

1  
2 BILL NO. R-11-11-17

3  
4 DECLARATORY RESOLUTION NO. R- 72-11

5 **A DECLARATORY RESOLUTION designating an**  
6 **"Economic Revitalization Area" under I.C. 6-1.1-**  
7 **12.1 for property commonly known as 4041**  
8 **Parnell Avenue, Fort Wayne, Indiana 46805**  
9 **(David M. Allen D.D.S. and Associates, P.C. dba**  
10 **Afdent Dental)**

11 **WHEREAS**, Petitioner has duly filed its petition dated October 31, 2011 to have the  
12 following described property designated and declared an "Economic Revitalization Area"  
13 under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and  
14 I.C. 6-1.1-12.1, to wit:

15 **Attached hereto as "Exhibit A" as if a part herein;**

16 and

17 **WHEREAS**, said project will create 10 full-time and two part-time, permanent jobs for  
18 a total new, annual payroll of \$450,000, with the average new annual job salary being  
19 \$37,500 and retain 78 full-time and nine part-time, permanent jobs for a total current annual  
20 payroll of \$3,950,000, with the average current, annual job salary being \$45,402; and

21 **WHEREAS**, the total estimated project cost is \$601,682; and

22 **WHEREAS**, it appears the said petition should be processed to final determination in  
23 accordance with the provisions of said Division 6.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**  
25 **CITY OF FORT WAYNE, INDIANA:**

26 **SECTION 1.** That, subject to the requirements of Section 6, below, the  
27 property hereinabove described is hereby designated and declared an "Economic  
28 Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective  
29 date of the Confirming Resolution referred to in Section 6 of this Resolution and shall  
30 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:

(a) Said Resolution shall be filed with the Allen County Assessor;

(b) 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 (c) 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 personal  
6 property for new information technology equipment.

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 new information technology equipment, all  
10 contained in Petitioner's Statement of Benefits, are reasonable and are benefits that can be  
11 reasonably expected to result from the proposed described installation of new information  
12 technology equipment.

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

15 (a) If the proposed new information technology equipment is not installed, the  
16 approximate current year tax rates for this site would be \$3.0384/\$100.

17 (b) If the proposed new information technology equipment is installed and no  
18 deduction is granted, the approximate current year tax rate for the site would be  
19 \$3.0384/\$100 (the change would be negligible).

20 (c) If the proposed new information technology equipment is installed and a  
21 deduction percentage of eighty percent (80%) is assumed, the approximate  
22 current year tax rate for the site would be \$3.0384/\$100 (the change would be  
23 negligible).

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

27 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the  
28 deduction from the assessed value of the new information technology equipment shall be for  
29 a period of ten years.


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

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

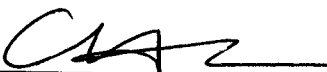
**SECTION 10.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that  
has received a deduction under section 3 or 4.5 of said chapter may be required to repay the  
deduction amount as determined by the county auditor in accordance with section 12 of said

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 11.** 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 AND 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 \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.E.S.T.

DATED: 11-22-11

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: 11-22-11

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. B-72-11 on the 23rd day of November, 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 23rd day of November, 2011, at the hour of 2 o'clock P M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23<sup>rd</sup> day of November 2011, at the hour of 3:00 o'clock \_\_\_\_\_ M.E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR