

**A CONFIRMING 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 Company, 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 eight full-time and one part-time, permanent jobs for a total additional 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 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, a recommendation has been received from the Committee on Finance; 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 an eligible vacant building and a deduction of the assessed value of real estate improvements.

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 the value of the occupation of the eligible vacant building and

1 the value of the redevelopment or rehabilitation of the eligible vacant building, all contained in
2 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
3 expected to result from the proposed described occupation and redevelopment or
4 rehabilitation.

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

- 7 (a) If the proposed occupation of the eligible vacant building does not occur, the
8 approximate current year tax rates for this site would be \$3.0384/\$100.
9 (b) If the proposed occupation of the eligible vacant building occurs and no
10 deduction is granted, the approximate current year tax rate for the site would be
11 \$3.0384/\$100 (the change would be negligible).
12 (c) If the proposed occupation of the eligible vacant building occurs, and a deduction
13 percentage of fifty percent (50%) is assumed, the approximate current year tax
14 rate for the site would be \$3.0384/\$100 (the change would be negligible).
15 (d) If the proposed development does not occur, the approximate current year tax
16 rates for this site would be \$3.0384/\$100.
17 (e) If the proposed development occurs and no deduction is granted, the
18 approximate current year tax rate for the site would be \$3.0384/\$100 (the
19 change would be negligible).
20 (f) If the proposed development occurs, and a deduction percentage of fifty percent
21 (50%) is assumed, the approximate current year tax rate for the site would be
22 \$3.0384/\$100 (the change would be negligible).

23 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
24 from the assessed value of the eligible vacant building shall be for a period of one year and
25 the deduction from the assessed value of real property improvements shall be for a period of
26 ten years.

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

30 **SECTION 8.** For real property, 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
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

1 located. If the taxpayer does not file a personal property tax return in the taxing district in
2 which the property is located, the information must be provided by May 15.

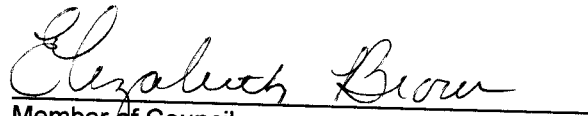
3 **SECTION 9.** The performance report must contain the following information

- 4 A. The cost and description of real property improvements.
5 B. The number of employees hired through the end of the preceding calendar year
6 as a result of the deduction.
7 C. The total salaries of the employees hired through the end of the preceding
8 calendar year as a result of the deduction.
9 D. The total number of employees employed at the facility receiving the deduction.
10 E. The total assessed value of the real property deductions.
11 F. The tax savings resulting from the real property being abated.

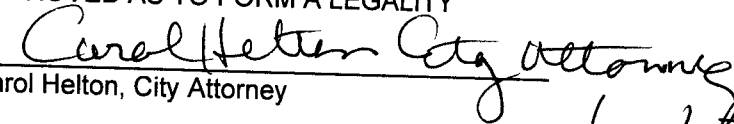
12 **SECTION 10.** That, the taxpayer is non-delinquent on any and all property tax due
13 to jurisdictions within Allen County, Indiana.

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

21 **SECTION 12.** That, this Resolution shall be in full force and effect from and after its
22 passage and any and all necessary approval by the Mayor.

23 
24 Elizabeth Brown
25 Member of Council

26 APPROVED AS TO FORM A LEGALITY

27 
28 Carol Helton, City Attorney
29 by LES
30

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 Tuesday, the 13th day of September, 2011, at 5:30 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 LOST 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>SHOAF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 9-13-11

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-59-11 on the 13th day of September, 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 14th day of September, 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 15th day of September 2011, at the hour of 2:30 o'clock P. M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR