

**A DECLARATORY RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 2704-2720 Goshen Road,
Fort Wayne, Indiana 46808 (RMD Resources, LLC for
Gerig-Ottenweller Contracting, LLC)**

WHEREAS, Petitioner has duly filed its petition dated August 1, 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 create eight full-time and one part-time, permanent jobs for a total new, annual payroll of \$415,000, with the average new annual job salary being \$46,111 and retain 13 full-time and one part-time, permanent jobs for a total current annual payroll of \$662,000, with the average current, annual job salary being \$47,286; and

WHEREAS, the total estimated project cost is \$650,000; 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:

- Said Resolution shall be filed with the Allen County Assessor;
- 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";

1 Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and
2 I.C. 5-3-1 of the adoption and substance of this resolution and setting this
3 designation as an "Economic Revitalization Area" for public hearing;

4 **SECTION 3.** That, said designation of the hereinabove described property as an
5 "Economic Revitalization Area" shall apply to a deduction of the assessed value of an eligible
6 vacant building and a deduction of the assessed value of real estate improvements.

7 **SECTION 4.** That, the estimate of the number of individuals that will be employed
8 or whose employment will be retained and the estimate of the annual salaries of those
9 individuals and the estimate of the value of the reoccupation of the eligible vacant building
10 and the value of the redevelopment or rehabilitation of the eligible vacant building, all
11 contained in Petitioner's Statement of Benefits, are reasonable and are benefits that can be
12 reasonably expected to result from the proposed described reoccupation and redevelopment
13 or rehabilitation.

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

- 16 . If the proposed occupation of the eligible vacant building does not occur, the
17 approximate current year tax rates for this site would be \$3.0384/\$100.
- 18 . If the proposed occupation of the eligible vacant building does occur and no
19 deduction is granted, the approximate current year tax rate for the site would be
20 \$3.0384/\$100 (the change would be negligible).
- 21 . If the proposed occupation of the eligible vacant building occurs and a deduction
22 percentage of fifty percent (50%) is assumed, the approximate current year tax
23 rate for the site would be \$3.0384/\$100 (the change would be negligible).
- 24 . If the proposed development does not occur, the approximate current year tax
25 rates for this site would be \$3.0384/\$100.
- 26 . If the proposed development does occur and no deduction is granted, the
27 approximate current year tax rate for the site would be \$3.0384/\$100 (the
28 change would be negligible).
- 29 . If the proposed development occurs and a deduction percentage of fifty percent
30 (50%) is assumed, the approximate current year tax rate for the site would be
\$3.0384/\$100 (the change would be negligible).

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

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 eligible vacant building shall be for a period of one

1 year and the deduction from the assessed value of the real property improvements shall be
2 for a period of ten years.

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

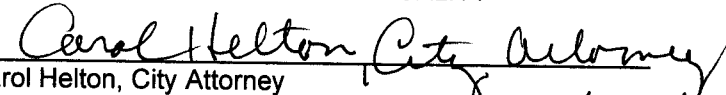
6 **SECTION 9.** That, the taxpayer is non-delinquent on any and all property tax due
7 to jurisdictions within Allen County, Indiana.

8 **SECTION 10.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
9 has received a deduction under section 3 or 4.5 of this chapter may be required to repay the
10 deduction amount as determined by the county auditor in accordance with section 12 of said
11 chapter if the property owner ceases operations at the facility for which the deduction was
12 granted and if the Common Council finds that the property owner obtained the deduction by
13 intentionally providing false information concerning the property owner's plans to continue
14 operation at the facility.

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

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18 
19 Member of Council

20 APPROVED AS TO FORM AND LEGALITY

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22 Carol Helton, City Attorney

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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 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 August 23, the 23 day of August, 2011, at 9:00 o'clock P. M.E.S.T.

DATED: 8-23-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Brown, and duly adopted, placed on its passage. PASSED LOSS 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: 8-23-11

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-54-11 on the 23rd day of August, 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 24th day of August, 2011, at the hour of 2:00 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of August 2011, at the hour of 9:30 o'clock A.M. M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR