

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 6932 Gettysburg Pike, Fort Wayne, Indiana 46804 (L.H. Medical Corporation)

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" for property commonly known as 6932 Gettysburg Pike as if a part herein; and

WHEREAS, Common Council has confirmed an "Economic Revitalization Area" (Confirming Resolutions R-50-06 and R-41-07 amended) for Petitioner for property commonly known as 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive; and

WHEREAS, Petitioner has installed new manufacturing equipment at 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive for which deductions from assessed valuation have been applied; and

WHEREAS, Petitioner requests that the new manufacturing equipment for which deductions from assessed valuation have been applied be relocated to 6932 Gettysburg Pike and the equipment shall be eligible for the remaining deductions from assessed valuation, under I.C. 6-1.1-12.1-4.6; and

WHEREAS, said project will create 65 full-time, permanent jobs for a total additional annual payroll of \$4,176,000, with the average new annual job salary being \$64,246 and retain 54 full-time and one part-time, permanent jobs for a current annual payroll of \$3,534,000, with the average current annual job salary being \$65,074; and

WHEREAS, the total estimated project cost is \$6,527,396; and

WHEREAS, the total estimated assessed value of the equipment to be relocated is \$4,712,568; 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, I.C. 6-1.1-12.1-4.6, and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, each taxing unit within the original and the new economic revitalization areas have been notified of the proposed resolution; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**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 manufacturing 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 manufacturing equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing equipment.

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 \$1.8233/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$1.8233/\$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 \$1.8233/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$1.8233/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$1.8233/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$1.8233/\$100 (the change would be negligible).

1 **SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the
2 deduction from the assessed value of the real property shall be for a period of ten years, and
3 that the deduction from the assessed value of the new manufacturing equipment shall be for
4 a period of five years.

5 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1-4.6, the new manufacturing
6 **equipment located at 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive** for which
7 deductions from assessed valuation have already been applied be relocated to 6932
8 Gettysburg Pike. The new manufacturing equipment shall remain eligible for the remaining
9 deductions from assessed valuation to which it was previously entitled.

10 **SECTION 8.** That, the benefits described in the Petitioner's Statement of Benefits
11 can be reasonably expected to result from the project and are sufficient to justify the
12 applicable deductions.

13 **SECTION 9.** For new manufacturing equipment, a deduction application must
14 contain a performance report showing the extent to which there has been compliance with
15 the Statement of Benefits form approved by the Fort Wayne Common Council at the time of
16 filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort
17 Wayne's Community Development Division and must be included with the deduction
18 application. For subsequent years, the performance report must be updated and submitted
19 along with the deduction application at the time of filing.

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

30 **SECTION 11.** The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new manufacturing equipment acquired.
- 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

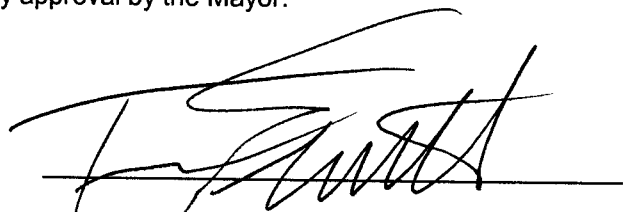
E. The total assessed value of the real and/or personal property deductions.

F. The tax savings resulting from the real and/or personal property being abated.

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

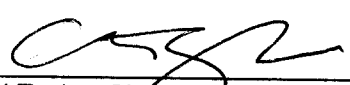
SECTION 13. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases 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 14. 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



Carol Taylor, City Attorney

Read the first time in full and on motion by Smith, 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 Tuesday, the 11th day of January, 2011, at 3:30 o'clock P. M., E.S.T.

DATED: 12-14-10

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> </u>	<u> </u>	<u> </u>
<u>BENDER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BROWN</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>DIDIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GOLDNER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HARPER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HINES</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>PAPE</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SHOAFF</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SMITH</u>	<u>✓</u>	<u> </u>	<u> </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-2-11 on the 11th day of January, 2011

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

SEAL
Mitchell 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 13th day of January, 2011, at the hour of 8:00 o'clock A. M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR