



BILL NO R-13-07-14

CONFIRMING RESOLUTION NO R- 71-13

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 7504 Aboite Center Road, 7518 Aboite Center Road, 4127 Rosewood Drive, 4113 Rosewood Drive, 7005 Oriole Circle, 6291 Oriole Circle, and 6911 Oriole Circle, Fort Wayne, Indiana 46804 (Long Term Care Investments III, LLC)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Sections 153 13-153 24 of the Municipal Code of the City of Fort Wayne, Indiana, and I C 6-1 1-12 1, to wit.

**Attached hereto as "Exhibit A" as if a part herein; and**

**WHEREAS**, said project will create 61 full-time and 34 part-time, permanent jobs for a total new, annual payroll of \$2,933,450, with the average new annual job salary being \$30,878, and

**WHEREAS**, the total estimated project cost is \$15,000,000, and

**WHEREAS**, a recommendation has been received from the Committee on Finance, and

**WHEREAS**, notice of the adoption and substance of said Resolution has been published in accordance with I C 6-1 1-12 1-2 5 and I C 5-3-1 and a public hearing has been conducted on said Resolution, and

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

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

**SECTION 2.** That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I C 6-1 1-12 1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2016, unless otherwise automatically extended in five year increments per I C 6-1 1-12 1-9

**SECTION 3.** That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in

1 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably  
2 expected to result from the proposed described redevelopment or rehabilitation

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

5 If the proposed development does not occur, the approximate current year tax  
6 rates for this site would be \$3 2288/\$100

7 If the proposed development occurs and no deduction is granted, the  
8 approximate current year tax rate for the site would be \$3 2288/\$100 (the  
9 change would be negligible)

10 If the proposed development occurs, and a deduction percentage of fifty percent  
11 (50%) is assumed, the approximate current year tax rate for the site would be  
12 \$3 2288/\$100 (the change would be negligible)

13 **SECTION 6.** Pursuant to I C 6-1 1-12 1, it is hereby determined that the deduction  
14 from the assessed value of the real property shall be for a period of seven years

15 **SECTION 7.** The deduction schedule from the assessed value of the real  
16 property pursuant to I C 6-1 1-12 1-17 shall look like this

Year of Deduction	Percentage
1	100%
2	85%
3	71%
4	57%
5	43%
6	29%
7	14%

17 **SECTION 8.** 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 9.** For real property, a deduction application must contain a performance  
21 report showing the extent to which there has been compliance with the Statement of Benefits  
22 form approved by the Fort Wayne Common Council at the time of filing This report must be  
23 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community  
24 Development Division and must be included with the deduction application For subsequent  
25 years, the performance report must be updated each year in which the deduction is  
26 applicable at the same time the property owner is required to file a personal property tax  
27 return in the taxing district in which the property for which the deduction was granted is  
28

1 located If the taxpayer does not file a personal property tax return in the taxing district in  
2 which the property is located, the information must be provided by May 15

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

4 The cost and description of real property improvements

5 The number of employees hired through the end of the preceding calendar year  
6 as a result of the deduction

7 The total salaries of the employees hired through the end of the preceding  
8 calendar year as a result of the deduction

9 The total number of employees employed at the facility receiving the deduction


10 The total assessed value of the real property deductions

11 The tax savings resulting from the real property being abated

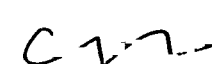
12 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due  
13 to jurisdictions within Allen County, Indiana

14 **SECTION 12.** That, pursuant to IC 6-11-12 et al, any property owner that  
15 has received a deduction under section 3 or 4 5 of this chapter may be required to repay the  
16 deduction amount as determined by the county auditor in accordance with section 12 of said  
17 chapter if the property owner ceases operations at the facility for which the deduction was  
18 granted and if the Common Council finds that the property owner obtained the deduction by  
19 intentionally providing false information concerning the property owner's plans to continue  
20 operation at the facility

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

23   
24 Member of Council

25 APPROVED AS TO FORM A LEGALITY

26   
27 Carol Helton, City Attorney

**EXHIBIT A****Legal Description****LEGAL DESCRIPTION**

A PART OF THE SOUTH HALF OF SECTION 13, TOWNSHIP 30 NORTH, RANGE 11 EAST IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA, BEING LOTS 8 THROUGH 12 AND PARTS OF LOTS 5, 6, 7, 13 AND 14, TOGETHER WITH A PART OF THE COMMUNITY AREA AND PORTION OF VACATED ORIOLE CIRCLE RIGHT-OF-WAY OF RIDGEWOOD ADDITION, AS RECORDED IN PLAT BOOK 15, PAGE 133 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, EXCEPTING THEREFROM THE PART APPROPRIATED FOR THE ABOITE CENTER ROAD RIGHT OF WAY DESCRIBED IN ALLEN CIRCUIT COURT CASE NO. C-81-817, FILED AUGUST 27, 1981 AND PORTIONS OF LOTS 6, 7, 8 AND 9 CONVEYED TO THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, INDIANA IN DOCUMENT NUMBERS 2008014873 AND 2008031648 IN SAID RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ROSEWOOD DRIVE WITH THE PRESENTLY RIGHT-OF-WAY OF ABOITE CENTER ROAD, SAID POINT OF BEGINNING BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO SAID BOARD OF COMMISSIONERS AS DOCUMENT NUMBER 2008014873 IN SAID RECORDER'S OFFICE; THENCE NORTH  $00^{\circ}34'12''$  WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ROSEWOOD DRIVE, 711.52 FEET TO THE WESTERLY EXTENSION OF THE CENTERLINE OF VACATED ORIOLE CIRCLE RIGHT-OF-WAY; THENCE SOUTH  $88^{\circ}29'57''$  EAST ALONG SAID CENTERLINE, 271.76 FEET; THENCE SOUTH  $39^{\circ}48'59''$  EAST, 184.13 FEET; THENCE SOUTH  $00^{\circ}34'01''$  EAST, 93.09 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 112.00 FEET, BEING SUBTENDED BY A CHORD OF 65.10 FEET, BEARING SOUTH  $17^{\circ}27'41''$  EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 66.05 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, BEING SUBTENDED BY A CHORD OF 26.18 FEET, BEARING SOUTH  $06^{\circ}31'54''$  WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 28.54 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 220.00 FEET, BEING SUBTENDED BY A CHORD OF 160.34 FEET, BEARING SOUTH  $26^{\circ}02'51''$  WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 164.12 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 160.00 FEET, BEING SUBTENDED BY A CHORD OF 108.81 FEET, BEARING SOUTH  $24^{\circ}33'16''$  WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 111.02 FEET; THENCE SOUTH  $44^{\circ}25'59''$  WEST, 33.00 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, BEING SUBTENDED BY A CHORD OF 80.00 FEET, BEARING SOUTH  $28^{\circ}58'00''$  WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 80.98 FEET; THENCE SOUTH  $13^{\circ}30'01''$  WEST, 58.48 FEET TO SAID NEW NORTHERLY RIGHT-OF-WAY OF ABOITE CENTER ROAD; THENCE NORTH  $86^{\circ}47'28''$  WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 209.17 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED PARCEL CONTAINING 5.41 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

Public Hearing Date, if applicable

8-13-13

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

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BENDER	✓			
CRAWFORD	✓			
DIDIER				✓
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED:

8-13-13

*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-71-13* on the *13<sup>th</sup>* day of  
*August*, 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 *14<sup>th</sup>* day  
of *August*, 2013, at the hour of *11:30* o'clock *A.M.* . E.S.T.

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this

*14<sup>th</sup>* day of *AUGUST*

2013, at the hour of

*3:00*

o'clock

*PM* . E.S.T.

*Thomas C. Henry*  
THOMAS C. HENRY, MAYOR

BILL NO. R-13-07-14

**REPORT OF THE COMMITTEE ON FINANCE**  
**AUGUST 13, 2013**

TOM SMITH – CHAIR  
JOHN CRAWFORD – CO-CHAIR  
ALL COUNCIL MEMBERS

*Confirming*  
WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED A DECLARATORY RESOLUTION DESIGNATING AN "ECONOMIC REVITALIZATION AREA" UNDER I.C. 6-1.1-12.1 FOR THE PROPERTY COMMONLY KNOWN AS 7504 ABOITE CENTER ROAD, 7518 ABOITE CENTER ROAD, 4127 ROSEWOOD DRIVE, 4113 ROSEWOOD DRIVE, 7005 ORIOLE CIRCLE, 6291 ORIOLE CIRCLE AND 6911 ORIOLE CIRCLE, FORT WAYNE, INDIANA 46804 (LONG TERM CARE INVESTMENTS III, LLC). 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 under "DO PASS"]*  
Tom Smith  
John Crawford  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

*[Handwritten signature under "DO NOT PASS"]*  
John Crawford  
[Signature]

SANDRA E. KENNEDY  
CITY CLERK

# The Journal Gazette

Allen County, Indiana

Account # 1060008 - 1072279

FW Common Council

## PUBLISHER'S CLAIM

### LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

58

### COMPUTATION OF CHARGES

58 lines, 1 column(s) wide equals

58 equivalent lines at \$ 0.402 cents per line

\$ 23.32

Additional charges for notices containing rule or tabular work.  
(50 per cent of above amount)

Charge for extra proofs of publication  
(\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 23.32

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.

Number of Insertions . . . . 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

7/26/2013

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

T. Brown-Smith  
Legal Clerk

Date: July 26, 2013

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

R-13-07-14

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 13, 2013 AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL, CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; DESIGNATING AN ECONOMIC REVITALIZATION AREA UNDER SECTION I.C. 6-1.1-12.1 FOR PROPERTY:

Property commonly known as 7504 Aboite Center Road, 7518 Aboite Center Road, 4127 Rosewood Drive, 4113 Rosewood Drive, 7005 Oriole Circle, 6291 Oriole Circle, and 6911 Oriole Circle, Fort Wayne, Indiana 46804 (Long Term Care Investments III, LLC)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTIONS SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, AUGUST 13, 2013.

IF CONFIRMED, SAID DESIGNATION SHALL EXPIRE DECEMBER 31, 2016.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY THE PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 1200 AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK

7--26 1072279 hspaxlp

# The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1072279  
FW Common Council

## PUBLISHER'S CLAIM

### LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines \_\_\_\_\_

Head -- number of lines \_\_\_\_\_

Body -- number of lines \_\_\_\_\_

Tail -- number of lines \_\_\_\_\_

Total number of lines in notice

58

### COMPUTATION OF CHARGES

58 lines, 1 column(s) wide equals

58 equivalent lines at \$ 0.402 cents per line \$ 23.32

Additional charges for notices containing rule or tabular work  
(50 per cent of above amount)

Charge for extra proofs of publication  
(\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 23.32

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.

Number of Insertions . . . . 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 3 times.

The dates of publication being as follows:

7/26/2013

Additionally, Newspaper has a-Web site and this public notice was posted on the same day as it was published in The News-Sentinel.

*T. Brown-Smith*

T. Brown-Smith  
Legal Clerk

Date: July 26, 2013

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

R-13-07-14

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 13, 2013 AT 5:30 P.M. IN ROOM 030 - COUNCIL DISCUSSION ROOM - GARDEN LEVEL, CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; DESIGNATING AN ECONOMIC REVITALIZATION AREA UNDER SECTION I.C. 6-1.1-12.1 FOR PROPERTY:

Property commonly known as 7504 Aboite Center Road, 7518 Aboite Center Road, 4127 Rosewood Drive, 4113 Rosewood Drive, 7005 Oriole Circle, 6291 Oriole Circle, and 6911 Oriole Circle, Fort Wayne, Indiana 46804 (Long Term Care Investments III, LLC)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTIONS SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, AUGUST 13, 2013.

IF CONFIRMED, SAID DESIGNATION SHALL EXPIRE DECEMBER 31, 2016.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY THE PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY

CITY CLERK

7--26

1072279 hspaxlp

August 13, 2013

**Via Hand Delivery**

Mr. Thomas F. Didier  
President  
Fort Wayne Common Council  
Citizens Square  
200 E. Berry Street  
Suite 120  
Fort Wayne, IN 46802

**Re: Real Estate Tax Abatement Application // Long Term Care Investments III, LLC // Ridgewood Professional Park**

Dear Councilman Didier:

As President of Fort Wayne Common Council, we are writing to you to express our support of the real estate tax abatement application sought by Long Term Care Investments III, LLC.

Long Term Care's proposed skilled nursing care facility brings a long overdue amount of re-investment into the promised Ridgewood Professional Park development. We have followed this developer throughout the process of development plan approval and believe this site and project are best suited for our neighborhood.

We understand that initial start up costs and investment in staffing a skilled care nursing facility are significant. This developer has assured a development that is as compatible as possible with our surrounding residential neighborhood in terms of external design and intensity of use. Based upon Long Term Care's sister facility off of Dupont Road, we understand the commitment this developer is willing to make both to its project and our surrounding neighborhood.

We support both this developer and its real estate tax abatement application and would ask that you pass our comments along to your fellow council members prior to their discussion and final vote on this matter.

Ridgewood Neighborhood Association



Tony Hudson, President

**HAWK, HAYNIE, KAMMEYER & CHICKEDANTZ, LLP**  
ATTORNEYS AT LAW

DAVID K. HAWK  
GILMORE S. HAYNIE, JR.  
C. ERIK CHICKEDANTZ  
W. RANDALL KAMMEYER  
THOMAS M. GALLMEYER

116 East Berry Street  
Lincoln Tower, Suite 302  
Fort Wayne, IN 46802

JEFFREY P. SMITH  
MICHAEL D. HAWK  
CARRIE H. GUTMAN  
SARAH L. BLAKE

August 13, 2013

**Via Hand Delivery**

Mr. Thomas F. Didier  
President  
Fort Wayne Common Council  
Citizens Square  
200 E. Berry Street  
Suite 120  
Fort Wayne, IN 46802

**Re: Real Estate Tax Abatement Application // Long Term Care Investments III, LLC // Ridgewood Professional Park**

Dear Councilman Didier:

I have been authorized by the President of Woodland Hills Association to write and express Woodland Hills support of the real estate tax abatement application sought by Long Term Care Investments III, LLC.

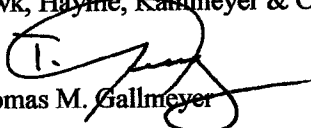
Long Term Care's proposed skilled nursing care facility brings a long overdue amount of re-investment into the promised Ridgewood Professional Park development. Woodland Hills has followed this developer throughout the process of development plan approval and believe this site and project are best suited for our neighborhood.

We understand that initial start up costs and investment in staffing a skilled care nursing facility are significant. Having seen Long Term Care's sister facility off of Dupont Road, Woodland Hills understands the commitment this developer is willing to make both to its project and our surrounding neighborhood.

The homeowner's appreciate the skilled jobs coming into our neighborhood and believe this type of employment, and the corresponding wages that accompany these positions, will help assure a business and its people to have the same care and sensitivity to our neighborhoods as they do to their future residents.

Woodland Hills supports both this developer and its real estate tax abatement application and would ask that you pass our comments along to your fellow council members prior to their discussion and final vote on this matter.

Hawk, Haynie, Kammeier & Chickedantz, LLP

  
Thomas M. Gallmeyer