

**A CONFIRMING RESOLUTION designating an  
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for  
property commonly known as 3404 Conestoga Drive,  
Fort Wayne, Indiana 46808 (Conestoga, LLC)**

**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 result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

**WHEREAS**, said project will create two full-time, permanent jobs for a total new, annual payroll of \$52,000, with the average new annual job salary being \$26,000 and retain twenty full-time, permanent jobs for a total current annual payroll of \$622,601, with the average current, annual job salary being \$31,130; and

**WHEREAS**, the total estimated project cost is \$1,200,000; 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 both a deduction of the assessed value of occupation of an eligible vacant building and 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

1 individuals and the estimate of the value of the occupation of the eligible vacant building and  
2 the estimate of the value of redevelopment or rehabilitation of the eligible vacant building, 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 redevelopment or rehabilitation.

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

7 ... If the proposed occupation of the eligible vacant building does not occur, the  
8 approximate current year tax rates for this site would be \$3.0261/\$100.

9 ... If the proposed occupation of the eligible vacant building occurs and no  
10 deduction is granted, the approximate current tax rate for the site would be  
11 \$3.0261/\$100 (the change would be negligible).

12 ... If the proposed occupation of the eligible vacant building occurs, and a deduction  
13 percentage of fifty percent (50%) is assumed, the approximate current year tax  
14 rate for this would be \$3.0261/\$100 (the change would be negligible).

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

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

20 ... If the proposed development occurs, and a deduction percentage of fifty percent  
21 (50%) is assumed, the approximate current year tax rate for the site would be  
22 \$3.0261/\$100 (the change would be negligible).

23 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction  
24 from the assessed value of the eligible vacant building shall be for a period of one year and  
25 the deduction from the assessed value of the real property shall be for a period of ten years.

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

29 **SECTION 8.** For real property, a deduction application must contain a performance  
30 report showing the extent to which there has been compliance with the Statement of Benefits  
form approved by the Fort Wayne Common Council at the time of filing. This report must be  
submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community  
Development Division and must be included with the deduction application. For subsequent  
years, the performance report must be updated each year in which the deduction is  
applicable at the same time the property owner is required to file a personal 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  
2 which the property is located, the information must be provided by May 15.

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

- 4 . The cost and description of real property improvements.
- 5 . The number of employees hired through the end of the preceding calendar year  
6 as a result of the deduction.
- 7 . The total salaries of the employees hired through the end of the preceding  
8 calendar year as a result of the deduction.
- 9 . The total number of employees employed at the facility receiving the deduction.
- 10 . The total assessed value of the real property deductions.
- 11 . The tax savings resulting from the real property being abated.

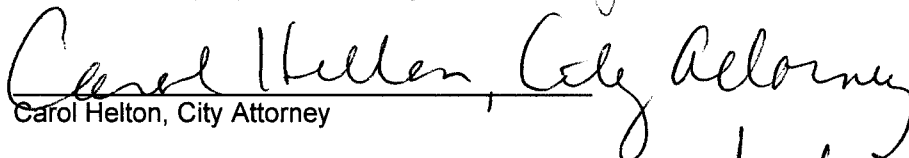

12 **SECTION 10.** That, the taxpayer is non-delinquent on any and all property tax due  
13 to jurisdictions within Allen County, Indiana.

14 **SECTION 11.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that  
15 has received a deduction under section 3 or 4.5 of this chapter may be required to repay the  
16 deduction amount as determined by the county auditor in accordance with section 12 of said  
17 chapter if the property owner ceases operations at the facility for which the deduction was  
18 granted and if the Common Council finds that the property owner obtained the deduction by  
19 intentionally providing false information concerning the property owner's plans to continue  
20 operation at the facility.

21 **SECTION 12.** That, this Resolution shall be in full force and effect from and after its  
22 passage and any and all necessary approval by the Mayor.

23   
24 \_\_\_\_\_  
25 Member of Council

26 APPROVED AS TO FORM A LEGALITY

27   
28 \_\_\_\_\_  
29 Carol Helton, City Attorney  
30 

Read the first time in full and on motion by Shoaff, 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 28<sup>th</sup> day of August, 2012, at 5:30 o'clock P. M., E.S.T.

DATED: 8-14-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Shoaff 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>9</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>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 8-28-2012

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-44-12 on the 28<sup>th</sup> day of August, 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 29 day of August, 2012, at the hour of 2:00 o'clock PM M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29<sup>th</sup> day of August, 2012, at the hour of 4:30 o'clock P. M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR