

3 A CONFIRMING RESOLUTION amending R-12-10 an
4 "Economic Revitalization Area" under I.C. 6-1.1-12.1 for
5 property commonly known as 5130 Executive Boulevard, Fort
6 Wayne, Indiana 46808 (Heritage Food Service Equipment,
7 Inc.)

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

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

12 WHEREAS, said project will create 150 full-time, permanent jobs for a total additional annual
13 payroll of \$5,000,000, with the average new annual job salary being \$33,333 and retain 203 full-time,
14 permanent jobs for a current annual payroll of \$7,033,000, with the average current annual job salary
15 being \$34,645; and

16 WHEREAS, the total estimated project cost is \$1,240,250; and

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

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

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

24 SECTION 1. That, the Council hereby adopts a waiver of noncompliance with I.C. 6-1.1-12.1
25 regarding a clerical error on the Statement of Benefits Personal Property (Form SB-1/PP) and Statement
26 of Benefits Real Estate Improvements (SB-1/Real Property) regarding the estimated completion date
27 under R-12-10 before the completion of real estate improvements and installation of equipment for which
28 Heritage Food Service Equipment, Inc. desires to claim an economic revitalization area deduction. Such
29 waiver shall be in effect for real and personal property improvements during the period of June 2, 2010
30 through the date of this resolution and is granted through the authority of I.C. 6-1.1-12.1-9.5, I.C. 6-1.1-
12.1-11.3, I.C. 6-1.1-31.1, and 50 I.A.C. 10-4-1(a)(2) and (3).

SECTION 2. That, the Resolution previously designating the above described property as an
"Economic Revitalization Area" is amended in all respects.

SECTION 3. 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.

1 **SECTION 4.** That, said designation of the hereinabove described property as an "Economic
2 Revitalization Area" shall apply to a deduction of the assessed value of real estate and personal property
3 for new logistical distribution and information technology equipment.

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

10 **SECTION 6.** The current year approximate tax rates for taxing units within the City would be:

- 11 (a) If the proposed development does not occur, the approximate current year tax rates for this
12 site would be \$3.0384/\$100.
- 13 (b) If the proposed development does occur and no deduction is granted, the approximate
14 current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- 15 (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
16 assumed, the approximate current year tax rate for the site would be \$3.0384/\$100 (the
17 change would be negligible).
- 18 (d) If the proposed new logistical distribution equipment is not installed, the approximate current
19 year tax rates for this site would be \$3.0384/\$100.
- 20 (e) If the proposed new logistical distribution equipment is installed and no deduction is granted,
21 the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would
22 be negligible).
- 23 (f) If the proposed new logistical distribution equipment is installed and a deduction percentage
24 of eighty percent (80%) is assumed, the approximate current year tax rate for the site would
25 be \$3.0384/\$100 (the change would be negligible).
- 26 (g) If the proposed new information technology equipment is not installed, the approximate
27 current year tax rates for this site would be \$3.0384/\$100.
- 28 (h) If the proposed new information technology equipment is installed and no deduction is
29 granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change
30 would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction
percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the
site would be \$3.0384/\$100 (the change would be negligible).

SECTION 7. 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 that the deduction from the

1 assessed value of the new logistical distribution and information technology equipment shall be for a
2 period of ten years.

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

5 **SECTION 9.** For new logistical distribution and information technology equipment, a deduction
6 application must contain a performance report showing the extent to which there has been compliance
7 with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing.
8 This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's
9 Community Development Division and must be included with the deduction application. For subsequent
10 years, the performance report must be updated and submitted along with the deduction application at the
11 time of filing.

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

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

- 22 A. The cost and description of real property improvements and/or new logistical distribution and
23 information technology equipment acquired.
- 24 B. The number of employees hired through the end of the preceding calendar year as a result of
25 the deduction.
- 26 C. The total salaries of the employees hired through the end of the preceding calendar year as a
27 result of the deduction.
- 28 D. The total number of employees employed at the facility receiving the deduction.
- 29 E. The total assessed value of the real and/or personal property deductions.
- 30 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

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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.

Elizabeth M. Brown

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

Carol Helton, City Attorney
ky (ES)

Read the first time in full and on motion by Brown, and duly adopted, read the second time by title and referred to the Committee on Regulations (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 July, 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 Didier, and duly adopted, placed on its passage. PASSED ~~LIST~~
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-48-11 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 P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of July, 2011, at the hour of 9:30 o'clock A. M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR