

1 BILL NO. R-11-11-21

2
3 DECLARATORY RESOLUTION NO. R- 74-11

4 **A DECLARATORY RESOLUTION designating an "Economic**
5 **Revitalization Area" under I.C. 6-1.1-12.1 for property commonly**
6 **known as 203 East Berry Street, Fort Wayne, Indiana 46802**
7 **(AWB Holdings, LLC)**

8 **WHEREAS**, Petitioner has duly filed its petition dated May 16, 2011 to have the
9 following described property designated and declared an "Economic Revitalization Area"
10 under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and
11 I.C. 6-1.1-12.1, to wit:

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

13 and

14 **WHEREAS**, said project will create 24 full-time, permanent jobs for a total new,
15 annual payroll of \$500,000, with the average new annual job salary being \$20,834; and

16 **WHEREAS**, the total estimated project cost is \$10,000,000; and

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

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

21 **SECTION 1.** That, subject to the requirements of Section 6, below, the
22 property hereinabove described is hereby designated and declared an "Economic
23 Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective
24 date of the Confirming Resolution referred to in Section 6 of this Resolution and shall
25 terminate on December 31, 2011, unless otherwise automatically extended in five year
26 increments per I.C. 6-1.1-12.1-9.

27 **SECTION 2.** That, upon adoption of the Resolution:

- 28 (a) Said Resolution shall be filed with the Allen County Assessor;
- 29 (b) Said Resolution shall be referred to the Committee on Finance requesting a
30 recommendation from said committee concerning the advisability of designating
the above area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and
I.C. 5-3-1 of the adoption and substance of this resolution and setting this
designation as an "Economic Revitalization Area" for public hearing;

1 **SECTION 3.** That, said designation of the hereinabove described property as an
2 "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real
3 estate and personal property for new information technology equipment.

4 **SECTION 4.** That, the estimate of the number of individuals that will be employed
5 or whose employment will be retained and the estimate of the annual salaries of those
6 individuals and the estimate of the value of redevelopment or rehabilitation and the estimate
7 of the value of new information technology equipment, all contained in Petitioner's Statement
8 of Benefits, are reasonable and are benefits that can be reasonably expected to result from
9 the proposed described redevelopment or rehabilitation and from the installation of new
10 information technology equipment.

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

- 13 (a) If the proposed development does not occur, the approximate current year tax
14 rates for this site would be \$3.1590/\$100.
- 15 (b) If the proposed development does occur and no deduction is granted, the
16 approximate current year tax rate for the site would be \$3.1590/\$100 (the
17 change would be negligible).
- 18 (c) If the proposed development occurs and a deduction percentage of fifty percent
19 (50%) is assumed, the approximate current year tax rate for the site would be
20 \$3.1590/\$100 (the change would be negligible).
- 21 (d) If the proposed new information technology equipment is not installed, the
22 approximate current year tax rates for this site would be \$3.1590/\$100.
- 23 (e) If the proposed new information technology equipment is installed and no
24 deduction is granted, the approximate current year tax rate for the site would be
25 \$3.1590/\$100 (the change would be negligible).
- 26 (f) If the proposed new information technology equipment is installed and a
27 deduction percentage of eighty percent (80%) is assumed, the approximate
28 current year tax rate for the site would be \$3.1590/\$100 (the change would be
29 negligible).

30 **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 real property shall be for a period of ten years, and
the deduction from the assessed value of the new information technology equipment shall be
for a period of seven years.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
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 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 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>SHOAFF</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-74-11 on the 22nd day of November, 2011

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mitchell 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 28th day of November 2011, at the hour of 3:00 o'clock _____ M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR