

J

BILL NO. R-12-11-02

CONFIRMING RESOLUTION NO. R- 71-12

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 2000
Wayne Trace, Fort Wayne, Indiana 46803 (Old
Fort Supply Company, Inc.)**

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 retain ten full-time and five part-time, permanent jobs for a current annual payroll of \$516,555, with the average current annual job salary being \$34,437; and

WHEREAS, the total estimated project cost is \$51,400; and

WHEREAS, a recommendation has been received from the Committee on Finance on said Resolution; 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.

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 personal property for new information technology 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 information technology equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

1 reasonably expected to result from the proposed described installation of the new information
2 technology equipment.

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

5 ... If the proposed new information technology equipment is not installed, the
6 approximate current year tax rates for this site would be \$3.1537/\$100.

7 ... If the proposed new information technology equipment is installed and no
8 deduction is granted, the approximate current year tax rate for the site would be
9 \$3.1537/\$100 (the change would be negligible).

10 ... If the proposed new information technology equipment is installed, and a
11 deduction percentage of eighty percent (80%) is assumed, the approximate
12 current year tax rate for the site would be \$3.1537/\$100 (the change would be
13 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 information technology equipment shall be for a period of
16 five 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 information technology equipment, a deduction application
21 must contain a performance report showing the extent to which there has been compliance
22 with the Statement of Benefits form approved by the Fort Wayne Common Council at the
23 time of filing. This report must be submitted to the Allen County Auditor's Office, and the City
24 of Fort 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

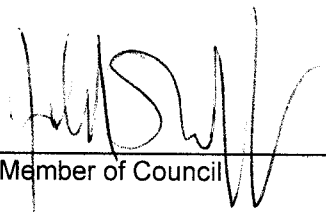
- 28 (a) The cost and description of real property improvements and/or new
29 information technology equipment acquired.
- 30 (b) The number of employees hired through the end of the preceding calendar year
as a result of the deduction.
- (c) The total salaries of the employees hired through the end 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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



2007053880

RECORDED ON
09/25/2007 01:19:36PM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

REC FEE: 22.00
TRANS # 9203

Exhibit A

Mail Tax Bills To:
Grantee
2000 Wayne Trace
Fort Wayne, IN 46803

CORPORATE DEED

Wayne

THIS INDENTURE WITNESSETH, that **OLD FORT SUPPLY COMPANY, INC.**, a corporation organized and existing under the laws of the State of Indiana ("Grantor"), *CONVEYS AND WARRANTS* to **MODERN MASONRY SUPPLY COMPANY, INC.**, an Indiana corporation ("Grantee"), in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County, in the State of Indiana:

02-13-07-153-006-000-074

See attached Exhibit "A".

02-13-07-326-004-000-074

Property Address: 2000 Wayne Trace, Fort Wayne, IN 46803

Subject to that certain mortgage given to Tower Bank & Trust Company, in the original principal sum of \$341,076.94, recorded February 10, 2003, as Document No. 203014087, which the Grantee herein assumes and agrees to pay as a part of the consideration for this conveyance.

Subject to all current real estate taxes and assessments and all subsequent taxes and assessments.

Subject to all easements, restrictions and limitations of record.

The undersigned person executing this deed represents and certifies on behalf of the Grantor, that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 31st day of August, 2007.

OLD FORT SUPPLY COMPANY, INC.

By: *Donald Menze*
Donald Menze, President

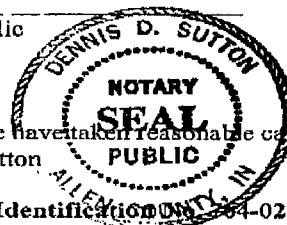
STATE OF INDIANA, COUNTY OF ALLEN §§:

Before me, the undersigned, a Notary Public in and for said County and State, this 31st day of August, 2007, personally appeared Donald Menze, the President of OLD FORT SUPPLY COMPANY, INC., who acknowledged the execution of the foregoing deed for and on behalf of said Grantor and who, having been duly sworn, stated that the representations therein contained are true.

My Commission Expires:

December 2, 2008

Dennis D. Sutton
Notary Public
Printed: Dennis D. Sutton
County of Residence: Allen



Pursuant to IC 36-2-11-15(d): I/We affirm, under the penalties for perjury, that I/we have taken reasonable care to redact each Social Security number in this document, unless required by law. Dennis D. Sutton

This Instrument Prepared by: **Dennis D. Sutton, Attorney at Law** - Attorney Identification No. 4-02
Mail To: Burt, Blee Box

FILED

SEP 24 2007

SALES DISCLOSURE FORM

AUDITOR'S OFFICE
Duty entered for taxation. Subject to final acceptance for transfer.

SEP 24 2007

38433

Shirley A. Glasser
AUDITOR OF ALLEN COUNTY

22

Box: Burt Blee

Exhibit A

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 7, SAID CORNER BEING LOCATED IN THE CENTER OF ANTHONY BOULEVARD IN THE CITY OF FORT WAYNE, INDIANA; THENCE SOUTH 89 DEGREES 35 MINUTES EAST (DEED BEARING BASE) ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 223.04 FEET TO THE POINT OF BEGINNING. BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE CONTINUING ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER, SOUTH 89 DEGREES 35 MINUTES EAST, A DISTANCE OF 327.40 FEET TO THE SOUTHEAST CORNER OF A 4.31 ACRE TRACT CONVEYED TO P&H SUPPLY CO. (DEED RECORD 474, PAGES 115 & 116); THENCE NORTH 0 DEGREES 47 MINUTES EAST, A DISTANCE OF 198.25 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE (NOW OR FORMERLY) PENNSYLVANIA RAILROAD (FORMERLY THE CINCINNATI, FINDLAY AND FORT WAYNE RAILWAY COMPANY); THENCE ALONG SAID RAILROAD RIGHT-OF-WAY BY THE FOLLOWING FIVE COURSES; SOUTH 63 DEGREES 25 MINUTES EAST, A DISTANCE OF 45.0 FEET; THENCE SOUTH 53 DEGREES 08 MINUTES EAST, A DISTANCE OF 312.30 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 693.42 FEET, AN ARC LENGTH OF 47.89 FEET (CHORD BEARS SOUTH 55 DEGREES 06 MINUTES 43 SECONDS EAST, A CHORD DISTANCE OF 47.88 FEET); THENCE NORTH 27 DEGREES 55 MINUTES EAST, A DISTANCE OF 58.35 FEET; THENCE SOUTH 52 DEGREES 05 MINUTES EAST, A DISTANCE OF 490.0 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF C STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 27 DEGREES 34 MINUTES WEST, A DISTANCE OF 72.5 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE (NOW OR FORMERLY) PENNSYLVANIA RAILROAD (FORMERLY THE FITTSBURG, FORT WAYNE AND CHICAGO RAILWAY COMPANY); THENCE ALONG SAID RAILROAD RIGHT-OF-WAY BY THE FOLLOWING FOUR COURSES; ALONG A CURVE TO THE LEFT (NOT NORMALLY TANGENT TO THE LAST DESCRIBED COURSE) HAVING A RADIUS OF 1360.23 FEET, AN ARC LENGTH OF 231.16 FEET (CHORD BEARS NORTH 74 DEGREES 13 MINUTES WEST, A CHORD DISTANCE OF 230.88 FEET) TO THE POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 872.21 FEET, AN ARC LENGTH OF 583.83 FEET (CHORD BEARS SOUTH 81 DEGREES 46 MINUTES 30 SECONDS WEST, A CHORD DISTANCE OF 572.99 FEET); THENCE SOUTH 62 DEGREES 34 MINUTES WEST, A DISTANCE OF 90.0 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 596.74 FEET, AN ARC LENGTH OF 164.60 FEET (CHORD BEARS SOUTH 70 DEGREES 28 MINUTES 53 SECONDS WEST, A CHORD DISTANCE OF 164.08 FEET); THENCE NORTH 0 DEGREES 04 MINUTES WEST, A DISTANCE OF 246.55 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES WEST, A DISTANCE OF 62.20 FEET; THENCE NORTH 0 DEGREES 02 MINUTES 32 SECONDS WEST, A DISTANCE OF 150.12 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION DESCRIBES THE AREA CONTAINED IN DEED RECORD 79-5885, DEED RECORD 79-29005 AND DEED RECORD 86-28040, AS

(CONTINUED)

Exhibit A

FOUND IN THE ALLEN COUNTY RECORDER'S OFFICE.

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE FORMER FINDLAY, FORT WAYNE AND WESTERN RAILROAD, NOW THE PENNSYLVANIA RAILROAD, WITH THE EAST LINE OF A PUBLIC THOROUGHFARE, IN THE CITY OF FORT WAYNE, KNOWN AS ANTHONY BOULEVARD, AS SAID LINE IS SITUATED 30.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 7; THENCE NORTH ALONG THE AFORESAID BOULEVARD LINE, A DISTANCE OF 84.0 FEET; THENCE EAST BY A DEFLECTION RIGHT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 190.0 FEET; THENCE NORTH BY A DEFLECTION LEFT OF 90 DEGREES 00 MINUTES, A DISTANCE OF 123.1 FEET TO THE SOUTH LINE OF WAYNE TRACE, AS WIDENED BY DECLARATORY RESOLUTION NO. 254-1913; THENCE SOUTHEASTERLY ALONG SAID STREET LINE, BY A DEFLECTION RIGHT OF 123 DEGREES 29 MINUTES, A DISTANCE OF 550.2 FEET TO THE POINT OF BEGINNING. BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE CONTINUING ALONG SAID STREET LINE, SOUTH 56 DEGREES 18 MINUTES 02 SECONDS EAST (DEED BEARING BASE), A DISTANCE OF 175.62 FEET; THENCE SOUTH 0 DEGREES 04 MINUTES 43 SECONDS EAST, A DISTANCE OF 196.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE PENNSYLVANIA RAILROAD (FORMERLY THE CINCINNATI, FINDLEY & FORT WAYNE RAILWAY COMPANY); THENCE ALONG SAID RIGHT-OF-WAY LINE BY THE FOLLOWING THREE COURSES; NORTH 62 DEGREES 23 MINUTES 02 SECONDS WEST, A DISTANCE OF 193.32 FEET; THENCE SOUTH 27 DEGREES 36 MINUTES 58 SECONDS WEST, A DISTANCE OF 8.0 FEET; THENCE NORTH 62 DEGREES 23 MINUTES 02 SECONDS WEST, A DISTANCE OF 82.35 FEET; THENCE NORTH 30 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 200.97 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION DESCRIBES THE AREA CONTAINED IN DEED RECORD 77-37163 AND DEED RECORD 84-4764 AS FOUND IN THE ALLEN COUNTY RECORDER'S OFFICE.

PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 EAST, 2ND PRINCIPAL MERIDIAN, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 7, SAID CORNER BEING LOCATED IN THE CENTER OF ANTHONY BOULEVARD IN THE CITY OF FORT WAYNE, INDIANA; THENCE SOUTH 89 DEGREES 35 MINUTES EAST (DEED BEARING) ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 550.44 FEET TO THE SOUTHEAST CORNER OF A

(CONTINUED)

Exhibit A

4.31 ACRE TRACT CONVEYED TO P&H SUPPLY CO. (DEED RECORD 474, PAGES 115-116); THENCE NORTH 0 DEGREES 47 MINUTES EAST, A DISTANCE OF 198.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATED RAIL CORP. (FORMERLY THE PENNSYLVANIA RAILROAD), SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT. BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE NORTH 27 DEGREES 16 MINUTES 26 SECONDS EAST, A DISTANCE OF 51.86 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF SAID RAILROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, AS ESTABLISHED BY EXISTING MONUMENTS, BY THE FOLLOWING SEVEN COURSES; SOUTH 62 DEGREES 23 MINUTES 08 SECONDS EAST, A DISTANCE OF 82.35 FEET; THENCE NORTH 27 DEGREES 36 MINUTES 58 SECONDS EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 62 DEGREES 23 MINUTES 08 SECONDS EAST, A DISTANCE OF 193.32 FEET; THENCE SOUTH 1 DEGREE 18 MINUTES 47 SECONDS WEST, A DISTANCE OF 10.90 FEET; THENCE SOUTH 61 DEGREES 25 MINUTES 22 SECONDS EAST, A DISTANCE OF 149.98 FEET; THENCE SOUTH 75 DEGREES 38 MINUTES 06 SECONDS EAST, A DISTANCE OF 38.94 FEET; THENCE SOUTH 61 DEGREES 13 MINUTES 45 SECONDS EAST, A DISTANCE OF 423.02 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF C STREET; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF C STREET, SOUTH 27 DEGREES 34 MINUTES WEST, A DISTANCE OF 47.66 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID RAILROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY BY THE FOLLOWING FIVE COURSES; NORTH 62 DEGREES 05 MINUTES WEST, A DISTANCE OF 490.0 FEET; THENCE SOUTH 27 DEGREES 55 MINUTES WEST, A DISTANCE OF 58.35 FEET; THENCE ALONG A CURVE TO THE RIGHT, WHICH IS NOT NORMALLY TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 693.42 FEET, A CENTRAL ANGLE OF 3 DEGREES 57 MINUTES 25 SECONDS, AN ARC LENGTH OF 47.89 FEET (CHORD BEARS NORTH 55 DEGREES 06 MINUTES 43 SECONDS WEST, A CHORD DISTANCE OF 47.88 FEET); THENCE NORTH 53 DEGREES 08 MINUTES WEST, A DISTANCE OF 312.30 FEET; THENCE NORTH 63 DEGREES 25 MINUTES WEST, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING.

Read the first time in full and on motion by Shoaff Finance, 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 27th day of November, 2012, at 5:30 o'clock P M., E.S.T.

DATED: 11-13-12

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

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

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

DATED: 11-27-12

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. B-71-17 on the 27th day of November, 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 28th day of November, 2012, at the hour of 3 o'clock P M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of November, 2012, at the hour of 10:30 o'clock

Thomas C. Henry
THOMAS C. HENRY, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Old Fort Supply Company, Inc. is requesting the designation of an Economic Revitalization Area for personal property improvements in the amount of \$51,400. In order to expand, Old Fort Supply Company, Inc. will install new computer programming and software equipment including a new internet-based phone system.**

EFFECT OF PASSAGE: **Installing the new equipment will allow Old Fort Supply Company, Inc. to maintain their market position. Ten full-time jobs and five part-time jobs will be retained.**

EFFECT OF NON-PASSAGE: **Potential loss of development**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Mitch Harper and John Shoaff**