

**A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3426 Wells Street, Fort Wayne, Indiana 46808 (Nestle Dreyers Grand Ice Cream)**

**WHEREAS**, Petitioner has duly filed its petition dated June 11, 2012 to have the following described property designated and declared 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 retain 553 full-time, permanent jobs for a total current annual payroll of \$22,027,703, with the average current, annual job salary being \$39,833; and

**WHEREAS**, the total estimated project cost is \$31,000,000; and

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

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

**SECTION 1.** That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2016, 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";
- (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 estate and personal property for new manufacturing, information technology, and logistical  
2 distribution equipment.

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

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

13 ... If the proposed development does not occur, the approximate current year tax  
14 rates for this site would be \$3.0261/\$100.

15 ... If the proposed development does occur and no deduction is granted, the  
16 approximate current year tax rate for the site would be \$3.0261/\$100 (the  
17 change would be negligible).

18 ... 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 \$3.0261/\$100 (the change would be negligible).

21 ... If the proposed new manufacturing, information technology, and logistical  
22 distribution equipment is not installed, the approximate current year tax rates for  
23 this site would be \$3.0261/\$100.

24 ... If the proposed new manufacturing, information technology, and logistical  
25 distribution equipment is installed and no deduction is granted, the approximate  
26 current year tax rate for the site would be \$3.0261/\$100 (the change would be  
27 negligible).

28 ... If the proposed new manufacturing, information technology, and logistical  
29 distribution equipment is installed and a deduction percentage of eighty percent  
30 (80%) is assumed, the approximate current year tax rate for the site would be  
\$3.0261/\$100 (the change would be negligible).

**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

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**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 manufacturing, information technology, and logistical distribution equipment shall be for a period of ten years.

**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.

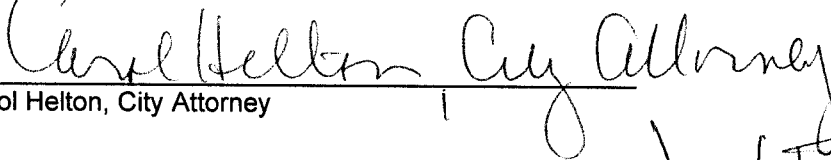

**SECTION 9.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**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 Harper, 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 Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,E.S.T.

DATED: 6-26-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Harper, 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>8</u>    | _____       | _____            | <u>1</u>      |
| <u>BENDER</u>      | <u>✓</u>    | _____       | _____            | _____         |
| <u>CRAWFORD</u>    | <u>✓</u>    | _____       | _____            | _____         |
| <u>DIDIER</u>      | <u>✓</u>    | _____       | _____            | _____         |
| <u>HARPER</u>      | <u>✓</u>    | _____       | _____            | _____         |
| <u>HINES</u>       | _____       | _____       | _____            | <u>✓</u>      |
| <u>JEHL</u>        | <u>✓</u>    | _____       | _____            | _____         |
| <u>PADDOCK</u>     | <u>✓</u>    | _____       | _____            | _____         |
| <u>SHOAF</u>       | <u>✓</u>    | _____       | _____            | _____         |
| <u>SMITH</u>       | <u>✓</u>    | _____       | _____            | _____         |

DATED: 6-26-12

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-37-12 on the 26th day of June, 2012

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
[Signature]  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 2012, 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 27<sup>th</sup> day of June, 2012, at the hour of 2:30 o'clock \_\_\_\_\_ M.,E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR