

**A DECLARATORY RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 3201
Stellhorn Road, Fort Wayne, Indiana 46815
(BioPoly, LLC)**

WHEREAS, Petitioner has duly filed its petition dated November 13, 2012 to have the following described property designated and declared 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 three full-time, permanent jobs for a total new, annual payroll of \$104,000, with the average new annual job salary being \$34,667 and retain seven full-time, permanent jobs for a total current annual payroll of \$837,000, with the average current, annual job salary being \$119,571; and

WHEREAS, the total estimated project cost is \$111,675; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 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 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing;

1 **SECTION 3.** That, said designation of the hereinabove described property as an
2 "Economic Revitalization Area" shall apply to a deduction of the assessed value of personal
3 property for new manufacturing and information technology equipment.

4 **SECTION 4.** That, the estimate of the number of individuals that will be employed
5 or whose employment will be retained and the estimate of the annual salaries of those
6 individuals and the estimate of the value of new manufacturing and information technology
7 equipment, all contained in Petitioner's Statement of Benefits, are reasonable and are
8 benefits that can be reasonably expected to result from the proposed described installation of
9 new manufacturing and information technology equipment.

10 **SECTION 5.** That, the current year approximate tax rates for taxing units within
11 the City would be:

12 (a) If the proposed new manufacturing and information technology equipment is not
13 installed, the approximate current year tax rates for this site would be
14 \$3.0422/\$100.

15 (b) If the proposed new manufacturing and information technology equipment is
16 installed and no deduction is granted, the approximate current year tax rate for
17 the site would be \$3.0422/\$100 (the change would be negligible).

18 (c) If the proposed new manufacturing and information technology equipment is
19 installed and a deduction percentage of eighty percent (80%) is assumed, the
20 approximate current year tax rate for the site would be \$3.0422/\$100 (the
21 change would be negligible).

22 **SECTION 6.** That, this Resolution shall be subject to being confirmed, modified
23 and confirmed, or rescinded after public hearing and receipt by Common Council of the
24 above described recommendations and resolution, if applicable.

25 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the
26 deduction from the assessed value of the new manufacturing and information technology
27 equipment shall be for a period of ten years.

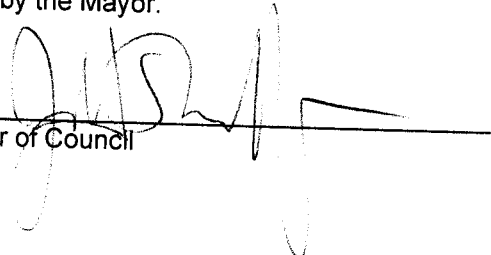
28 **SECTION 8.** That, the benefits described in the Petitioner's Statement of Benefits
29 can be reasonably expected to result from the project and are sufficient to justify the
30 applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due
to jurisdictions within Allen County, Indiana.

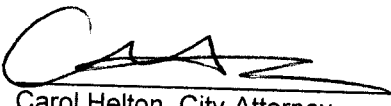
SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
has received a deduction under section 3 or 4.5 of said chapter may be required to repay the
deduction amount as determined by the county auditor in accordance with section 12 of said
chapter if the property owner ceases operations at the facility for which the deduction was
granted and if the Common Council finds that the property owner obtained the deduction by

1 intentionally providing false information concerning the property owner's plans to continue
2 operation at the facility.

3 **SECTION 11.** That, this Resolution shall be in full force and effect from and after
4 its passage and any and all necessary approval by the Mayor.

5 
6 _____
Member of Council

7 APPROVED AS TO FORM AND LEGALITY

8 
9 _____
Carol Helton, City Attorney



NOV 13 2012 *ajr*

**ECONOMIC REVITALIZATION AREA APPLICATION
CITY OF FORT WAYNE, INDIANA**

APPLICATION IS FOR: (Check appropriate box(es))

- Real Estate Improvements
- Personal Property Improvements
- Vacant Commercial or Industrial Building

Total cost of real estate improvements: _____
 Total cost of manufacturing equipment improvements: \$ 103,473
 Total cost of research and development equipment improvements: _____
 Total cost of logistical distribution equipment improvements: _____
 Total cost of information technology equipment improvements: \$ 8,202
TOTAL OF ABOVE IMPROVEMENTS: \$ 111,675

GENERAL INFORMATION

Real property taxpayer's name: Northeast Indiana Innovation Center (Lessor)
 Personal property taxpayer's name: BioPoly, LLC
 Telephone number: 260-399-1694
 Address listed on tax bill: 3201 Stellhorn Road; Fort Wayne, IN 46815
 Name of company to be designated, if applicable: BioPoly, LLC
 Year company was established: 2006
 Address of property to be designated: 3201 Stellhorn Road; Fort Wayne, IN 46815
 Real estate property identification number: _____
 Contact person name: Sabra Rowley
 Contact person telephone number: 260-399-1694 Contact person Email: sabra.rowley@schwartzbiomedical.com
 Contact person address: 3201 Stellhorn Road

List company officer and/or principal operating personnel

NAME	TITLE	ADDRESS	PHONE NUMBER
Herbert E. Schwartz	President/CEO	3201 Stellhorn Road; Fort Wayne	260-407-6468
Sabra L. Rowley	CFO	3201 Stellhorn Road; Fort Wayne	260-399-1694

List all persons or firms having ten percent or more ownership interest in the applicant business and the percentage each holds:

NAME	PERCENTAGE
Schwartz Biomedical, LLC	69.89%
	0.00%
	0.00%
	0.00%
	0.00%

- Yes No Are any elected officials shareholders or holders of any debt obligation of the applicant or operating business? If yes, who? (name/title) _____
- Yes No Is the property for which you are requesting ERA designation totally within the corporate limits of the City of Fort Wayne?
- Yes No Is the property for which you are requesting ERA designation located in an Economic Development Target Area (EDTA)? (see attached map for current areas)
- Yes No Is the property for which you are requesting ERA designation located in a HUBzone? (see attached map for current areas)
- Yes No Do you plan to request state or local assistance to finance public improvements?

Describe the product or service to be produced or offered at the project site: _____
Orthopaedic Medical Implants/Devices

In order to be considered an Economic Revitalization Area (ERA), the area must be within the corporate limits of the City of Fort Wayne and must have become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. It also includes any area where a facility or group of facilities that are technologically, economically, or energy obsolete is located and where the obsolescence may lead to a decline in employment and tax revenues.

How does the property for which you are requesting designation meet the above definition of an ERA?

The equipment that we replaced has become technologically obsolete. Our molding process requires the ability to apply weight and heat/cooling in a controlled manner. Our old processes were manual (weights, manual heaters). We purchased the new equipment to help with molding new lines of implants which are larger than our first product line of implants. The manual process would have required more weight than would be safe to handle.

REAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value for real property improvements.

Describe any structure(s) that is/are currently on the property: _____

Describe the condition of the structure(s) listed above: _____

Describe the improvements to be made to the property to be designated for tax abatement purposes: _____

Projected construction start (month/year): _____

Projected construction completion (month/year): _____

Yes No Will construction result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

Yes No Will construction use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

PERSONAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value of new manufacturing, research and development, logistical distribution or information technology equipment.

List below the equipment for which you are seeking an economic revitalization area designation.

Manufacturing equipment must be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property at the site to be designated. Research and development equipment consists of laboratory equipment, research and development equipment, computers and computer software, telecommunications equipment or testing equipment used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products at the site to be designated. Logistical distribution equipment consists of racking equipment, scanning or coding equipment, separators, conveyors, fork lifts or lifting equipment, transitional moving equipment, packaging equipment, sorting and picking equipment, software for technology used in logistical distribution, is used for the storage or distribution of goods, services, or information. Information technology equipment consists of equipment, including software used in the fields of information processing, office automation, telecommunication facilities and networks, informatics, network administration, software development and fiber optics: (use additional sheets, if necessary)

1. (New Manufacturing) Direct Compression Molding Press (for implants). 2. Portable Chiller (to go with press) to control temperature and 3. DAQ (Data Acquisition Equipment) system used to collect data from the press as well as software to allow download to PC. (Information technology equipment)

Yes No Has the above equipment for which you are seeking a designation, ever before been used for any purpose in Indiana? If yes, was the equipment acquired at an arms length transaction from an entity not affiliated with the applicant? Yes No

Yes No Will the equipment be leased?

Equipment purchase date (month/year): (1) 2/2012; (2) 3/2012 and (3) 8/2012

Equipment installation date (month/year): 10/2012

Please provide the depreciation schedule term for equipment under consideration for personal property tax abatement:

Please see attached schedule

BioPoly, LLC
Federal Tax Depreciation Schedule
2012 Forward

7 YR MACRS; Mid Qtr Convention; 4th Qtr

Press Year	Cost	Rate	Depreciation	Net
1	91,588	3.57%	3,269.69	88,318.31
2	91,588	27.55%	25,232.49	63,085.81
3	91,588	19.68%	18,024.52	45,061.30
4	91,588	14.06%	12,877.27	32,184.02
5	91,588	10.04%	9,195.44	22,988.59
6	91,588	8.73%	7,995.63	14,992.96
7	91,588	8.73%	7,995.63	6,997.32
8	91,588	7.64%	6,997.32	(0.00)

DAQ Year	Cost	Rate	Depreciation	Net
1	8,202	3.57%	292.81	7,909.19
2	8,202	27.55%	2,259.65	5,649.54
3	8,202	19.68%	1,614.15	4,035.38
4	8,202	14.06%	1,153.20	2,882.18
5	8,202	10.04%	823.48	2,058.70
6	8,202	8.73%	716.03	1,342.67
7	8,202	8.73%	716.03	626.63
8	8,202	7.64%	626.63	-

Chiller Year	Cost	Rate	Depreciation	Net
1	11,885	3.57%	424.29	11,460.71
2	11,885	27.55%	3,274.32	8,186.39
3	11,885	19.68%	2,338.97	5,847.42
4	11,885	14.06%	1,671.03	4,176.39
5	11,885	10.04%	1,193.25	2,983.14
6	11,885	8.73%	1,037.56	1,945.57
7	11,885	8.73%	1,037.56	908.01
8	11,885	7.64%	908.01	-

ELIGIBLE VACANT BUILDING INFORMATION

Complete this section of the application if you are requesting a deduction from the current assessed value of a vacant building

Yes No Has the building for which you are seeking designation for tax abatement been unoccupied for at least one year? Please provide evidence of occupation. (i.e. certificate of occupancy, paid utility receipts, executed lease agreements)

Describe any structure(s) that is/are currently on the property: _____

Describe the condition of the structure(s) listed above: _____

Projected occupancy date (month/year): _____

Describe the efforts of the owner or previous owner in regards to selling, leasing or renting the eligible vacant building during the period the eligible vacant building was unoccupied including how much the building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

PUBLIC BENEFIT INFORMATION

EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

ESTIMATE OF EMPLOYEES AND PAYROLL FOR FORT WAYNE
FACILITY REQUESTING ECONOMIC REVITALIZATION AREA DESIGNATION

Please be specific on job descriptions. To fill out information on occupation and occupation code, use data available through Occupation Employment Statistics for Fort Wayne
http://www.bls.gov/oes/current/oes_23060.htm

Current Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Please see attached spreadsheet			

Retained Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Please see attached spreadsheet			

Additional Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Please see attached spreadsheet			

PUBLIC BENEFIT INFORMATION

Current Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
Please see attached spreadsheet			

Retained Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
Please see attached spreadsheet			

Additional Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
Please see attached spreadsheet			

Check the boxes below if the existing jobs and the jobs to be created will provide the listed benefits:

- | | | |
|--------------------------------------------------|----------------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> Pension Plan | <input type="checkbox"/> Major Medical Plan | <input checked="" type="checkbox"/> Disability Insurance |
| <input type="checkbox"/> Tuition Reimbursement | <input checked="" type="checkbox"/> Life Insurance | <input type="checkbox"/> Dental Insurance |

List any benefits not mentioned above: Please note that although we do not offer a major medical plan to employees currently, salaries have been adjusted to allow for purchase of plans individually.

When will you reach the levels of employment shown above? (month/year): Please see attached schedule by year

BioPoly, LLC
Public Benefit Information
2012-2015

Current Full-Time Employment

Occupation	2012		2013		2014		2015	
	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll
Management Occupations	6.0	805,800	6.0	829,974	6.0	854,873	6.0	880,519
Molding Technician	1.0	31,200	1.0	32,136	1.0	33,100	1.0	34,093
Totals	7.0	837,000	7.0	862,110	7.0	887,973	7.0	914,612

Retained Full-Time Employment

Occupation	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll
Management Occupations	6.0	805,800	6.0	829,974	6.0	854,873	6.0	880,519
Molding Technician	1.0	31,200	1.0	32,136	1.0	33,100	1.0	34,093
Totals	7.0	837,000	7.0	862,110	7.0	887,973	7.0	914,612

Additional Full-Time Employment (Cumulative by year)

Occupation	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll	Number of Jobs	Total Payroll
Molding Technician	-	-	1.5	48,204	5.0	165,500	8.5	289,791
Bookkeeping, Accounting Clerks	-	-	1.0	40,000	-	-	-	-
Other Managerial	-	-	2.5	88,204	7.0	400,500	11.5	629,791
Totals	-	-	2.5	88,204	7.0	400,500	11.5	629,791

Total Projected Salaries per Year

837,000	950,314	1,288,474	1,544,404
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Note: The above plan assumes meeting revenue targets and making additional capital purchases in 2014 and 2015

REQUIRED ATTACHMENTS

The following must be attached to the application.

1. **Statement of Benefits Form(s) (first page/front side completed)**
2. **Full legal description of property and a plat map identifying the property boundaries. (Property tax bill legal descriptions are not sufficient.) Should be marked as Exhibit A.**
3. **Check for non-refundable application fee made payable to the City of Fort Wayne.**

ERA filing fee (either real or personal property improvements)	.1% of total project cost not to exceed \$500
ERA filing fee (both real and personal property improvements)	.1% of total project cost not to exceed \$750
ERA filing fee (vacant commercial or industrial building)	\$500
ERA filing fee in an EDTA	\$100
Amendment to extend designation period	\$300
Waiver of non compliance with ERA filing	\$500 + ERA filing fee

4. **Owner's Certificate (if applicant is not the owner of property to be designated) Should be marked as Exhibit B if applicable.**

CERTIFICATION

I, as the legal taxpayer and/or owner, hereby certify that all information and representations made on this application and its attached exhibits are true and complete and that neither an Improvement Location Permit nor a Structural Permit has been filed for construction of improvements, nor has any manufacturing, research and development, logistical distribution or information technology equipment which is a part of this application been purchased and installed as of the date of filing of this application. I also certify that the taxpayer is not delinquent on any and all property tax due to taxing jurisdictions within Allen County, Indiana. I understand that any incorrect information on this application may result in a rescission of any tax abatements which I may receive.

I understand that I must file a correctly completed Compliance with Statement of Benefits Form (CF-1/Real Property for real property improvements and CF-1/PP for personal property improvements) with **BOTH** the City of Fort Wayne Community Development Division, **AND** the County Auditor in each year in which I receive a deduction. Failure to file the CF-1 form with either agency may result in a rescission of any tax abatement occurring as a result of this application.

Sabrina L. Rowley, CFO BioPoly, LLC
Signature of Taxpayer/Owner

Sabra L. Rowley, CFO BioPoly, LLC
Printed Name and Title of Applicant

11/5/12
Date

Exhibit B

InnovationCenter
about us

Karl R. LaPan, President & CEO

November 1, 2012

Mrs. Sabra Rowley
Chief Financial Officer
BioPoly, LLC.
3201 Stellhorn Road
Fort Wayne, IN 46815

Dear Sabra:

This letter is to acknowledge Northeast Indiana Innovation Center is aware Schwartz Biomedical is applying for an ERA tax abatement, and we are fully supportive of the request.

Schwartz has been a valued residential client of the Northeast Indiana Innovation Center/Park. In addition, Schwartz Biomedical and BioPoly have created high quality jobs and supplier opportunities for our community and region. We also recognize the innovative technologies and transformative products you are developing will have a significant opportunity to improve the quality of life for many hundreds of thousands of people who suffer from certain orthopedic ailments.

Thank you for the opportunity to comment on this abatement request. We appreciate all you are doing to help improve quality of life and patient care outcomes in the World.

Sincerely yours,



Karl R. LaPan
President and CEO



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (5-04)
Prescribed by the Department of Local Government Finance

CITY OF FT WAYNE

**FORM
SB - 1 / PP**

NOV 13 2012

ajw

INSTRUCTIONS:

- This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, **BEFORE** a deduction may be approved
- To obtain a deduction, Form 322 ERA/PPME and/or Form 322 ERA/PP Other, must be filed with the county auditor. Form 322 ERA/PPME and/or Form 322 ERA/PP Other must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF-1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5(e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION										
Name of taxpayer BioPoly, LLC										
Address of taxpayer (street and number, city, state and ZIP code) 3201 Stellhorn Road										
Name of contact person Sabra Rowley							Telephone number (260) 399-1694			
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT										
Name of designating body City of Fort Wayne							Resolution number			
Location of property 3201 Stellhorn Road; Fort Wayne, IN 46815					County Allen		Taxing district 072			
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment (use additional sheets if necessary) 1. Direct Compression Molding press 2. Chiller (to regulate press temperature and 3. DAQ (Data Acquisition) System to record mfg data and software to download data to PC					ESTIMATED					
							Start Date		Completion Date	
					Manufacturing Equipment		6/1/2012		10/18/2012	
					R & D Equipment					
					Logist Dist Equipment *					
IT Equipment *		10/5/2012		10/18/2012						
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT										
Current number 7	Salaries 837,000.00	Number retained 7	Salaries 837,000.00	Number additional 3	Salaries 104,000.00					
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT										
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	Manufacturing Equipment		R & D Equipment		Logist Dist Equipment *		IT Equipment *			
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value		
	Current values	13,653.00	7,500.00	500.00	300.00			3,516.00	2,000.00	
	Plus estimated values of proposed project	103,473.00	41,390.00					8,202.00	3,281.00	
	Less values of any property being replaced	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Net estimated values upon completion of project	117,073.00	48,990.00	500.00	300.00			11,702.00	5,281.00		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER										
Estimated solid waste converted (pounds) <u>0</u>					Estimated hazardous waste converted (pounds) _____					
Other benefits: BioPoly is an early revenue developing orthopedic company. The taxpayer develops, manufactures and sells orthopedic implants worldwide and has significant growth potential. As a part of the Orthopedics cluster in NE Indiana, the taxpayer is not only meeting a medical need in healthcare, but it has the potential to bring long term growth (revenue and jobs) to NE Indiana.										
SECTION 6 TAXPAYER CERTIFICATION										
I hereby certify that the representations in this statement are true.										
Signature of authorized representative <i>Sabra L. Rowley</i>					Title CFO		Date signed (month, day, year) 11/6/12			

* See IC 6-1.1-12.1-2.3.

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is December 31, 2016.

- B. The type of deduction that is allowed in the designated area is limited to:
- 1. Installation of new manufacturing equipment; Yes No
 - 2. Installation of new research and development equipment; Yes No
 - 3. Installation of new logistical distribution equipment. Yes No
 - 4. Installation of new information technology equipment; Yes No

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ unlimited cost with an assessed value of \$ unlimited.

D. The amount of deduction applicable to new research and development equipment is limited to \$ N/A cost with an assessed value of \$ N/A.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ N/A cost with an assessed value of \$ N/A.

F. The amount of deduction applicable to new information technology equipment is limited to \$ unlimited cost with an assessed value of \$ unlimited.

G. Other limitations or conditions (specify) N/A

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- 1 year
- 2 years
- 3 years
- 4 years
- 5 years **
- 6 years
- 7 years
- 8 years
- 9 years
- 10 years **

** For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5



Sabra L. Rowley, CPA
Chief Financial Officer
3201 Stellhorn Road
Fort Wayne, IN 46815
260-399-1694 phone
260-312-0400 cell
260-492-0452 fax
Sabra.Rowley@Schwartzbiomedical.com

November 5, 2012

Fort Wayne Common Council
Citizens Square
200 East Berry St., Suite # 320
Fort Wayne, IN 46802

Dear Members:

The purpose of this letter is to request a waiver of non compliance for the following:

- Economic Revitalization Area (ERA) application City of Fort Wayne, Indiana
- Form SB-1/PP Statement of Benefits Personal Property

Under current administrative procedures, these two forms need to be submitted prior to the purchase and/or installation of the personal property. However, Section (G)(1) permits applicants to request a waiver of non compliance on personal property if the equipment is installed within one month prior to the date the application is received. The final installation of the equipment occurred on October 18, 2012. It is our intention that the application and Statement of Benefits of Personal Property be submitted prior to November 18, 2012.

The reason for failure to file the application timely is due to our overall inexperience with this process. This is the first time that either the Company or I have filed an application for property tax abatement. While I and the company are familiar with the concept of requesting tax abatement, we did not review the requirements until the equipment was finally installed on October 18, 2012. It was at that time, that I reviewed the application and requirements. Prior to that time, I focused my compliance deadlines on the dates of assessment, not aware of the additional time requirements/limitations. Additionally, I waited until the final installation of the project equipment to ensure that I captured the full cost of the project.

BioPoly, LLC has significant potential to bring high quality jobs to the Fort Wayne area. BioPoly is an early stage, full scale orthopedic company. The company's business plan involves the development, manufacturing and sales of several lines (partial resurfacing, total joint resurfacing, trauma and spine) of medical

devices around the world. We currently have one device approved for sale outside of the United States (OUS). During 2013, we will apply for regulatory approval for two additional partial resurfacing devices. After demonstrating widespread clinical effectiveness, we anticipate sales to ramp up. As sales ramp up, so will our need for additional shifts and manufacturing equipment.

Thank you for your time and consideration of this matter. Please contact me if you have any questions regarding this request or the accompanying forms.

Very truly yours,

A handwritten signature in black ink that reads "Sabra L. Rowley". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

Sabra L. Rowley, CPA, CGMA
Chief Financial Officer

Personal Property Abatements

Tax Abatement Review System

	Points Possible	Points Awarded
Total new investment in equipment		
Over \$5,000,000	10	
\$1,000,000 to \$4,999,999	8	
\$500,000 to \$999,999	6	
\$0 to \$499,999	4	4
<hr/>		
Total number of jobs created and/or retained		
Over 150	10	
75 to 149	8	
25 to 74	6	
10 to 24	4	4
Under 10	2	
<hr/>		
Current # of employees increases 50-99%	6	
Current # of employees increases 100% or more	8	
<hr/>		
Average annual salary of full-time jobs created and/or retained are % of the Federal Minimum Wage *		
Greater than 300% of the Federal Minimum Wage	10	10
201% to 300% of the Federal Minimum Wage	7	
151% to 200% of the Federal Minimum Wage	3	
150% of the Federal Minimum Wage	1	
<hr/>		
Health insurance provided by the company	5	
<hr/>		
Project involves reinvestment at current location of a business	10	10
<hr/>		
Project involves new or startup business	5	
<hr/>		
Construction uses green building techniques (ie LEED Certification)	5	
<hr/>		
Construction uses techniques to minimize impact on Combined Sewer Overflows (CSOs)	2	
<hr/>		
Project is located in a HUBzone	10	

Total	28
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7 to 11 Points - Three Year Abatement
12 to 16 Points - Five Year Abatement
17 to 23 Points - Seven Year Abatement
24 to 60 Points - Ten Year Abatement

* If Average annual salary of the full-time jobs created by listed occupation is 10% or greater than the average salary for Allen County using current occupational employment statistics, then the applicant is eligible for an alternate deduction schedule.

10 Year

Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	90%
Year 7	80%
Year 8	65%
Year 9	50%
Year 10	40%

7 Year

Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	71%
Year 7	43%

**POOL #2 FORT WAYNE COMMUNITY DEVELOPMENT DIVISION
TAX ABATEMENT - ESTIMATE OF SAVINGS**

*New tax abatement percentages have been changed to reflect change in state law

PERSONAL PROPERTY TAX ABATEMENT - 10 yr Schedule

Year	True Cash Value	"Pool 2"	True Tax Value	Assessed Value	Tax Abatement %	Tax Paid %	Deduction	Taxable A V	Tax Rate	Tax Paid	Tax Saved
1	\$111,675	40%	\$44,670	\$44,670	100%	0%	\$44,670	\$0	0.030422	\$0	\$1,359
2	\$111,675	56%	\$62,538	\$62,538	90%	10%	\$56,284	\$6,254	0.030422	\$190	\$1,712
3	\$111,675	42%	\$46,904	\$46,904	80%	20%	\$37,523	\$9,381	0.030422	\$285	\$1,142
4	\$111,675	32%	\$35,736	\$35,736	70%	30%	\$25,015	\$10,721	0.030422	\$326	\$761
5	\$111,675	30%	\$33,503	\$33,503	60%	40%	\$20,102	\$13,401	0.030422	\$408	\$612
6	\$111,675	30%	\$33,503	\$33,503	50%	50%	\$16,751	\$16,751	0.030422	\$510	\$510
7	\$111,675	30%	\$33,503	\$33,503	40%	60%	\$13,401	\$20,102	0.030422	\$612	\$408
8	\$111,675	30%	\$33,503	\$33,503	30%	70%	\$10,051	\$23,452	0.030422	\$713	\$306
9	\$111,675	30%	\$33,503	\$33,503	20%	80%	\$6,701	\$26,802	0.030422	\$815	\$204
10	\$111,675	30%	\$33,503	\$33,503	10%	90%	\$3,350	\$30,152	0.030422	\$917	\$102
11	\$111,675	30%	\$33,503	\$33,503	0%	100%	\$0	\$33,503	0.030422	\$1,019	\$0

TOTAL TAX SAVED (10 yrs on 10 yr deduction) **\$7,114**
 TOTAL TAX PAID (10 yrs on 10 yr deduction) **\$4,777**

DIGEST SHEET

TITLE OF ORDINANCE: **Declaratory Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **BioPoly, LLC is requesting the designation of an Economic Revitalization Area for personal property improvements in the amount of \$111,675. In order to expand, BioPoly, LLC will replace obsolete equipment with a Direct Compression Molding Press, Portable Chiller, and Data Acquisition Equipment to help with molding new lines of implants**

EFFECT OF PASSAGE: **Installing the new equipment will allow BioPoly, LLC to stay competitive in the market and replace obsolete equipment. Three full-time jobs will be created.**

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

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

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

MEMORANDUM



TO: City Council
FROM: Adam Welch, Economic Development Specialist
DATE: November 15, 2012
RE: Request for designation by BioPoly, LLC as an ERA for personal property improvements

BACKGROUND

PROJECT ADDRESS:	3201 Stellhorn Road	PROJECT LOCATED WITHIN:	Not Applicable
PROJECT COST:	\$ 111,675	COUNCILMANIC DISTRICT:	2

COMPANY PRODUCT OR SERVICE:	BioPoly, LLC produces orthopedic medical implants and devices.
PROJECT DESCRIPTION:	BioPoly, LLC will replace obsolete equipment with a Direct Compression Molding Press, Portable Chiller, and Data Acquisition Equipment to help with molding new lines of implants

CREATED

RETAINED

JOBS CREATED (FULL-TIME):	3	JOBS RETAINED (FULL-TIME):	7
JOBS CREATED (PART-TIME):	N/A	JOBS RETAINED (PART-TIME):	N/A
TOTAL NEW PAYROLL:	\$ 104,000	TOTAL RETAINED PAYROLL:	\$ 837,000
AVERAGE SALARY (FULL-TIME NEW):	\$ 36,667	AVERAGE SALARY (FULL-TIME RETAINED):	\$ 119,571

COMMUNITY BENEFIT REVIEW

Yes No N/A

Project will encourage vacant or under-utilized land appropriate for commercial or industrial use?

Yes No N/A

Real estate to be designated is consistent with land use policies of the City of Fort Wayne?

Explain: Property to be designated is zoned IN2; General Industrial Zoning Class

Yes No N/A

Project encourages the improvement or replacement of a deteriorated or obsolete structure?

Yes No N/A

Project encourages the improvement or replacement of obsolete manufacturing and/or research and development and/or information technology and/or logistical distribution equipment?

Explain: BioPoly, LLC will install a Direct Compression Molding Press, Portable Chiller, and Data Acquisition Equipment.

Yes No N/A

Project will result in significant conversion of solid waste or hazardous waste into energy or other useful products?

Yes No N/A

Project encourages preservation of an historically or architecturally significant structure?

Yes No N/A

Construction will result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

Yes No N/A

Construction will use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

Yes No N/A

ERA designation induces employment opportunities for Fort Wayne area residents?

Yes No N/A

Average wage of all full-time jobs to be created is at least 150% of current Federal minimum wage.

Explain: The average wage of full-time jobs created is 230% of the current Federal minimum wage rate.Yes No N/A

Average wage of all full-time jobs to be retained is at least 150% of current Federal minimum wage.

Explain: The average wage rate of full-time jobs retained is 793% of the current Federal minimum wage rate.Yes No N/A

Taxpayer is NOT delinquent on any or all property tax due to any taxing jurisdiction within Allen County.

POLICY

Per the policy of the City of Fort Wayne, the following guidelines apply to this project:

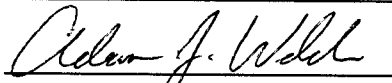
1. The period of deduction for personal property is ten years.

Under Fort Wayne Common Council's tax abatement policies and procedures, BioPoly, LLC is eligible for a ten year deduction on personal property improvements. Attached is a spreadsheet that shows how the application scored under the review system. Also attached is an estimate of the taxes saved and paid over the length of the ten year deduction schedule.

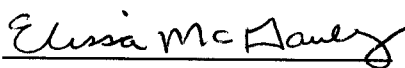
After reviewing the City's Procedures and Policies on Economic Revitalization Areas (ERA) which are provided with each ERA Application, BioPoly LLC informed City staff that final installation of equipment occurred *prior* to their submission of the Economic Revitalization Area (ERA) application and the Statement of Benefits (SB-1/PP). To allow an economic revitalization area designation after the final installation of personal property, Indiana Code 6-1.1-12.1-11.3 permits for an adoption of a resolution to waive non-compliance due to failure to file a Statement of Benefits (SB-1) in the appropriate timeframe. The confirming resolution for this project contains language to waive non-compliance that will allow for the final approval of an economic revitalization area designation on this property for tax abatement. A letter from BioPoly's Chief Financial Officer is attached explaining their request for a waiver of non-compliance.

COMMENTS

Signed:


Economic Development Specialist

Reviewed:


Economic Development Specialist

COMMUNITY DEVELOPMENT DIVISION

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

DATED: 11-13-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Shoaff, 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>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: 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. _____ 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 P. M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR