

3 **A CONFIRMING RESOLUTION designating an "Economic**  
4 **Revitalization Area" under I.C. 6-1.1-12.1 for property**  
5 **commonly known as 8727 Clinton Park Drive, Fort Wayne,**  
6 **Indiana 46825 (Nemcomed FW, LLC)**

7 **WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution  
8 the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of  
9 the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

10 **Attached hereto as "Exhibit A" as if a part herein; and**

11 **WHEREAS**, said project will create 60 full-time, permanent jobs for a total additional annual  
12 payroll of \$2,900,000, with the average new annual job salary being \$48,333 and retain 128 full-time,  
13 permanent jobs for a current annual payroll of \$6,259,000, with the average current annual job salary  
14 being \$48,708; and

15 **WHEREAS**, the total estimated project cost is \$2,782,000; and

16 **WHEREAS**, a recommendation has been received from the Committee on Finance concerning  
17 said Resolution; and

18 **WHEREAS**, notice of the adoption and substance of said Resolution has been published in  
19 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  
20 Resolution; and

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

23 **SECTION 1.** That, the Resolution previously designating the above described property as an  
24 "Economic Revitalization Area" is confirmed in all respects.

25 **SECTION 2.** That, the hereinabove described property is hereby declared an "Economic  
26 Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this  
27 Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five  
28 year increments per I.C. 6-1.1-12.1-9.

29 **SECTION 3.** That, said designation of the hereinabove described property as an "Economic  
30 Revitalization Area" shall apply to a deduction of the assessed value of real estate and personal property  
for new manufacturing and information technology 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 and information  
technology 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 and information technology equipment.

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

- 2           (a) If the proposed development does not occur, the approximate current year tax rates for this  
3           site would be \$3.0527/\$100.
- 4           (b) If the proposed development does occur and no deduction is granted, the approximate  
5           current year tax rate for the site would be \$3.0527/\$100 (the change would be negligible).
- 6           (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is  
7           assumed, the approximate current year tax rate for the site would be \$3.0527/\$100 (the  
8           change would be negligible).
- 9           (d) If the proposed new manufacturing equipment is not installed, the approximate current year  
10           tax rates for this site would be \$3.0527/\$100.
- 11           (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the  
12           approximate current year tax rate for the site would be \$3.0527/\$100 (the change would be  
13           negligible).
- 14           (f) If the proposed new manufacturing equipment is installed and a deduction percentage of  
15           eighty percent (80%) is assumed, the approximate current year tax rate for the site would be  
16           \$3.0527/\$100 (the change would be negligible).
- 17           (g) If the proposed new information technology equipment is not installed, the approximate  
18           current year tax rates for this site would be \$3.0527/\$100.
- 19           (h) If the proposed new information technology equipment is installed and no deduction is  
20           granted, the approximate current year tax rate for the site would be \$3.0527/\$100 (the change  
21           would be negligible).
- 22           (i) If the proposed new information technology equipment is installed and a deduction  
23           percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the  
24           site would be \$3.0527/\$100 (the change would be negligible).

25           **SECTION 6.**    That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from  
26           the assessed value of the real property shall be for a period of ten years, and that the deduction from the  
27           assessed value of the new manufacturing and information technology equipment shall be for a period of  
28           ten years.

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

**SECTION 8.**    For new manufacturing and information technology equipment, 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

1 years, the performance report must be updated and submitted along with the deduction application at the  
2 time of filing.

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

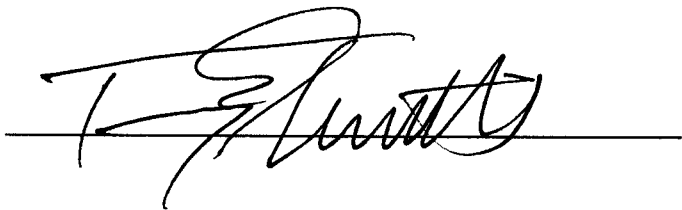
12 **SECTION 10.** The performance report must contain the following information:

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

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

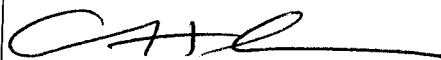
24 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a  
25 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as  
26 determined by the county auditor in accordance with section 12 of said chapter if the property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

30 **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 A LEGALITY



Carol Helton, City Attorney

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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 24<sup>th</sup> day of May, 2011, at 5:30 o'clock P M., E.S.T.

DATED: 5-10-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Smith placed on its passage. PASSED 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: 5-24-11

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-25-11 on the 24<sup>th</sup> day of May, 2011

ATTEST:

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Matthew Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27<sup>th</sup> day of May, 2011, at the hour of 1:30 o'clock P M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31<sup>ST</sup> day of MAY 2011, at the hour of 8:30 o'clock A M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

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 Nemcomed FW, LLC for both real and personal property improvements in the amount of \$2,782,000. Nemcomed FW, LLC will construct a 13,000 square foot addition to their existing facility. The company will also purchase new manufacturing and information technology equipment.**

**EFFECT OF PASSAGE: Nemcomed FW, LLC will construct additional manufacturing space to its facility to remain competitive and grow its operation. 60 full-time jobs will be created and 128 full-time jobs will be retained as a result of the project.**

**EFFECT OF NON-PASSAGE: Potential loss of development and 60 full-time jobs**

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

**ASSIGNED TO COMMITTEE (CO-CHAIRS): Thomas E. Smith and Elizabeth M. Brown**

## EXHIBIT A

Part of the Northeast Quarter of Fractional Section 7, Township 31 North, Range 13 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the South line of said Northeast Quarter and the centerline of Leo Road; thence North 24 degrees 24 minutes 27 seconds East (assumed bearing and basis of bearings to follow), a distance of 634.1 feet (deed) along the centerline of said Leo Road to the southeast corner of an existing 0.571 acre tract; thence continuing North 24 degrees 24 minutes 27 seconds East, a distance of 1062.81 feet along said center line to a North line of an existing 7.204 acre tract described in Document Number 200047927 in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 29 minutes 51 seconds West, a distance of 349.09 feet; thence continuing South 89 degrees 29 minutes 51 seconds West, a distance of 180.00 feet along said North line to a ¾" pipe on the East line of an existing tract described in Document Number 79-28240 in the Office of the Recorder of Allen County, Indiana; thence North 01 degrees 36 minutes 30 seconds West, a distance of 143.10 feet along said East line to a 5/8" steel rebar on the North line of an existing 0.725 acre tract described in Document Number 205061068 in the Office of the Recorder of Allen County, Indiana, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing North 01 degree 36 minutes 30 seconds West, a distance of 11.99 feet along said East line of Document Number 79-28240 to a point on the Easterly right-of-way line of Interstate Highway #69, said point being referenced by a 5/8" steel rebar found 0.64 feet West; thence North 23 degrees 25 minutes 26 seconds East, a distance of 115.46 feet along said right-of-way line to a 5/8" steel rebar; thence North 23 degrees 38 minutes 50 seconds East, a distance of 276.01 feet along said right-of-way line to a 5/8" steel rebar; thence North 22 degrees 22 minutes 32 seconds East, a distance of 390.33 feet to a 5/8" steel rebar on the South line of an existing tract described in Document Number 80-3532 in the Office of the Recorder of Allen County, Indiana; thence North 89 degrees 08 minutes 02 seconds East, a distance of 267.74 feet along said South line to a 5/8" steel rebar on the West line of an existing tract described in Document Number 90-34727 in the Office of the Recorder of Allen County, Indiana, said point being 232.2 feet (deed) South of the North line of said Northeast Quarter; thence South 01 degrees 32 minutes 23 seconds East, a distance of 62.58 feet along said West line to a 5/8" steel rebar on the South line of said Document Number 90-24727; thence South 76 degrees 41 minutes 04 seconds East, a distance of 109.12 feet along said South line to a 5/8" steel rebar set on the South line of an existing tract described in Document Number 98-0019807; thence South 29 degrees 32 minutes 48 seconds West, a distance of 358.75 feet to a 5/8" steel rebar set; thence South 67 degrees 06 minutes 53 seconds East, a distance of 166.73 feet to a 5/8" steel rebar set on the Westerly line of an existing 0.201 acre tract described in Document Number 200071805 in the Office of the Recorder of Allen County, Indiana; thence South 24 degrees 32 minutes 48 seconds West, a distance of 159.37 feet along said West line to a 5/8" steel rebar on the North line of an existing tract described in Document Number 94-70272 in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 08 minutes 02 seconds West, a distance of 270.43 feet along said North line to a 5/8" steel rebar on the East line of an existing 0.726 acre tract described in Document Number 205063538; thence South 27 degrees 23 minutes 03 seconds West, a distance of 133.09 feet along said East line to a 5/8" steel rebar on the North line of said 0.725 acre tract; thence South 89 degrees 08 minutes 02 seconds West, a distance of 259.35 feet along said North line to the Point of Beginning. Containing 6.616 Acres, more or less.

Together with an easement of ingress/egress as set out in Easement Agreement by and between 1100 Airport North Partnership, LLC and Leo Wallen Development, LLC dated October 7, 2005, recorded October 10, 2005 as Document Number 205066639, in the Office of the Recorder of Allen County, Indiana.