

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 6251 Innovation Boulevard, Fort Wayne, Indiana 46818 (Wayne Estates, LLC for Midwest Veterinary Supply, 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 ten full-time, permanent jobs for a total additional annual payroll of \$324,000, with the average new annual job salary being \$32,400 and retain 45 full-time, permanent jobs for a current annual payroll of \$1,459,281, with the average current annual job salary being \$32,428; and

WHEREAS, the total estimated project cost is \$3,500,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; 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, 2011, 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 and personal property for new logistical distribution equipment.

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 redevelopment or rehabilitation and estimate of the value of the new logistical distribution equipment, all contained in Petitioner's Statement of Benefits

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2 are reasonable and are benefits that can be reasonably expected to result from the proposed
described installation of the new logistical distribution equipment.

3 **SECTION 5.** The current year approximate tax rates for taxing units within the
4 City would be:

- 5 (a) If the proposed development does not occur, the approximate current year tax
rates for this site would be \$2.8601/\$100.
- 6 (b) If the proposed development does occur and no deduction is granted, the
7 approximate current year tax rate for the site would be \$2.8601/\$100 (the
8 change would be negligible).
- 9 (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
10 \$2.8601/\$100 (the change would be negligible).
- 11 (d) If the proposed new logistical distribution equipment is not installed, the
approximate current year tax rates for this site would be \$2.8601/\$100.
- 12 (e) If the proposed new logistical distribution equipment is installed and no deduction
13 is granted, the approximate current year tax rate for the site would be
\$2.8601/\$100 (the change would be negligible).
- 14 (f) If the proposed new logistical distribution equipment is installed and a deduction
15 percentage of eighty percent (80%) is assumed, the approximate current year
16 tax rate for the site would be \$2.8601/\$100 (the change would be negligible).

17 **SECTION 6.** 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
18 that the deduction from the assessed value of the new logistical distribution equipment shall
be for a period of ten years.

19 **SECTION 7.** That, the benefits described in the Petitioner's Statement of Benefits
20 can be reasonably expected to result from the project and are sufficient to justify the
21 applicable deductions.

22 **SECTION 8.** For new logistical distribution equipment, a deduction application
must contain a performance report showing the extent to which there has been compliance
23 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
24 of Fort Wayne's Community Development Division and must be included with the deduction
25 application. For subsequent years, the performance report must be updated and submitted
26 along with the deduction application at the time of filing.

27 **SECTION 9.** For real property, a deduction application must contain a
performance report showing the extent to which there has been compliance with the
28 Statement of Benefits form approved by the Fort Wayne Common Council at the time of
29

1 filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort
2 Wayne's Community Development Division and must be included in the deduction
3 application. For subsequent years, the performance report must be updated each year in
4 which the deduction is applicable at the same time the property owner is required to file a
5 personal property tax return in the taxing district in which the property for which the deduction
6 was granted is located. If the taxpayer does not file a personal property tax return in the
7 taxing district in which the property is located, the information must be provided by May 15.

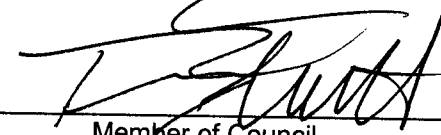
8 **SECTION 10.** The performance report must contain the following information:

- 9 A. The cost and description of real property improvements and/or new logistical
10 distribution equipment acquired.
11 B. The number of employees hired through the end of the preceding calendar year
12 as a result of the deduction.
13 C. The total salaries of the employees hired through the end of the preceding
14 calendar year as a result of the deduction.
15 D. The total number of employees employed at the facility receiving the deduction.
16 E. The total assessed value of the real and/or personal property deductions.
17 F. The tax savings resulting from the real and/or personal property being abated.

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

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

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

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30 _____
Member of Council

APPROVED AS TO FORM A LEGALITY



Carol Taylor, City Attorney

Read the first time in full and on motion by Louch, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on January, 2011, at 5:30 o'clock P. M.E.S.T. the 11th day of

DATED: 1-14-10

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Smith, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 1-11-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. R-1-11 on the 11th day of January, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 2011, at the hour of 3:00 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18TH day of January, 2011, at the hour of 8:00 o'clock A. M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR