer's tenant, Smith Brothers of Berne Incorporated.
**By 12/31/2027

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed ——— calendar years* *(see below)*. The date this designation expires is December 31, 2021. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The amount of the deduction applicable is limited to $ Unlimited.

C. Other limitations or conditions *(specify)* N/A

D. Number of years allowed:

- ☒ Year 1
- ☐ Year 2
- ☐ Year 3
- ☐ Year 4
- ☐ Year 5 *(* see below)*
- ☐ Year 6
- ☐ Year 7
- ☐ Year 8
- ☐ Year 9
- ☐ Year 10

E. For a statement of benefits approved after June 30, 2013, did the designating body adopt an abatement schedule per IC 6-1.1-12.1-17?

☒ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number	Date signed *(month, day, year)*
	( )	
Printed name of authorized member of designating body	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-1

(17) "Eligible vacant building" means a building that:

(A) is zoned for commercial or industrial purposes; and

(B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

(1) The total amount of the taxpayer's investment in real and personal property.

(2) The number of new full-time equivalent jobs created.

(3) The average wage of the new employees compared to the state minimum wage.

(4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

BILL NO. R-22- -

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 9107 Yeager Lane, Fort Wayne, Indiana 46809 (HDS, 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 70 full-time, permanent jobs for a total created, annual payroll of $3,304,050, with the average created annual job salary being $47,200 and retain 20 full-time, permanent jobs for a total retained annual payroll of $809,266, with the average retained, annual job salary being $40,463; and

WHEREAS, the total estimated project cost is $1,211,961; 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 May 1, 2022 and February 28, 2023 and occupation of an eligible vacant building. Should any delays occur, an updated timeframe will be communicated to the Allen County Assessor and Allen County Auditor by Community Development staff in writing.

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 and occupation of an eligible vacant building.

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 $3.1458/$100.

(b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.1458/$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 $3.1458/$100 (the change would be negligible).

(d) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be $3.1458/$100.

(e) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.1458/$100 (the change would be negligible).

(f) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be $3.1458/$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 and the deduction from the assessed value of the occupation of the eligible vacant building shall be for a period of one year.

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 deduction schedule from the assessed value of the vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	0%

SECTION 9. 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 10. 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 11. For the eligible vacant building, 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 12. 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 13. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 14. 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 15. 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

____

Malak Heiny, City Attorney