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2 BILL NO. R-11-11-20
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4 CONFIRMING RESOLUTION NO. R- 78-11

5 **A CONFIRMING 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**, Common Council has previously designated and declared by
12 Declaratory Resolution the following described property as 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; and**

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

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

21 **WHEREAS**, a recommendation has been received from the Committee on Finance
22 on said Resolution; and

23 **WHEREAS**, notice of the adoption and substance of said Resolution has been
24 published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has
25 been conducted on said Resolution.

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

28 **SECTION 1.** That, the Resolution previously designating the above described
29 property as an "Economic Revitalization Area" is confirmed in all respects.

30 **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 personal
property for new information technology equipment.

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

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2 individuals and the estimate of the value of the new information technology equipment, all
3 contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be
4 reasonably expected to result from the proposed described installation of the new information
5 technology equipment.

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

- 8 (a) If the proposed new information technology equipment is not installed, the
9 approximate current year tax rates for this site would be \$3.0384/\$100.
10 (b) If the proposed new information technology equipment is installed and no
11 deduction is granted, the approximate current year tax rate for the site would be
12 \$3.0384/\$100 (the change would be negligible).
13 (c) If the proposed new information technology equipment is installed, and a
14 deduction percentage of eighty percent (80%) is assumed, the approximate
15 current year tax rate for the site would be \$3.0384/\$100 (the change would be
16 negligible).

17 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
18 from the assessed value of the new information technology equipment shall be for a period of
19 ten years.

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

23 **SECTION 8.** For new information technology equipment, a deduction application
24 must contain a performance report showing the extent to which there has been compliance
25 with the Statement of Benefits form approved by the Fort Wayne Common Council at the
26 time of filing. This report must be submitted to the Allen County Auditor's Office, and the City
27 of Fort Wayne's Community Development Division and must be included with the deduction
28 application. For subsequent years, the performance report must be updated and submitted
29 along with the deduction application at the time of filing.

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

- (a) The cost and description of real property improvements and/or new
information technology equipment acquired.
(b) The number of employees hired through the end of the preceding calendar year
as a result of the deduction.
(c) The total salaries of the employees hired through the end of the preceding
calendar year as a result of the deduction.
(d) The total number of employees employed at the facility receiving the deduction.
(e) The total assessed value of the real and/or personal property deductions.

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(f) The tax savings resulting from the real and/or personal property being abated.

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 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 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.

Elizabeth M Bron
Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney
Carol Helton, City Attorney
by LES

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 December, 2011, at 5:30 o'clock P. 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 Brown and duly adopted, by the following vote: 4-0-5

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>—</u>	<u>—</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>SHOAFF</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SMITH</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATED: 12-13-11

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 78-11 on the 13th day of December, 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 December, 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 December 2011, at the hour of 9:00 o'clock A. M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR