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**BILL NO. R-14-03-12**

**CONFIRMING RESOLUTION NO. R-21-14**

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for properties commonly known as 4420 Clubview Drive, Fort Wayne, Indiana 46804 (LH Carbide Corporation)**

**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 18 full-time, permanent jobs for a total new, annual payroll of \$1,197,500, with the average new annual job salary being \$66,528 and retain 79 full-time, permanent jobs for a total current annual payroll of \$5,449,569, with the average current, annual job salary being \$68,982; and

**WHEREAS**, the total estimated project cost is \$4,800,000; 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 manufacturing 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 manufacturing 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 redevelopment or rehabilitation and the installation of the new manufacturing equipment.

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

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 manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.3124/\$100.

If the proposed new manufacturing 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 manufacturing 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 manufacturing equipment shall be for a period of ten 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 manufacturing equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

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Year of Deduction	Percentage
1	100%
2	90%
3	80%
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5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

**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 manufacturing 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.

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- SECTION 12.** The performance report must contain the following information:
- The cost and description of real property improvements and/or new manufacturing 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.

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- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

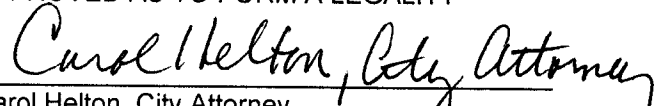
**SECTION 13.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

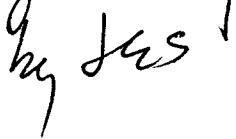
**SECTION 14.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases 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



DIGEST SHEET

**TITLE OF ORDINANCE: Confirming Resolution**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: LH Carbide Corporation is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of \$4,800,000. In order to expand, LH Carbide Corporation will construct a 25,000 square foot high-bay manufacturing facility and will renovate the existing manufacturing facility. They will also install and purchase new manufacturing equipment.**

**EFFECT OF PASSAGE: Installing new equipment and constructing the addition will allow LH Carbide Corporation to compete against competitors with more modern and efficient facilities. Eighteen full-time jobs will be created.**

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

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

**ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and John Crawford**

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

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**WHEREAS**, the total estimated project cost is \$4,800,000; and

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- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

**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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney

EXHIBIT A

RUSSELL ENGINEERING ASSOCIATES, INC.

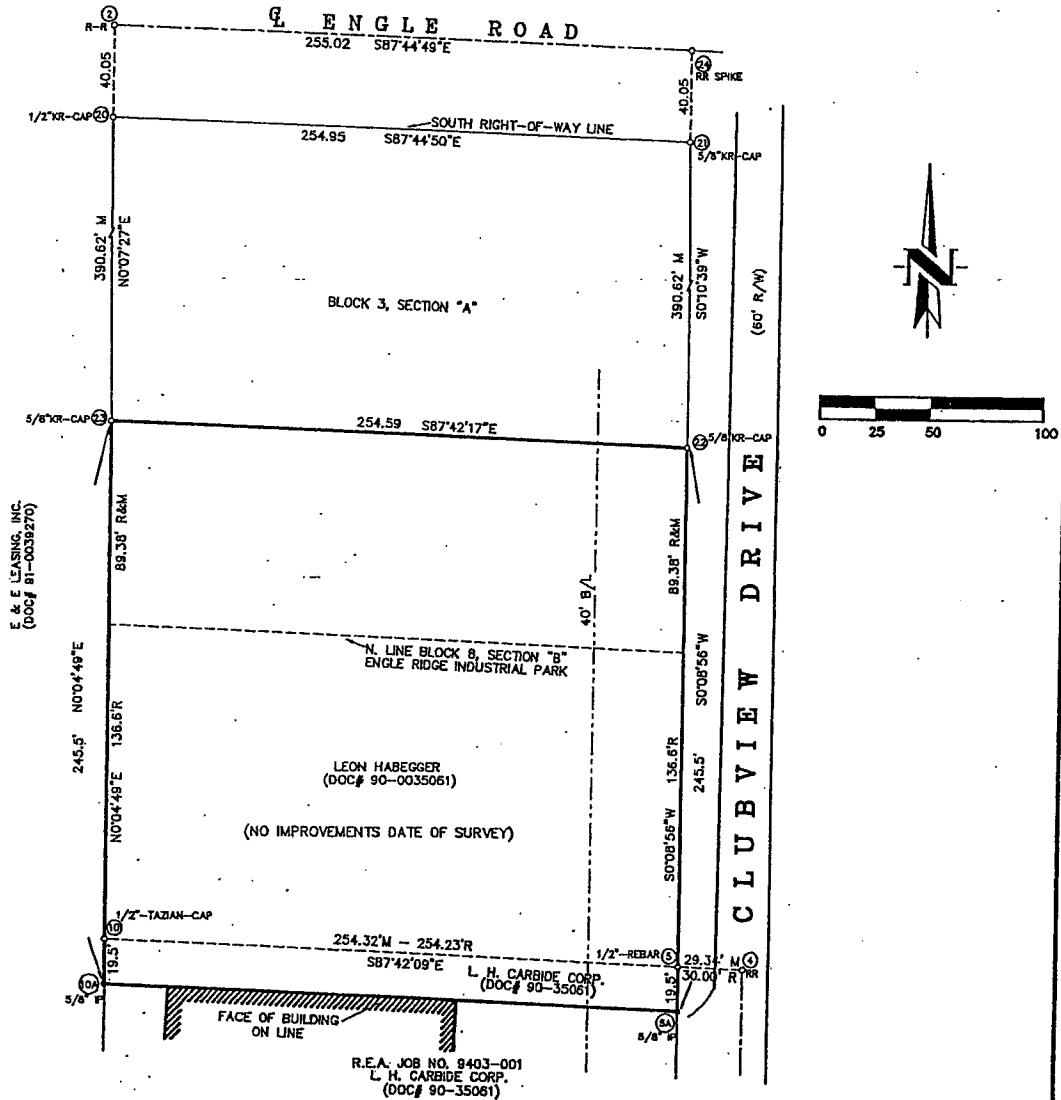
KENNETH J. RUSSELL P.E. & R.L.S. JAMES L. RUSSELL P.E. & R.L.S.  
2527 SCOTSWOLDE DRIVE FORT WAYNE, INDIANA 46808 (319) 482-5300

LEGAL DESCRIPTION

BLOCK 8, SECTION "B", EXCEPT THE SOUTH 760.5 FEET OF THE ENGLE RIDGE INDUSTRIAL PARK.  
ALSO: BLOCK 3, SECTION "A", EXCEPT THE NORTH 390.62 FEET IN THE "ENGLE RIDGE INDUSTRIAL PARK, SECTION "A", AS SAME IS RECORDED IN PLAT RECORD 33, PAGES 46-48, IN THE OFFICE OF THE RECORDER.  
ALL OF THE ABOVE BEING A PART OF SECTION 20, T 30 N, R 12 E, WAYNE TOWNSHIP, ALLEN COUNTY, INDIANA.



- LEGEND:
- D) — SURVEY REPORT REFERENCE
  - HR. M. — HARRISON MONUMENT
  - S — SECTION CORNER
  - R — RAILROAD SPIKE
  - I — IRON PIN (REBAR)
  - K — P.C. NAIL
  - PH — SPIKE NAIL
  - P — PIPE
  - MEASURED
  - RECORDED
  - CALCULATED
  - PLATTED
  - FOUND (?)
  - SET (S)



- NOTES:**
1. NO ENCROACHMENTS EXIST UNLESS CHECKED HERE
  2. THE COMMITMENT FOR TITLE INSURANCE WAS NOT PROVIDED FOR THIS PARCEL UNLESS CHECKED HERE. AN ABSTRACT OR TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THIS PROPERTY.
  3. THIS SURVEY MUST BE RECORDED IN ACCORDANCE WITH TITLE 865 IAC WHEN CHECKED HERE (R.E.A. TO RECORD).
  4. ALL PINS SHOWN AS SET HAVE IDENTIFICATION CAPS WHERE POSSIBLE.
  5. THE THEORETICAL UNCERTAINTY OF THIS SURVEY DUE TO RANDOM ERROR IN MEASUREMENT IS CERTIFIED AS CLASS "A".
- THE ABOVE DESCRIBED LOT OR TRACT <sup>300</sup> LIES IN ZONE "X". THIS ZONE IS DESIGNATED AS A 100 YEAR FLOOD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR COMMUNITY PANEL NO. 18003-C-0265-D DATED 8-28-90.
- LIE WITHIN A DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE HUD-FIA MAPS FOR THE AREA.
- VERIFIED WITH INDIANA DEPARTMENT OF NATURAL RESOURCES LAKE LEVEL DATA.

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION, AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12-29 AND ALL OTHER AMENDMENTS THERETO.

THIS SURVEY VALID ONLY WITH ORIGINAL HAND AND/OR SEAL AND PAYMENT OF FEE INVOICE.

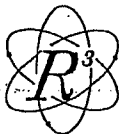
FIELD WORK COMPLETED ON 3-18-94 AND CERTIFIED THIS 4-18-94 BY James L. Russell

JOB NO. 9404-003 FOR LEON HABEGGER, ETAL / R. B. & B. PARTNERSHIP



**SURVEY FOR:**  
**R. B. & B. PARTNERSHIP**  
**THE ENGLE RIDGE INDUSTRIAL PARK**  
**SECTION 20, T30N, R12E,**  
**ALLEN COUNTY, INDIANA**

EXHIBIT A



RUSSELL ENGINEERING ASSOCIATES, INC.

KENNETH J. RUSSELL P.E. & R.L.S. JAMES L. RUSSELL P.E. & R.L.S.  
2627 SCOTSWOLDE DRIVE FORT WAYNE, INDIANA 46808 (219) 482-6300

SURVEYORS REPORT

THE FOLLOWING OPINION IS SUBMITTED REGARDING THE THEORETICAL UNCERTAINTY (TU) IN THE CORNERS AND LINES ESTABLISHED ON THE ATTACHED SURVEY AS A RESULT OF UNCERTAINTIES AND/OR AMBIGUITIES IN THE REFERENCE MONUMENTS AND DESCRIPTIONS USED TO PERFORM SAME, ALL AS REQUIRED BY THE INDIANA LAND SURVEY STANDARDS SET OUT IN TITLE 864 IAC 1.1-13 AND 1991 AMENDMENTS THEREOF.

DESCRIPTION (BRIEF):

Block 8, Section "B" except the South 760.5 feet of Engle Ridge Industrial Park, Section "B".

Also:

Block 3, Section "A" except the North 390.62 feet of Engle Ridge Industrial Park, Section "A".

REFERENCES:

1. Plat of Engle Ridge Industrial Park, Section "A", as recorded in Plat Record, 33 pages 46-48 in the Office of the Recorder, Allen County, Indiana.
2. Survey of North adjoiner by Russell Engineering Assoc., Inc. Job No. 9203-026.
3. Survey of South adjoiner by Russell Engineering Assoc., Inc. Job No. 9403-001.

EXISTING MONUMENTATION:

1. 3/4 inch rebar found at # 1
2. 1/2 inch rebar found at # 3, 5, 7 and 9
3. 1/2 inch rebar with 0011 cap found at # 10
4. Railroad spike found at # 2 and 4
5. P.K. nail found at # 6
6. 5/8 inch rebar with Ken Russell caps found at # 21, 22 and 23 (22 and 23 were found 1 foot South)

Monument Note:

All monuments were 0.1 feet below to 0.1 feet above grade.

CORNERS AND LINES WERE ESTABLISHED AS FOLLOWS:

1. All existing monumentation was checked and accepted except point # 1 which was disregarded due to distance and line, and corners 22 and 23 which were reset correctly 1.0 foot Northerly.
2. Corners 5A and 10A were set on line 5-7 and 10-9 at 19.5 feet South of # 5 and # 10.

CONCLUSIONS:

As a result of the above observation it is my opinion that maximum uncertainties in location of lines and corners established on this survey are as follows:

DUE TO VARIATION IN MONUMENTATION AND RECORDED DISTANCES:

0.10 feet in the North-South direction  
0.66 feet in the East-West direction (Line 4-5)

DUE TO VARIATION IN MEASUREMENT:

0.10 feet in any direction.

COMMENT:

Corners 22 and 23 were found to have been incorrectly set 1 foot South of the Deed corner by this surveyor and were reset 1 foot North per original intent.

THE THEORETICAL UNCERTAINTY (TU) OF THIS SURVEY, DUE TO MEASUREMENT, IS CERTIFIED AS A CLASS "A" SURVEY IN ACCORDANCE WITH THE INDIANA LAND SURVEY STANDARDS.

THIS 18th OF April, 1994

JOB No. 9404-003

FOR THE USE OF: L.H. Carbide and Leon Habegger/ R.B. & B. Partnership

SHEET 2 OF 2

CIVIL ENGINEERS \* LAND SURVEYORS \* LAND PLANNERS

Public Hearing Date, if applicable 3-25-14

Read the first time in full and on motion by Councilman Russ Jehl  
Read the second time by title and referred to the Finance Committee  
Committee. Read the third time in full and on motion by Councilman  
Jehl, 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: 3-25-14 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-21-14 on the 25<sup>th</sup> day of  
March, 2014

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

Robert A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26<sup>th</sup> day  
of March, 2014, at the hour of 3:30 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31<sup>st</sup> day of MARCH  
2014, at the hour of 9:00 o'clock A.M. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

# The Journal Gazette

Account # 1060008 - 1112993  
**FW Common Council**

Allen County, Indiana

## 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

57

### COMPUTATION OF CHARGES

57 lines, 1 column(s) wide equals

57 equivalent lines at \$ 0.413 cents per line

\$ 23.54

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

Charge for extra proofs of publication  
(\$2.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 23.54

### 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:

3/14/2014    -    -    -

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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*

T. Brown-Smith  
Legal Clerk

Date:    March 14, 2014

ATTACH COPY OF ADVERTISEMENT HERE

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

BILL NO. R-14-03-12

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, MARCH 25, 2014 AT 5:30 P.M. THE HEARING WILL BE HELD IN ROOM 030 OF THE CITIZENS SQUARE BUILDING, 200 EAST BERRY STREET, ON THE GARDEN LEVEL (BASEMENT) OF THE BUILDING. THIS HEARING WILL BE TO DISCUSS DESIGNATING AN ECONOMIC REVITALIZATION AREA UNDER SECTION I.C. 6-1.1-12.1 FOR PROPERTY COMMONLY KNOWN AS:

4420 CLUBVIEW DRIVE, FORT WAYNE, IN 46804 (LH CARBIDE CORPORATION)  
BILL NO. R-14-03-12

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTIONS SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, MARCH 25, 2014.

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 AT (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK

3--14 1112993 hspaxlp

# The News-Sentinel

Account # 1060008 - 1112993  
**FW Common Council**

Allen County, Indiana

## PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

### 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	<u>57</u>

### COMPUTATION OF CHARGES

<u>57</u> lines, <u>1</u> column(s) wide equals	
<u>57</u> equivalent lines at \$ <u>0.413</u> cents per line	\$ 23.54
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	-
Charge for extra proofs of publication (\$2.00 for each proof in excess of two)	-
<b>TOTAL AMOUNT OF CLAIM</b>	<u>\$ 23.54</u>

### 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:

<u>3/14/2014</u>	-	-	-
-	-	-	-
-	-	-	-

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: March 14, 2014

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

BILL NO. R-14-03-12

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SANDRA E. KENNEDY

CITY CLERK  
3--14 1112993 hspaxlp

BILL NO. R-14-03-12

# REPORT OF THE COMMITTEE ON FINANCE

## MARCH 25, 2014

*Russell Jehl, CHAIR*  
*John Crawford, Co-Chair*  
*All Council Members*

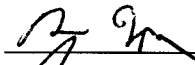


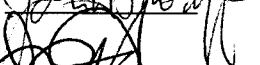
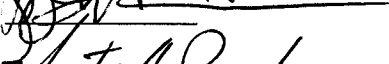
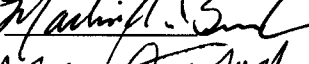

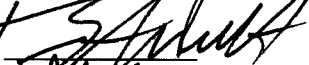

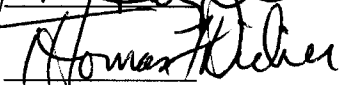
A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known 4420 Clubview Drive, Fort Wayne, Indiana 46804 (LH Carbide Corporation). **COMMITTEE ON FINANCE HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY  
CITY CLERK