

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2100 West State Boulevard, Fort Wayne, Indiana 46808 (Dana Light Axle Products, 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 50 full-time, permanent jobs for a total additional annual payroll of \$1,976,000, with the average new annual job salary being \$39,520 and retain 348 full-time, permanent jobs for a current annual payroll of \$18,304,434, with the average current annual job salary being \$52,599; and

**WHEREAS**, the total estimated project cost is \$3,551,830; 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 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:

- 1 (a) If the proposed development does not occur, the approximate current year tax rates for this  
2 site would be \$3.0384/\$100.
- 3 (b) If the proposed development does occur and no deduction is granted, the approximate  
4 current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- 5 (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is  
6 assumed, the approximate current year tax rate for the site would be \$3.0384/\$100 (the  
7 change would be negligible).
- 8 (d) If the proposed new manufacturing equipment is not installed, the approximate current year  
9 tax rates for this site would be \$3.0384/\$100.
- 10 (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the  
11 approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be  
12 negligible).
- 13 (f) If the proposed new manufacturing equipment is installed and a deduction percentage of  
14 eighty percent (80%) is assumed, the approximate current year tax rate for the site would be  
15 \$3.0384/\$100 (the change would be negligible).

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

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

21 **SECTION 8.** For new manufacturing equipment, a deduction application must contain a  
22 performance report showing the extent to which there has been compliance with the Statement of Benefits  
23 form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to  
24 the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and  
25 must be included with the deduction application. For subsequent years, the performance report must be  
26 updated and submitted along with the deduction application at the time of filing.

27 **SECTION 9.** For real property, a deduction application must contain a performance report  
28 showing the extent to which there has been compliance with the Statement of Benefits form approved by  
29 Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in  
30 the deduction application. For subsequent years, the performance report must be updated each year in  
which the deduction is applicable at the same time the property owner is required to file a personal  
property tax return in the taxing district in which the property for which the deduction was granted is  
located. If the taxpayer does not file a personal property tax return in the taxing district in which the  
property is located, the information must be provided by May 15.

**SECTION 10.** 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.
- 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 11.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 12.** 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 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.

*Elizabeth M. Brown*  
\_\_\_\_\_  
Member of Council

APPROVED AS TO FORM A LEGALITY

*Carol Helton, City Attorney*  
\_\_\_\_\_  
Carol Helton, City Attorney  
*by LES*

Read the first time in full and on motion by J. Brown, 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 Thursday the 26th day of July, 2011, at 5:30 o'clock P. M.E.S.T.

DATED: 7-12-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	_____	_____	<u>3</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: 7-26-11

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-49-11 on the 26th day of July, 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 27th day of July, 2011, at the hour of 11:30 o'clock A. M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29<sup>th</sup> day of July, 2011, at the hour of 9:36 o'clock A. M.E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR