

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, 2026, 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%

1 **SECTION 9.** The benefits described in the Petitioner's Statement of Benefits can be
2 reasonably expected to result from the project and are sufficient to justify the applicable deductions.

3 **SECTION 10.** For real property, a deduction application must contain a performance
4 report showing the extent to which there has been compliance with the Statement of Benefits form
5 approved by the Fort Wayne Common Council at the time of filing. This report must be submitted
6 to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division
7 and must be included with the deduction application. For subsequent years, the performance
8 report must be updated each year in which the deduction is applicable at the same time the property
9 owner is required to file a personal property tax return in the taxing district in which the property for
10 which the deduction was granted is located. If the taxpayer does not file a personal property tax
11 return in the taxing district in which the property is located, the information must be provided by
12 May 15.

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

23 **SECTION 12.** The performance report must contain the following information

- 24 A. The cost and description of real property improvements.
- 25 B. The number of employees hired through the end of the preceding calendar year as a
26 result of the deduction.
- 27 C. The total salaries of the employees hired through the end of the preceding calendar
28 year as a result of the deduction.
- 29 D. The total number of employees employed at the facility receiving the deduction.
- 30 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

1 Common Council finds that the property owner obtained the deduction by intentionally providing
2 false information concerning the property owner's plans to continue operation at the facility.

3 **SECTION 15.** That, this Resolution shall be in full force and effect from and after its
4 passage and any and all necessary approval by the Mayor.

5 _____
6 Member of Council

7 APPROVED AS TO FORM A LEGALITY

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9 Malak Heiny, City Attorney
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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 HDS, LLC 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**