

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 127 W. Wayne Street, Fort
Wayne, Indiana 46802 (121 W. Wayne 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 two part-time, permanent jobs for a total current, annual payroll of \$20,000, with the average new annual job salary being \$10,000.

WHEREAS, the total estimated project cost is \$750,000; 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 Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to designate an area as an Economic Revitalization Area before the initiation of development for which 121 W. Wayne LLC desires to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for real and personal property improvements during the period of August 15, 2014 through the date of this resolution and is granted through the authority of I.C. 6-1.1-31-1 and 50 I.A.C. 10-4-1 (a)(2) and (3)..

SECTION 2. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 3. 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.

1 **SECTION 4.** That, said designation of the hereinabove described property as an
2 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real
3 estate.

4 **SECTION 5.** 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 redevelopment or rehabilitation, all contained in
7 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
8 expected to result from the proposed described redevelopment or rehabilitation.

9 **SECTION 6.** The current year approximate tax rates for taxing units within the
10 City would be:

- 11 (a) If the proposed development does not occur, the approximate current year tax
12 rates for this site would be \$3.3065/\$100.
- 13 (b) If the proposed development occurs and no deduction is granted, the
14 approximate current year tax rate for the site would be \$3.3065/\$100 (the
15 change would be negligible).
- 16 (c) If the proposed development occurs, and a deduction percentage of fifty percent
17 (50%) is assumed, the approximate current year tax rate for the site would be
18 \$3.3065/\$100 (the change would be negligible).

19 **SECTION 7.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
20 from the assessed value of the real property shall be for a period of ten years.

21 **SECTION 8.** The deduction schedule from the assessed value of the real
22 property 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	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

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1 **SECTION 9.** The benefits described in the Petitioner's Statement of Benefits can be
2 reasonably expected to result from the project and are sufficient to justify the applicable
3 deductions.

4 **SECTION 10.** For real property, a deduction application must contain a performance
5 report showing the extent to which there has been compliance with the Statement of Benefits
6 form approved by the Fort Wayne Common Council at the time of filing. This report must be
7 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community
8 Development Division and must be included with the deduction application. For subsequent
9 years, the performance report must be updated each year in which the deduction is
10 applicable at the same time the property owner is required to file a personal property tax
11 return in the taxing district in which the property for which the deduction was granted is
12 located. If the taxpayer does not file a personal property tax return in the taxing district in
13 which the property is located, the information must be provided by May 15.

14 **SECTION 11.** The performance report must contain the following information

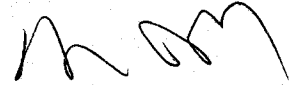
- 15 A. The cost and description of real property improvements.
- 16 B. The number of employees hired through the end of the preceding calendar year
17 as a result of the deduction.
- 18 C. The total salaries of the employees hired through the end of the preceding
19 calendar year as a result of the deduction.
- 20 D. The total number of employees employed at the facility receiving the deduction.
- 21 E. The total assessed value of the real property deductions.
- 22 F. The tax savings resulting from the real property being abated.

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

25 **SECTION 13.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
26 has received a deduction under section 3 or 4.5 of this chapter may be required to repay the
27 deduction amount as determined by the county auditor in accordance with section 12 of said
28 chapter if the property owner ceases operations at the facility for which the deduction was
29 granted and if the Common Council finds that the property owner obtained the deduction by
30 intentionally providing false information concerning the property owner's plans to continue
operation at the facility.

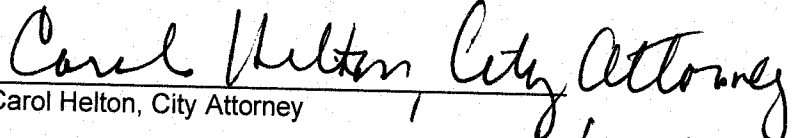
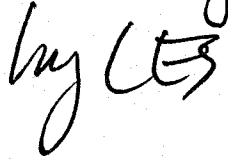
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SECTION 14. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney
Carol Helton, City Attorney



DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **121 W. Wayne LLC is requesting the designation of an Economic Revitalization Area for real property improvements in the amount of \$750,000. 121 W. Wayne LLC will convert street level office space at 127 W. Wayne Street to a multi-tenant retail space with ADA compliant bathrooms while allowing access to the upper floors for future development.**

EFFECT OF PASSAGE: **Constructing the building will allow 121 W. Wayne LLC to develop property in an Economic Development Target Area with the hope of attracting start-up or second location retailers in the core of downtown. Two part-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development and two part-time jobs**

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

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

Public Hearing Date, if applicable 10-14-14

Read the first time in full and on motion by Councilman John Crawford
Read the second time by title and referred to the Committee of Finance
Committee. Read the third time in full and on motion by Councilman
John Crawford, 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: 10-14-14 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-92-14 on the 14th day of
October, 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 15th day
of October, 2014, at the hour of _____ o'clock _____ E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of OCTOBER
2014, at the hour of 1:00 o'clock PM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-14-09-26

REPORT OF COMMITTEE ON FINANCE

OCTOBER 14, 2014

*JOHN CRAWFORD – CHAIR
RUSS JEHL – 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 as 127 W. Wayne Street, Fort Wayne, Indiana 46802 (121 W. Wayne 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

John Crawford
Russ Jehl
William B. Bunker
Mark H.
Thomas D. DeLoe
John P.
John P.
John P.
John P.

**SANDRA E. KENNEDY
CITY CLERK**

MAKE CHECKS PAYABLE TO:
Fort Wayne Newspapers, Inc.

**LEGAL
INVOICE**

Account #

Invoice Date

1060008

10/8/2014

Terms: Upon Receipt

FW Common Council
200 East Berry Street Ste 110
Citizens Square
Fort Wayne IN 46802-1804

ORDER NO.	BALANCE
0001149120	\$44.60

AMT DUE

\$44.60

AMOUNT PAID

44.60

CHECK NO.

Please Return Top Portion With Payment

PUBLICATION OF LEGAL NOTICES

DATE	ORDER NUMBER	DESCRIPTION	LINES 6 PT.	RATE	COST
10/3/14-10/3/14	0001149120	Journal Gazette RESOLUTION NO. R-14-09-26	54	0.413	\$22.30
10/3/14-10/3/14	0001149120	News-Sentinel RESOLUTION NO. R-14-09-26	54	0.413	\$22.30

**FORT WAYNE, IND.
RECEIVED**

OCT 10 2014

SANDRA E. KENNEDY
CITY CLERK

CUSTOMER ACCOUNT # 1060008

FW Common Council
10/3/2014

\$44.60

**TOTAL
AMT DUE**

TO PLACE A LEGAL AD, PLEASE CALL (260) 461-8246; DIRECT BILLING QUESTIONS TO (260) 461-8541

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

RESOLUTION NO. R-14-09-26

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON OCTOBER 14, 2014 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 PROPERTIES COMMONLY KNOWN AS:

127 W. Wayne Street
Fort Wayne, Indiana 46802
(121 W. Wayne LLC)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, OCTOBER 14, 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 PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

10-3 1149120 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1149120
FW Common Council

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

54

COMPUTATION OF CHARGES

54 lines, 1 column(s) wide equals

54 equivalent lines at \$ 0.413 cents per line

\$ 22.30

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

\$ 22.30

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:

10/3/2014

- - -
- - -
- - -

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: October 3, 2014

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