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4 **A CONFIRMING RESOLUTION designating an**
5 **“Economic Revitalization Area” under I.C. 6-1.1-**
6 **12.1 for property commonly known as 10216**
7 **Airport Drive, Fort Wayne, Indiana 46809 (Chuck**
8 **Bivens Services d/b/a States Engineering)**

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

13 **Attached hereto as “Exhibit A” as if a part herein; and**

14 **WHEREAS**, said project will create four full-time, permanent jobs for a total new,
15 annual payroll of \$168,000, with the average new annual job salary being \$42,000, and retain
16 fourteen full-time, permanent jobs for a current annual payroll of \$607,738, with the average
17 current annual job salary being \$43,410; and

18 **WHEREAS**, the total estimated project cost is \$325,000; and

19 **WHEREAS**, a recommendation has been received from the Committee on Finance
20 on said Resolution; and

21 **WHEREAS**, notice of the adoption and substance of said Resolution has been
22 published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has
23 been conducted on said Resolution.

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

26 **SECTION 1.** That, the Resolution previously designating the above described
27 property as an “Economic Revitalization Area” is confirmed in all respects.

28 **SECTION 2.** That, the hereinabove described property is hereby declared an
29 “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the
30 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 personal
property for new manufacturing equipment.

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 the new manufacturing equipment, all contained

1 in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
2 expected to result from the proposed described installation of the new manufacturing
3 equipment.

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

6 If the proposed new manufacturing equipment is not installed, the approximate
7 current year tax rates for this site would be \$2.7023/\$100.

8 If the proposed new manufacturing equipment is installed and no deduction is
9 granted, the approximate current year tax rate for the site would be
10 \$2.7023/\$100 (the change would be negligible).

11 If the proposed new manufacturing equipment is installed, and a deduction
12 percentage of eighty percent (80%) is assumed, the approximate current year
13 tax rate for the site would be \$2.7023/\$100 (the change would be negligible).

14 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
15 from the assessed value of the new manufacturing equipment shall be for a period of five
16 years.

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

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

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

- 28 (a) The cost and description of real property improvements and/or new
29 manufacturing equipment acquired.
- 30 (b) The number of employees hired through the end of the preceding calendar year
as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding
calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal 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 said 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 AND LEGALITY


Carol Helton, City Attorney

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 23rd day of October, 2012, at 5:30 o'clock PM, E.S.T.

DATED: 10-9-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
and duly adopted,
LOST

Read the third time in full and on motion by Shoaff placed on its passage. **(PASSED)** by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED: 10-23-12

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-57-12 on the 23rd day of October, 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 24th day of October, 2012, at the hour of 3 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of October, 2012, at the hour of 9:30 o'clock AM, E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

Exhibit A

EXHIBIT A - LEGAL DESCRIPTION

PARCEL I:

Part of the West Half of the Southwest Quarter of Section 4, Township 29 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-wit:

To arrive at the Point of Beginning, COMMENCE at a P.K. nail set at the Southeast corner of the tract aforesaid; thence South 88 degrees 20 minutes 00 seconds West along the South line of the tract aforesaid, a distance of 580.80 feet to a set P.K. nail; thence North 01 degrees 40 minutes 00 seconds West, a distance of 433.10 feet to a one-half inch diameter steel pin found at the Point of Beginning; thence North 01 degrees 49 minutes 24 seconds West, a distance of 226.54 feet to the Southerly right-of-way line of "C" Street as designated on the plat of Baer Field (now known as Piper Drive); thence North 88 degrees 20 minutes 24 seconds East along said Southerly right-of-way line of Piper Drive, a distance of 520.42 feet to a 5/8 inch diameter steel pin set with D&A Film No. 0026 identification cap; thence South 01 degrees 24 minutes 55 seconds East, a distance of 226.48 feet to a found one-half inch diameter steel pin; thence South 88 degrees 20 minutes 00 seconds West, a distance of 518.80 feet to the Point of Beginning, containing 2.70 acres, more or less.

PARCEL II:

A non-exclusive ingress and egress easement for the benefit of Parcel I over and across the following described real estate as created by Grant of Ingress and Egress easement recorded March 5, 2003 as Document Number 203023414 described as follows:

The East 50 feet of the North 40 feet of the following described parcel:

Part of the West one-half of the Southwest Quarter of Section 4, Township 29 North, Range 12 East, in Allen County, Indiana, in particular described as follows, to-wit:

COMMENCE on the South line of said Quarter Section at a point situated 65.0 feet, South 88 degrees 20 minutes West of the Southeast corner of the West one-half of said Quarter Section; thence South 88 degrees 20 minutes West, a distance of 350.8

Continued on next page

Exhibit A

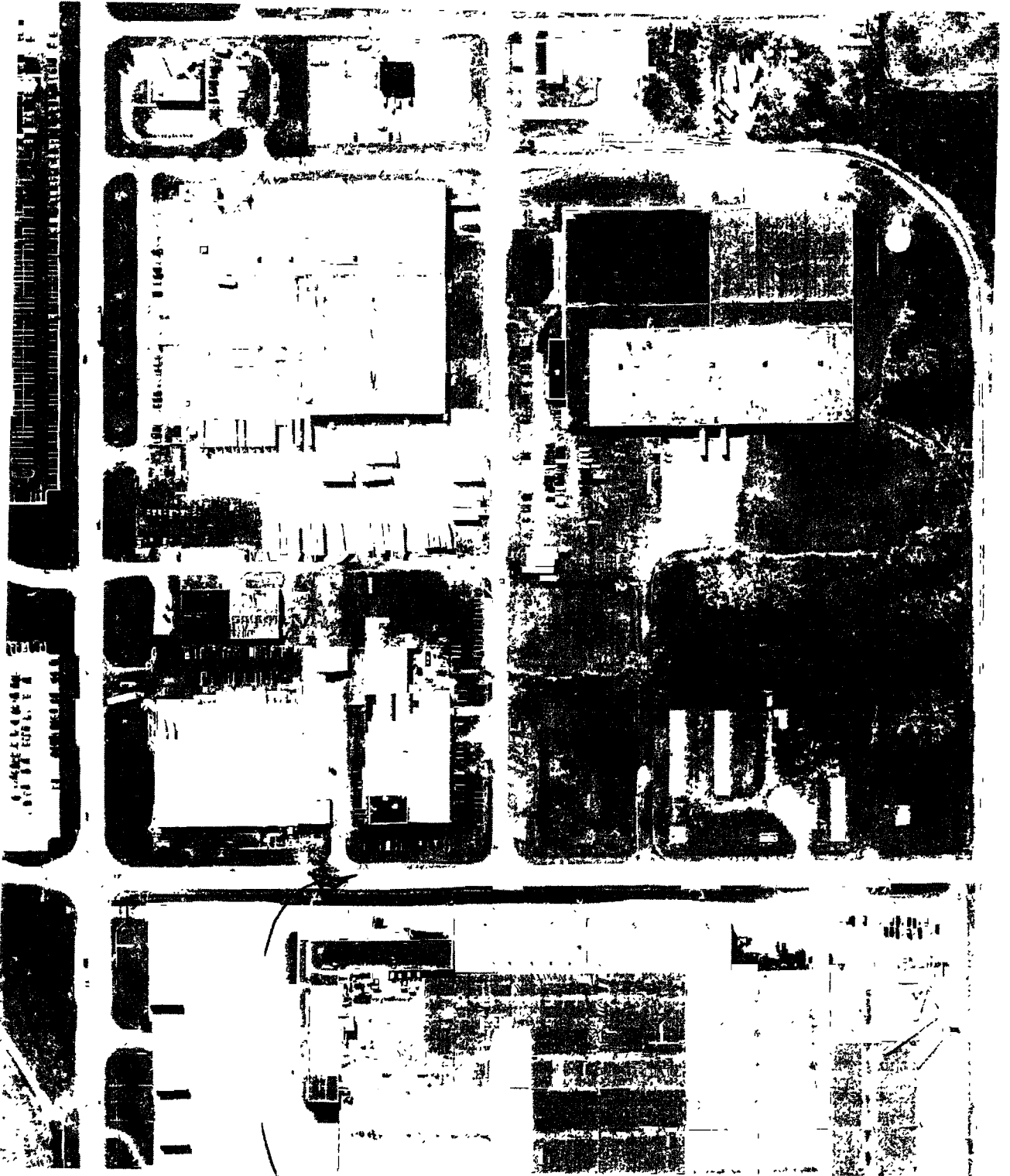
EXHIBIT A - CONT'D

feet; thence Northerly by a deflection right of 89 degrees 50 minutes along the East line of 1.20 acres conveyed to Lawrence H. Lee by Deed recorded in Document Number 86-39407, a distance of 433.1 feet; thence North 88 degrees 20 minutes East, and parallel to the South line of said Quarter Section, a distance of 353.8 feet to a point situated 65.0 feet West of the East line of the West one-half of the Southwest Quarter of said Section 4; thence South and parallel to the line aforesaid, a distance of 433.1 feet to the Point of Beginning, containing 3.502 acres, more or less.

EXCEPTING THEREFROM the East 10 feet thereof conveyed to the City of Fort Wayne, for street, sidewalk and utility purposes as taken in Instrument Number 72-23418.

END OF EXHIBIT A

Exhibit A



City of Fort Wayne






0 100 200 ft

Graphic Scale

The map is intended for general reference purposes only. The information displayed herein is not guaranteed to be complete, accurate or all inclusive.
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LEGEND

-  2008 Aerial Photography
-  Fort Wayne City Limits
-  River

10916 Airport Dr.

17. Dayne, L.J. L.6809

Parcel 11

02-17-04-300-006. W0-D8

Admn. Appr.

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Chuck Bivens Services d/b/a States Engineering is requesting the designation of an Economic Revitalization Area for personal property improvements in the amount of \$325,000. In order to expand, Chuck Bivens Services d/b/a States Engineering will install new manufacturing equipment which will allow them to cut their own material instead of outsourcing.**

EFFECT OF PASSAGE: **Installing the new equipment will allow Chuck Bivens Services d/b/a States Engineering to increase sales and maximize profit margins while also reducing maintenance costs. Four full-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development and four full-time jobs**

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): **No expenditures of public funds required.**

ASSIGNED TO COMMITTEE (PRESIDENT): **Mitch Harper and John Shoaff**

BILL NO. R-12-10-04

REPORT OF THE COMMITTEE ON FINANCE

JOHN SHOAFF -CHAIR
MITCH HARPER – CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED. A CONFIRMING RESOLUTION DESIGNATING AN "ECONOMIC REVITALIZATION AREA" UNDER I.C. 6-1.1-12.1 FOR PROPERTY COMMONLY KNOWN AS 10216 AIRPORT DRIVE, FORT WAYNE, INDIANA 46809 (CHUCK BIVENS SERVICES D/B/A). HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures and initials under "DO PASS"]
John Shoaff
Mitch Harper
Donna Shickles
Marilyn A. B. /
James A. Campbell
[unclear]
Debbie [unclear]

SANDRA E. KENNEDY
CITY CLERK