

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 10310 E. Dupont Circle
Drive, Fort Wayne, Indiana 46825 (Ophthalmology Real
Estate Partnership)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as 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 create five full-time, permanent jobs for a total additional payroll of \$363,000, with the average new annual job salary being \$72,600 and retain seven full-time, permanent jobs for a total current annual payroll of \$215,500, with the average current, annual job salary being \$30,786; and

WHEREAS, the total estimated project cost is \$2,000,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in 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 Resolution; and

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

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

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, 2016, 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 real estate.

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 the value of redevelopment or rehabilitation, all contained in

1 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
2 expected to result from the proposed described redevelopment or rehabilitation.

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

5 . . . If the proposed development does not occur, the approximate current year tax
6 rates for this site would be \$3.0422/\$100.

7 . . . If the proposed development occurs and no deduction is granted, the
8 approximate current year tax rate for the site would be \$3.0422/\$100 (the
9 change would be negligible).

10 . . . If the proposed development occurs, and a deduction percentage of fifty percent
11 (50%) is assumed, the approximate current year tax rate for the site would be
12 \$3.0422/\$100 (the change would be negligible).

13 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
14 from the assessed value of the real property shall be for a period of ten years.

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

18 **SECTION 8.** For real property, a deduction application must contain a performance
19 report showing the extent to which there has been compliance with the Statement of Benefits
20 form approved by the Fort Wayne Common Council at the time of filing. This report must be
21 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community
22 Development Division and must be included with the deduction application. For subsequent
23 years, the performance report must be updated each year in which the deduction is
24 applicable at the same time the property owner is required to file a personal property tax
25 return in the taxing district in which the property for which the deduction was granted is
26 located. If the taxpayer does not file a personal property tax return in the taxing district in
27 which the property is located, the information must be provided by May 15.

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

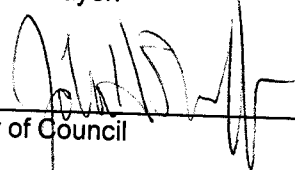
- 29 . The cost and description of real property improvements.
- 30 . The number of employees hired through the end of the preceding calendar year
as a result of the deduction.
- . The total salaries of the employees hired through the end of the preceding
calendar year as a result of the deduction.
- . The total number of employees employed at the facility receiving the deduction.
- . The total assessed value of the real property deductions.
- . The tax savings resulting from the real property being abated.

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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 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 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.



Member of Council

APPROVED AS TO FORM A LEGALITY



Carol Helton, City Attorney

Failed
 4 - ayes
 2 - nays
 2 - abstained

Read the first time in full and on motion by Shrop, and duly adopted, read the second time by title and referred to the Committee on Law (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 Sunday the 24 day of July, 2012, at 5:30 o'clock PM M.,E.S.T.

DATED: 7-10-12

Sandra E Kennedy
 SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Harper placed on its passage. ~~PASSED~~ LOST and duly adopted, by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>				
<u>BENDER</u>	✓			
<u>CRAWFORD</u>			✓	
<u>DIDIER</u>	✓			
<u>HARPER</u>			✓	
<u>HINES</u>	✓			
<u>JEHL</u>		✓		
<u>PADDOCK</u>	✓			
<u>SHOAFF</u>				✓
<u>SMITH</u>		✓		

DATED: 7-24-12

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. _____ on the _____ day of _____, 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 _____ day of _____, 2012, at the hour of _____ o'clock _____ M.,E.S.T.

Sandra E Kennedy
 SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 2012, at the hour of _____ o'clock _____ M.,E.S.T.

THOMAS C. HENRY, MAYOR