

2
3 A CONFIRMING RESOLUTION designating an "Economic
4 Revitalization Area" under I.C. 6-1.1-12.1 for property
5 commonly known as 3426 Wells Street, Fort Wayne, Indiana
6 46808 (Nestle Dreyers Grand Ice Cream)

7 WHEREAS, Common Council has previously designated and declared by Declaratory Resolution
8 the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of
9 the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

10 Attached hereto as "Exhibit A" as if a part herein; and

11 WHEREAS, said project will retain 553 full-time, permanent jobs for a current annual payroll of
12 \$22,027,703, with the average current annual job salary being \$39,833; and

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

14 WHEREAS, a recommendation has been received from the Committee on Finance concerning
15 said Resolution; and

16 WHEREAS, notice of the adoption and substance of said Resolution has been published in
17 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
18 Resolution.

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

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

23 SECTION 2. That, the hereinabove described property is hereby declared an "Economic
24 Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this
25 Resolution and shall terminate on December 31, 2016, unless otherwise automatically extended in five
26 year increments per I.C. 6-1.1-12.1-9.

27 SECTION 3. That, said designation of the hereinabove described property as an "Economic
28 Revitalization Area" shall apply to a deduction of the assessed value of real estate and personal property
29 for new manufacturing, information technology, and logistical distribution equipment.

30 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 individuals and the estimate
of redevelopment or rehabilitation and estimate of the value of the new manufacturing, information
technology, and logistical distribution equipment, all contained in Petitioner's Statement of Benefits are
reasonable and are benefits that can be reasonably expected to result from the proposed described
installation of the new manufacturing, information technology, and logistical distribution equipment.

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

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

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

5 ... If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
6 assumed, the approximate current year tax rate for the site would be \$3.0261/\$100 (the
7 change would be negligible).

8 ... If the proposed new manufacturing, information technology, and logistical distribution
9 equipment is not installed, the approximate current year tax rates for this site would be
10 \$3.0261/\$100.

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

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

18 **SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
19 the assessed value of the real property shall be for a period of ten years, and that the deduction from the
20 assessed value of the new manufacturing, information technology, and logistical distribution equipment
21 shall be for a period of ten years.

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

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

31 **SECTION 9.** For real property, a deduction application must contain a performance report
32 showing the extent to which there has been compliance with the Statement of Benefits form approved by
33 the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County
34 Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in
35 the deduction application. For subsequent years, the performance report must be updated each year in
36 which the deduction is applicable at the same time the property owner is required to file a personal
37 property tax return in the taxing district in which the property for which the deduction was granted is

1 located. If the taxpayer does not file a personal property tax return in the taxing district in which the
2 property is located, the information must be provided by May 15.

3 **SECTION 10.** The performance report must contain the following information:

- 4 . The cost and description of real property improvements and/or new manufacturing,
information technology, and logistical distribution equipment acquired.
- 5 . The number of employees hired through the end of the preceding calendar year as a result of
the deduction.
- 6 . The total salaries of the employees hired through the end of the preceding calendar year as a
7 result of the deduction.
- 8 . The total number of employees employed at the facility receiving the deduction.
- 9 . The total assessed value of the real and/or personal property deductions.
- 10 . The tax savings resulting from the real and/or personal property being abated.

11 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due to
jurisdictions within Allen County, Indiana.


12 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
13 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
14 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
15 the property owner obtained the deduction by intentionally providing false information concerning the
property owner's plans to continue operation at the facility.

16 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

17 

18 _____
Member of Council

19 APPROVED AS TO FORM A LEGALITY

20 
21 _____
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 Tuesday, the 18th day of July, 2012, at 5:30 o'clock P. 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>7</u>	<u>1</u>	<u> </u>	<u>1</u>
<u>BENDER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>CRAWFORD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>DIDIER</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>JEHL</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>PADDOCK</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: 7-10-12

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-38-12 on the 18th day of July, 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 11th day of July, 2012, at the hour of 11:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of July, 2012, at the hour of 3:30 o'clock P. M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR