

BILL NO. R-11-06-07

DECLARATORY RESOLUTION NO. R-30-11

**A DECLARATORY RESOLUTION designating an  
"Economic Revitalization Area" under I.C. 6-1.1-  
12.1 for property commonly known as 3005  
Commercial Road, Fort Wayne, Indiana 46809  
(FXI, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated May 27, 2011 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 retain 180 full-time and one part-time, permanent jobs for a total current annual payroll of \$12,877,524, with the average current, annual job salary being \$71,147; and

**WHEREAS**, the total estimated project cost is \$7,000,000; 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, 2011, 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.

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2           **SECTION 3.** That, said designation of the hereinabove described property as an  
3 "Economic Revitalization Area" shall apply to a deduction of the assessed value of personal  
4 property for new manufacturing equipment.

5           **SECTION 4.** That, the estimate of the number of individuals that will be employed  
6 or whose employment will be retained and the estimate of the annual salaries of those  
7 individuals and the estimate of the value of new manufacturing equipment, all contained in  
8 Petitioner's Statement of Benefits, are reasonable and are benefits that can be reasonably  
9 expected to result from the proposed described installation of new manufacturing equipment.

10           **SECTION 5.** That, the current year approximate tax rates for taxing units within  
11 the City would be:

- 12           (a) If the proposed new manufacturing equipment is not installed, the approximate  
13 current year tax rates for this site would be \$3.1590/\$100.
- 14           (b) If the proposed new manufacturing equipment is installed and no deduction is  
15 granted, the approximate current year tax rate for the site would be  
16 \$3.1590/\$100 (the change would be negligible).
- 17           (c) If the proposed new manufacturing equipment is installed and a deduction  
18 percentage of eighty percent (80%) is assumed, the approximate current year  
19 tax rate for the site would be \$3.1590/\$100 (the change would be negligible).

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21 and confirmed, or rescinded after public hearing and receipt by Common Council of the  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

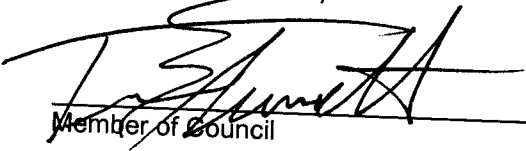
23           **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the  
24 deduction from the assessed value of the new manufacturing equipment shall be for a period  
25 of ten years.

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

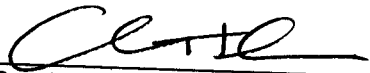
29           **SECTION 9.** That, the taxpayer is non-delinquent on any and all property tax due  
30 to jurisdictions within Allen County, Indiana.

**SECTION 10.** 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 said 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.

1  
2 **SECTION 11.** That, this Resolution shall be in full force and effect from and after  
3 its passage and any and all necessary approval by the Mayor.

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5 \_\_\_\_\_  
6 Member of Council

7 APPROVED AS TO FORM AND LEGALITY

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9 \_\_\_\_\_  
10 Carol Helton, 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 June the 14 day of June, 2011, at 11:30 o'clock PM M.E.S.T.

DATED: 6-14-11

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>8</u>	<u>   </u>	<u>   </u>	<u>1</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: 6-14-11

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-30-11 on the 14<sup>th</sup> day of June, 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 15<sup>th</sup> day of June, 2011, at the hour of 11:30 o'clock PM M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15<sup>th</sup> day of June 2011, at the hour of 2:00 o'clock PM M.E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR