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BILL NO. R-13-08-02

CONFIRMING RESOLUTION NO. R- 75-13

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 1029 W. State Blvd., Fort Wayne, Indiana 46808 (BRC Rubber & Plastics, 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 55 full-time, permanent jobs for a total new, annual payroll of \$3,025,000, with the average new annual job salary being \$55,000; and

WHEREAS, the total estimated project cost is \$365,000; 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. 5-3-1 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 real estate and personal property for new information technology and research and development 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 research and development 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 research and development equipment.

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

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- ... If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.3124/\$100.
- ... If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.3124/\$100 (the change would be negligible).
- ... If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.3124/\$100 (the change would be negligible).
- ... If the proposed new information technology and research and development equipment is not installed, the approximate current year tax rates for this site would be \$3.3124/\$100.
- ... If the proposed new information technology and research and development equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.3124/\$100 (the change would be negligible).
- ... If the proposed new information technology and research and development equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.3124/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new information technology and research and development equipment shall be for a period of five years.

SECTION 7. The deduction schedule from the assessed value of the real property pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

SECTION 8. The deduction schedule from the assessed value of new information technology and research and development equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	80%
3	60%
4	40%
5	20%

SECTION 9. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 10. For new information technology and research and development equipment, 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 with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 11. 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 located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 12. The performance report must contain the following information:

- The cost and description of real property improvements and/or new information technology and research and development equipment acquired.
- The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- The total number of employees employed at the facility receiving the deduction.
- The total assessed value of the real and/or personal property deductions.
- The tax savings resulting from the real and/or personal property being abated.

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

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


SECTION 14. 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 this 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 15. 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 A LEGALITY



Carol Helton, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

Legal Description: Lot "A" in Rogers Markets Re-Plat Addition, an addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 20, page 11, in the Office of the Recorder of Allen County, Indiana.

EXCEPTING THEREFROM, so much of subject property as was conveyed in the City of Fort Wayne, Indiana, by Street Dedication Deed dated June 18, 2001 recorded as Instrument No. 201047747, in the Office of the Recorder of Allen County, Indiana, being more particularly described as follows:

A part of Block A, Rogers Market Addition to the City of Fort Wayne, as recorded in Plat Record 20, page 11 in the Office of the Recorder, Allen County, Indiana described as follows:

Beginning at the Northwest corner of said Block A as it now exists; thence, Southerly a distance of 15 feet on and along the East right-of-way line of St. Mary's Avenue; thence, Northeasterly to a point on the South right-of-way line of State Boulevard, a distance of 21.21 feet; thence, Westerly on and along said line, a distance of 15 feet to the point of beginning, containing 112.5 square feet or 0.0026 acres more or less.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **BRC Rubber & Plastics, Inc. is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of \$365,000. BRC Rubber & Plastics, Inc. will remodel the existing building and add physical improvements to accommodate use of the building as a Research & Design Technical Center and Corporate Headquarters. They will also purchase and install new information technology and research and development equipment.**

EFFECT OF PASSAGE: **Installing new equipment and remodeling the existing building will allow BRC Rubber & Plastics, Inc. to create opportunities for employment of area residents while also remodeling a deteriorated property. Fifty-five full-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development and 55 full-time jobs.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **John Crawford and Tom Smith**

Public Hearing Date, if applicable 8-27-13

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:

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

DATED: 8-27-13 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-75-13 on the _____ day of _____, 2013

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

T. Homer F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th 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 3rd day of September

2013, at the hour of 10:30 o'clock Am. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

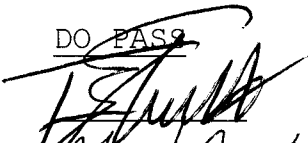
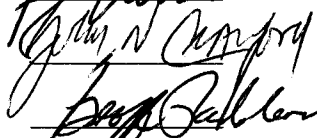
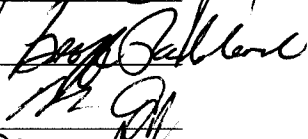
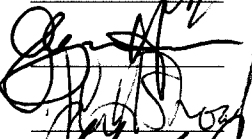
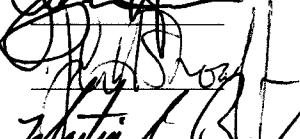
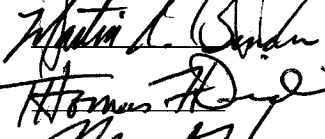

BILL NO. R-13-08-02

REPORT OF THE COMMITTEE ON FINANCE

AUGUST 27, 2013

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

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED A RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA. DESIGNATING AS "ECONOMIC REVITALIZATION AREA" UNDER I.C. 6-1.1-12.1 FOR PROPERTY COMMONLY KNOWN AS 1029 W. STATE BLVD., FORT WAYNE, INDIANA 46808 (BRC RUBBER & PLASTICS, INC.) HAVE HAD SAID RESOLUTION UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMON COUNCIL THAT SAID RESOLUTION

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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SANDRA E. KENNEDY
CITY CLERK

The Journal Gazette

Allen County, Indiana

Account # 1060008 - 1076328

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:

8/16/2013

- - -
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- - -

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: August 16, 2013

ATTACH COPY OF ADVERTISEMENT HERE

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

R-13-08-02 & R-13-08-07

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 27, 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:

R-13-08-02 Property commonly known as 1029 W. State Blvd., Fort Wayne, Indiana 46808 (BRC Rubber & Plastics, Inc.)

R-13-08-07 Properties commonly known 2424 West State Blvd., Fort Wayne, Indiana 46808 (Press-Seal Gasket Corporation)

COMMON COUNCIL WILL CONDUCT PUBLIC HEARINGS ON WHETHER THE ABOVE DESCRIBED RESOLUTIONS SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, AUGUST 27, 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

8--16 1076328 hspaxlp

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8--16 1076328 hspaxlp