

11

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

BILL NO. R-13-01-13

CONFIRMING RESOLUTION NO. R- 15-13

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 5501 U.S. Highway 30 West, Fort Wayne, Indiana 46818 (Sweetwater, 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 create 358 full-time and 45 part-time, permanent jobs for a total new annual payroll of \$20,885,905, with the average new annual job salary being \$51,826 and retain 413 full-time and 86 part-time, permanent jobs for a total current annual payroll of \$23,312,062, with the average current, annual job salary being \$46,718; and

WHEREAS, the total estimated project cost is \$20,342,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning 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 5-3-1and 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 real estate and personal property for new information technology and logistical distribution 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 redevelopment or rehabilitation and estimate of the value of the new information technology and logistical distribution equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new information technology and logistical distribution equipment

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

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

4 If the proposed development does occur and no deduction is granted, the approximate
5 current year tax rate for the site would be \$3.0261/\$100 (the change would be negligible).

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

9 If the proposed new information technology and logistical distribution equipment is not
10 installed, the approximate current year tax rates for this site would be \$3.0261/\$100

11 If the proposed new information technology and logistical distribution equipment is installed
12 and no deduction is granted, the approximate current year tax rate for the site would be
13 \$3.0261/\$100 (the change would be negligible)

14 If the proposed new information technology and logistical distribution equipment is installed
15 and a deduction percentage of eighty percent (80%) is assumed, the approximate current
16 year tax rate for the site would be \$3.0261/\$100 (the change would be negligible).

17 **SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
18 the assessed value of the real property shall be for a period of ten years, and that the deduction from the
19 assessed value of the new information technology and logistical distribution equipment shall be for a
20 period of ten years.

21 **SECTION 7.** That, the benefits described in the Petitioner's Statement of Benefits can be
22 reasonably expected to result from the project and are sufficient to justify the applicable deductions.

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

30 **SECTION 9.** For real property, a deduction application must contain a performance 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 in
 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 which the
2 property is located, the information must be provided by May 15.


3 **SECTION 10.** The performance report must contain the following information:

- 4 A. The cost and description of real property improvements and/or new information technology
5 and logistical distribution equipment acquired.
6 B. The number of employees hired through the end of the preceding calendar year as a result of
7 the deduction.
8 C. The total salaries of the employees hired through the end of the preceding calendar year as a
9 result of the deduction.
10 D. The total number of employees employed at the facility receiving the deduction
11 E. The total assessed value of the real and/or personal property deductions.
12 F. The tax savings resulting from the real and/or personal property being abated.


13 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due to
14 jurisdictions within Allen County, Indiana.

15 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
16 deduction under section 3 or 4 5 of this chapter may be required to repay the deduction amount as
17 determined by the county auditor in accordance with section 12 of said chapter if the property owner
18 ceases operations at the facility for which the deduction was granted and if the Common Council finds that
19 the property owner obtained the deduction by intentionally providing false information concerning the
20 property owner's plans to continue operation at the facility

21 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its passage
22 and any and all necessary approval by the Mayor.

23
24
25
26
27
28
29
30

Member of Council

APPROVED AS TO FORM A LEGALITY

31
32
33
34
35
36
37
38
39
40

Carol Helton, City Attorney

Public Hearing Date, if applicable 2/12/13

Read the first time in full and on motion by Councilman John Crawford
Read the second time by title and referred to the Finance Committee
Committee. Read the third time in full and on motion by Councilman
Crawford, placed on passage by the following vote:

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

DATED: 2/12/13 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-15-13 on the 12th day of
February, 2013

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of February, 2013, 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 14th day of FEBRUARY
2013, at the hour of 2:00 o'clock PM, E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

RECORD LEGAL DESCRIPTION

THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER, LYING SOUTH OF HIGHWAY 30, BEING IN SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST.

ALSO:

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER, TOGETHER WITH PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER, ALL IN SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING ON THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER AT A POINT SITUATED A DISTANCE OF 1912.1 FEET, NORTH 00 DEGREES 46 MINUTES WEST FROM THE SOUTHWEST CORNER OF THE EAST HALF OF SAID WEST HALF; THENCE NORTH 00 DEGREES 46 MINUTES WEST, ON AND ALONG SAID WEST LINE, BEING ESTABLISHED BY AN EXISTING LINE FENCE, A DISTANCE OF 744.3 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID WEST HALF; THENCE SOUTH 89 DEGREES 51 MINUTES 30 SECONDS EAST, ON AND ALONG THE NORTH LINE OF THE EAST HALF OF SAID WEST HALF, BEING ESTABLISHED BY AN EXISTING LINE FENCE, A DISTANCE OF 652.8 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 44 MINUTES EAST, ON AND ALONG THE NORTH LINE OF SAID EAST HALF, BEING ALSO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30, A DISTANCE OF 819.9 FEET TO A POINT SITUATED 100.0 FEET (MEASURED AT RIGHT ANGLES) SOUTH OF THE CENTERLINE OF SAID U.S. HIGHWAY #30; THENCE SOUTH 89 DEGREES 25 MINUTES EAST, ON AND ALONG SAID SOUTH RIGHT-OF-WAY LINE AND PARALLEL TO SAID U.S. HIGHWAY #30 CENTERLINE, SAID RIGHT-OF-WAY LINE HAVING BEEN ESTABLISHED IN DEED RECORD 573, PAGES 490-491 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, A DISTANCE OF 408.2 FEET; THENCE SOUTH 35 DEGREES 50 MINUTES EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 71.2 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF KROEMER ROAD, AS ESTABLISHED IN INSTRUMENT NUMBER 74-26919 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA; THENCE SOUTH 00 DEGREES 56 MINUTES EAST, ON AND ALONG SAID WEST RIGHT-OF-WAY LINE, AS DEFINED BY A LINE SITUATED 50.0 FEET (MEASURED AT RIGHT ANGLES) WEST OF AND PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 653.3 FEET; THENCE SOUTH 89 DEGREES 04 MINUTES WEST, A DISTANCE OF 1923.5 FEET TO THE POINT OF BEGINNING, CONTAINING 32.123 ACRES OF LAND.

EXHIBIT A

ALSO:

PART OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST IN ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA; THENCE SOUTH ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH RANGE 12 EAST, A DISTANCE OF 778.3 FEET; THENCE WEST WITH A DEFLECTION ANGLE TO THE RIGHT OF 91 DEGREES 08 MINUTES 20 SECONDS; A DISTANCE OF 659.86 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST; THENCE NORTH WITH A DEFLECTION ANGLE TO THE RIGHT OF 89 DEGREES 02 MINUTES 20 SECONDS ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, A DISTANCE OF 776.75 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST; THENCE NORTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, A DISTANCE OF 24.25 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY #30; THENCE EAST WITH A DEFLECTION ANGLE TO THE RIGHT OF 91 DEGREES 24 MINUTES 30 SECONDS ALONG THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY #30, A DISTANCE OF 657.5 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST; THENCE SOUTH WITH A DEFLECTION ANGLE TO THE RIGHT OF 88 DEGREES 24 MINUTES 50 SECONDS ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, A DISTANCE OF 16.61 FEET TO THE POINT OF BEGINNING, CONTAINING 12.06 ACRES.

THE AFOREDESCRIBED REAL ESTATE, BEING DESCRIBED IN AGGREGATE AS FOLLOWS:

THAT PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 19, LYING SOUTH OF U.S. HIGHWAY #30; TOGETHER WITH PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19; TOGETHER WITH PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 19; TOGETHER WITH PART OF THE

WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 19; AND TOGETHER WITH PART OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, AND ALL TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A COUNTY CAST IRON MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE SOUTH 89 DEGREES 57 MINUTES 41 SECONDS WEST (BEARINGS IN THIS DESCRIPTION ARE BASED ON THE INDOT BEARING FOR U.S. HIGHWAY #30), ON AND ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1976.49 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, ON AND ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1878.52 FEET TO A #5 REBAR AT THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50 MINUTES 23 SECONDS WEST, A DISTANCE OF 657.53 FEET TO A #5 REBAR ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 46 MINUTES 57 SECONDS WEST, ON AND ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 775.75 FEET TO A RAIL POST AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 06 MINUTES 49 SECONDS WEST, ON AND ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, A DISTANCE OF 23.41 FEET TO A #5 REBAR AT THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30 (PROJ 870(13)1959) AS ESTABLISHED UNDER DEED RECORD 578, PAGES 181-182 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 25 MINUTES 00 SECONDS EAST, ON AND ALONG SAID SOUTH RIGHT-OF-WAY LINE AS SITUATED PARALLEL TO AND 100.0 FEET NORMALLY DISTANT SOUTHWARD FROM THE CENTERLINE OF SAID U.S. HIGHWAY #30 (LINE "A") A DISTANCE OF 1170.83 FEET TO A #5 REBAR AT A POINT 100.0 FEET NORMALLY DISTANT SOUTHWARD FROM SAID LINE "A" AT PLAN STATION 952+50; THENCE SOUTH 86 DEGREES 16 MINUTES 39 SECONDS EAST, CONTINUING ON AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 143.44 FEET TO A #5 REBAR AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 54 MINUTES 19 SECONDS EAST, ON AND ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER AND SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 663.85 FEET TO A #5 REBAR AT A POINT SITUATED 100.0 FEET NORMALLY DISTANT SOUTHWARD FROM SAID LINE "A"; THENCE SOUTH 89 DEGREES 25 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AS ESTABLISHED UNDER DEED RECORD 573, PAGES 490-491 IN THE OFFICE OF SAID RECORDER, A DISTANCE OF 562.18 FEET TO A #5 REBAR AT A POINT SITUATED 100.0 FEET NORMALLY DISTANT SOUTHWARD FROM SAID LINE

"A" AT PLAN STATION 966+19.0; THENCE SOUTH 35 DEGREES 49 MINUTES 31 SECONDS EAST, CONTINUING ON AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 66.73 FEET TO A #5 REBAR AT THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF KROEMER ROAD AS ESTABLISHED UNDER INSTRUMENT NUMBER 74-26919 IN THE OFFICE OF THE SAID RECORDER; THENCE SOUTH 00 DEGREES 56 MINUTES 44 SECONDS EAST ON AND ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 656.78 FEET TO A #5 REBAR; THENCE SOUTH 89 DEGREES 05 MINUTES 02 SECONDS WEST, A DISTANCE OF 1922.16 FEET TO A #5 REBAR ON THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER AT A POINT SITUATED 1912.10 FEET, NORTH 00 DEGREES 49 MINUTES 24 SECONDS WEST FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 49 MINUTES 24 SECONDS EAST, ON AND ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER, A DISTANCE OF 33.58 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 44.296 ACRES OF LAND.

EXCEPTING THEREFROM:

NEW 20.98 AC. DESCRIPTION

A PORTION OF THE LANDS OF SWEETWATER HOLDINGS, LLC AS DESCRIBED IN DOCUMENT #206021897 AND BEING A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SITUATED ON THE SOUTH LINE OF SWEETWATER HOLDINGS, LLC AS DESCRIBED IN DOCUMENT #206021897 LOCATED NORTH 00°52'24" WEST 1922.27 FEET FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER; THENCE NORTH 00°52'24" WEST ALONG THE WEST LINE OF SAID EAST HALF A DISTANCE OF 731.85 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF U.S. #30, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE NORTH 89°46'25" EAST ALONG THE SOUTH RIGHT-OF-WAY OF U.S. #30 A DISTANCE OF 847.75 FEET TO A POINT OF DEFLECTION, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE SOUTH 89°24'55" EAST ALONG THE SOUTH RIGHT-OF-WAY OF U.S. #30 A DISTANCE OF 381.00 FEET TO A POINT OF DEFLECTION, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE SOUTH 37°17'09" EAST ALONG THE SOUTH RIGHT-OF-WAY OF U.S. #30 A DISTANCE OF 60.37 FEET TO A POINT OF INTERSECTION WITH THE WEST 50' RIGHT-OF-WAY OF KROEMER ROAD AS DESCRIBED IN DOCUMENT #74-26919. SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE SOUTH 00°56'29" EAST ALONG THE WEST 50' RIGHT-OF-WAY OF KROEMER ROAD AS DESCRIBED IN DOCUMENT #74-26919 A DISTANCE OF 663.24 FEET TO THE SOUTHEAST CORNER OF THE LANDS OF SWEETWATER HOLDINGS, LLC, SAID CORNER MARKED BY A 5/8" REBAR WITH A "SAUER" IDENTIFICATION CAP; THENCE SOUTH 89°05'31" WEST ALONG THE SOUTH LINE OF SWEETWATER HOLDINGS, LLC A DISTANCE OF 1265.20 FEET TO THE POINT OF BEGINNING, CONTAINING 20.98 ACRES, MORE OR LESS.

Together with an easement for ingress and egress and for all necessary utility purposes

across the following-described real estate, to wit:

Beginning at a point situated on the South line of Sweetwater Holdings, LLC as described in Document No. 2060218797 located North 00 degrees 52 minutes 24 seconds West 1922.27 feet from the Southwest corner of the East half of the Southeast quarter, thence North 00 degrees 52 minutes 24 seconds West along the West line of said east half a distance of 85 feet to a point; thence North 84 degrees 03 minutes 31 seconds parallel and 85 feet normally distant to the South line of Sweetwater Holdings, LLC a distance of 1265.10 feet to a point of intersection with the West 50-foot right-of-way of Kroemer Road as described in Document No. 14-26919; thence South 00 degrees 56 minutes 24 seconds East along the West 50-foot right-of-way of Kroemer Road as described in Document No. 14-26919 a distance of 85 feet to the Southeast corner of the lands of Sweetwater Holdings, LLC said corner marked by a 5/8-inch rebar with a "sauer" identification cap; thence South 89 degrees 3 minutes 31 seconds West along the South line of Sweetwater Holdings, LLC a distance of 1265.20 feet to the point of beginning, containing 2.47 acres more or less.

NEW 20.98 AC. DESCRIPTION

A PORTION OF THE LANDS OF SWEETWATER HOLDINGS, LLC AS DESCRIBED IN DOCUMENT #206021897 AND BEING A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SITUATED ON THE SOUTH LINE OF SWEETWATER HOLDINGS, LLC AS DESCRIBED IN DOCUMENT #206021897 LOCATED NORTH 00°52'24" WEST 1922.27 FEET FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER; THENCE NORTH 00°52'24" WEST ALONG THE WEST LINE OF SAID EAST HALF A DISTANCE OF 731.85 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF U.S. #30, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE NORTH 89°46'25" EAST ALONG THE SOUTH RIGHT-OF-WAY OF U.S. #30 A DISTANCE OF 847.75 FEET TO A POINT OF DEFLECTION, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE SOUTH 89°24'55" EAST ALONG THE SOUTH RIGHT-OF-WAY OF U.S. #30 A DISTANCE OF 381.00 FEET TO A POINT OF DEFLECTION, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE SOUTH 37°17'09" EAST ALONG THE SOUTH RIGHT-OF-WAY OF U.S. #30 A DISTANCE OF 60.37 FEET TO A POINT OF INTERSECTION WITH THE WEST 50' RIGHT-OF-WAY OF KROEMER ROAD AS DESCRIBED IN DOCUMENT #74-26919, SAID POINT MARKED BY A 5/8"X24" REBAR WITH A

"BERTSCH-FRANK" IDENTIFICATION CAP (FIRM #0081); THENCE SOUTH 00°56'29" EAST ALONG THE WEST 50' RIGHT-OF-WAY OF KROEMER ROAD AS DESCRIBED IN DOCUMENT #74-26919 A DISTANCE OF 663.24 FEET TO THE SOUTHEAST CORNER OF THE LANDS OF SWEETWATER HOLDINGS, LLC, SAID CORNER MARKED BY A 5/8" REBAR WITH A "SAUER" IDENTIFICATION CAP; THENCE SOUTH 89°05'31" WEST ALONG THE SOUTH LINE OF SWEETWATER HOLDINGS, LLC A DISTANCE OF 1265.20 FEET TO THE POINT OF BEGINNING, CONTAINING 20.98 ACRES, MORE OR LESS.

Admn. Appr.

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Sweetwater Sound, Inc. is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of \$20,342,000. In order to expand, Sweetwater Sound, Inc. will add approximately 110,000 square feet to its facility and install new logistical distribution and information technology equipment.**

EFFECT OF PASSAGE: **Installing new equipment and constructing the addition will allow Sweetwater Sound, Inc. to continue its growth at their current location. Three hundred and fifty-eight full-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development and 358 full-time jobs.**

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

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

BILL NO. R-13-01-13

**REPORT OF THE COMMITTEE ON FINANCE
FEBRUARY 12, 2013**

**JOHN CRAWFORD – CHAIR
TOM SMITH– 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 ~~common~~ only known as 5501 U.S. Highway 30 West, Fort Wayne, Indiana 46818 (Sweetwater, Inc.). **COMMITTEE OF FINANCE** 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']

SANDRA E. KENNEDY
CITY CLERK