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**BILL NO. R-14-10-05**

**CONFIRMING RESOLUTION NO. R-94-14**

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4509 Maplecrest Road, Fort Wayne, Indiana 46835 (Collier Investments 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 result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

**WHEREAS**, said project will create three full-time and one part-time, permanent jobs for a total new, annual payroll of \$174,000, with the average new annual job salary being \$43,500 and retain seven full-time and three part-time, permanent jobs for a total current annual payroll of \$568,000, with the average current, annual job salary being \$56,800; and

**WHEREAS**, the total estimated project cost is \$485,000; 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; 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 occupation of an eligible vacant building.

**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 the occupation of the eligible vacant building, all contained in Petitioner's Statement of

1 Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed  
2 described occupation of the eligible vacant building.

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

- 4 (a) If the proposed occupation of the eligible vacant building does not occur, the approximate  
5 current year tax rates for this site would be \$3.2081/\$100.  
6 (b) If the proposed occupation of the eligible vacant building occurs and no deduction is granted,  
7 the approximate current tax rate for the site would be \$3.2081/\$100 (the change would be  
8 negligible).  
9 (c) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage  
of fifty percent (50%) is assumed, the approximate current year tax rate for this would be  
\$3.2081/\$100 (the change would be negligible).

10 **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 eligible vacant building shall be for a period of one year.

11 **SECTION 7.** The deduction schedule from the assessed value of the vacant building pursuant  
12 to I.C. 6-1.1-12.1-17 shall look like this:

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Year of Deduction	Percentage
1	100%

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15 **SECTION 8.** That, the benefits described in the Petitioner's Statement of Benefits can be  
16 reasonably expected to result from the project and are sufficient to justify the applicable deductions.

17 **SECTION 9.** For the eligible vacant building, a deduction application must contain a  
18 performance report showing the extent to which there has been compliance with the Statement of Benefits  
19 form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to  
20 the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must  
21 be included in the deduction application. For subsequent years, the performance report must be updated  
22 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.

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

- 24 A. The cost and description of real property improvements  
25 B. The number of employees hired through the end of the preceding calendar year as a result of  
26 the deduction.  
27 C. The total salaries of the employees hired through the end of the preceding calendar year as a  
28 result of the deduction.  
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D. The total number of employees employed at the facility receiving the deduction.

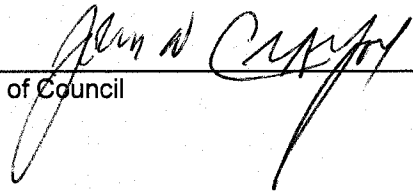
E. The total assessed value of the real and/or personal property deductions.

F. The tax savings resulting from the real and/or personal property being abated.

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

**SECTION 12.** 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 13.** 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

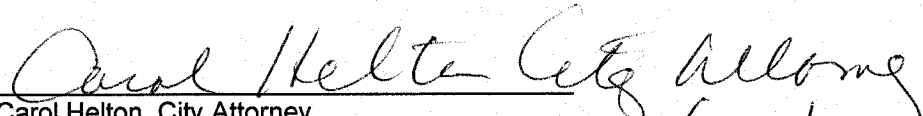

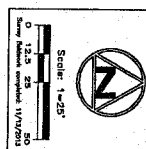
  
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Carol Helton, City Attorney  


EXHIBIT A



- Legend**
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  - 1/4" = 1' (1/4" = 1' = 1/4" = 1')
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  - 1/21267645332197267054545454545454515434352" = 1' (1/21267645332197267054545454545454515434352" = 1' = 1/21267645332197267054545454545454515434352" = 1')
  - 1/42535290664394534109090909090909082868704" = 1' (1/42535290664394534109090909090909082868704" = 1' = 1/42535290664394534109090909090909082868704" = 1')
  - 1/85070581328789068218181818181818177137408" = 1' (1/85070581328789068218181818181818177137408" = 1' = 1/85070581328789068218181818181818177137408" = 1')
  - 1/17014116265757813636363636363636344268816" = 1' (1/17014116265757813636363636363636344268816" = 1' = 1/17014116265757813636363636363636344268816" = 1')
  - 1/34028232531515627272727272727272788537328" = 1' (1/34028232531515627272727272727272788537328" = 1' = 1/34028232531515627272727272727272788537328" = 1')
  - 1/6805646506303125454545454545454547707456" = 1' (1/6805646506303125454545454545454547707456" = 1' = 1/6805646506303125454545454545454547707456" = 1')
  - 1/13611293012606249090909090909090914414912" = 1' (1/13611293012606249090909090909090914414912" = 1' = 1/13611293012606249090909090909090914414912" = 1')
  - 1/27222586025212498181818181818181828829824" = 1' (1/27222586025212498181818181818181828829824" = 1' = 1/27222586025212498181818181818181828829824" = 1')
  - 1/54445172050424996363636363636363657659648" = 1' (1/54445172

Policy Issued By: First American Title Insurance Company

SCHEDULE A

File No.: 50871A

Amount of Insurance:  
\$202,000.00

Date of Policy:  
December 23, 2013 @ 2:21 PM

Policy Number:  
50871A  
Loan No.:

1. Name of Insured:  
Community Development Corporation of Fort Wayne, and/or United States Small Business Administration, its successors and/or assigns as their interests may appear as defined in the Conditions of this policy.
2. The estate or interest in the land which is covered by this Policy is:  
Fee Simple
3. Title to the estate or interest in the land is vested in:  
Collier Investments, LLC, an Indiana limited liability company

4. The insured mortgage and the assignments thereof, if any, are described as follows:

Mortgage in the original amount of \$202,000.00 executed by Collier Investments, LLC an Indiana Limited Liability Company to Community Development Corporation of Fort Wayne, dated December 20, 2013, recorded December 23, 2013, in Instrument No. 2013071261, which mortgage was assigned to Small Business Administration, an Agency of the United States Government, by Assignment of Mortgage dated December 20, 2013 and recorded December 23, 2013, as Instrument No. 2013071263, Allen County Records.

5. The land referred to in this Policy, situated in the County of Allen, State of Indiana, is described as follows:

TRACT I:

A parcel of land located in the Southeast One-Quarter of Section 21, Township 31 North, Range 13 East, Allen County, Indiana, and more particularly described as follows, to wit:

Commencing at the Southeast corner of Section 21, Township 31 North, Range 13 East, as marked by a P.K. nail found; thence North 1 degree, 22 minutes 02 seconds West (bearing basis for this description) along the East line of said Southeast One-Quarter as now established, a distance of 490.0 feet (deed) to a P.K. nail found; thence South 88 degrees, 27 minutes, 30 seconds West, a distance of 240.0 feet to a 5/8" iron pin found to the point of beginning. Beginning at the above described point; thence South 1 degree, 22 minutes, 02 seconds East and parallel to said East line, a distance of 140.0 feet to a 5/8" iron pin found; thence South 88 degrees, 27 minutes 30 seconds West, a distance of 135.0 feet to a 5/8" iron pin set; thence North 1 degree, 22 minutes, 02 seconds West, a distance of 140.0 feet to a steel pipe found; thence North 88 degrees, 27 minutes, 30 seconds East, a distance of 135.0 feet to the point of beginning, said in prior deed to contain .434 acres.

TRACT II:

A Non-Exclusive Easement for Ingress and Egress over the real estate described and or depicted in the following documents:

- a) Access Easement Agreement recorded as Document Number 93-058844;
- b) Declaration of Easements recorded as Document Number 94-011665;
- c) Declaration of Reciprocal Easements recorded as Document Number 94-011667;
- d) Reciprocal Easement Agreement recorded as Document Number 93-058843;
- e) Agreement to Be Bound By Reciprocal Easement Agreement recorded as Document Number 93-068238;
- f) Amended Agreement to Be Bound By Reciprocal Easement Agreement recorded as Document Number 94-011671;
- g) Assignment recorded as Document Number 201042281

Public Hearing Date, if applicable 10-28-14

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  
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: 10-28-14 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. A-14-10-01 on the 28<sup>th</sup> 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 29<sup>th</sup> day  
of October, 2014, at the hour of 4:00 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30<sup>th</sup> day of October  
2014, at the hour of 9:00 o'clock AM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-14-10-05

## REPORT OF COMMITTEE ON FINANCE

### OCTOBER 28, 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 4509 Maplecrest Road, Fort Wayne, Indiana 46835 (Collier Investments 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]*

*[Handwritten signatures under DO PASS]*

**SANDRA E. KENNEDY  
CITY CLERK**