

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as Unassigned, West Jefferson Boulevard, Fort Wayne, Indiana 46804 (Patel Building Company, LLC for Fort Wayne Allergy and Asthma Consultants, Inc.)**

**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 <sup>two</sup> ~~one~~ full-time, permanent jobs for a total additional payroll of <sup>140,000</sup> ~~139,000~~, with the average new annual job salary being <sup>140,000</sup> ~~139,000~~ and retain 11 full-time and two part-time, permanent jobs for a current annual payroll of <sup>140,000</sup> ~~139,000~~ with the average current annual job salary being \$105,308; and *ed*

**WHEREAS**, the total estimated project cost is \$818,337; 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 real estate.

**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

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

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

- 7 . If the proposed development does not occur, the approximate current year tax  
8 rates for this site would be \$3.0977/\$100.
- 9 . If the proposed development occurs and no deduction is granted, the  
10 approximate current year tax rate for the site would be \$3.0977/\$100 (the  
11 change would be negligible).
- 12 . If the proposed development occurs, and a deduction percentage of fifty percent  
13 (50%) is assumed, the approximate current year tax rate for the site would be  
14 \$3.0977/\$100 (the change would be negligible).

15 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction  
16 from the assessed value of the real property shall be for a period of ten years.

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

20 **SECTION 8.** For real property, a deduction application must contain a performance  
21 report showing the extent to which there has been compliance with the Statement of Benefits  
22 form approved by the Fort Wayne Common Council at the time of filing. This report must be  
23 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community  
24 Development Division and must be included with the deduction application. For subsequent  
25 years, the performance report must be updated each year in which the deduction is  
26 applicable at the same time the property owner is required to file a personal property tax  
27 return in the taxing district in which the property for which the deduction was granted is  
28 located. If the taxpayer does not file a personal property tax return in the taxing district in  
29 which the property is located, the information must be provided by May 15.

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

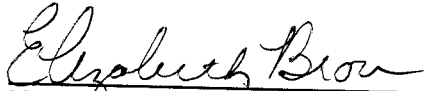
- 31 . The cost and description of real property improvements.
- 32 . The number of employees hired through the end of the preceding calendar year  
33 as a result of the deduction.
- 34 . The total salaries of the employees hired through the end of the preceding  
35 calendar year as a result of the deduction.
- 36 . The total number of employees employed at the facility receiving the deduction.
- 37 . The total assessed value of the real property deductions.
- 38 . The tax savings resulting from the real property being abated.

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


**SECTION 11.** 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 12.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
\_\_\_\_\_  
Member of Council

APPROVED AS TO FORM A LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney



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 Monday, the 13<sup>th</sup> day of September 2011, at 5:30 o'clock A. 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>1</u>	<u>—</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>SHOAF</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SMITH</u>	<u>✓</u>	<u>—</u>	<u>—</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-61-11 on the 13<sup>th</sup> day of September, 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 14<sup>th</sup> 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 15<sup>th</sup> day of September 2011, at the hour of 2:30 o'clock P. M.E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR