

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as unassigned address, generally described as property bounded by West Jefferson Boulevard on the North, Ewing Street on the East, West Brackenridge Street on the South and Fairfield Avenue on the West, Fort Wayne, Indiana 46802 (Cityscape Flats, 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**, the total estimated project cost is \$24,300,000; 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.

**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, 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.

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

(a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.3570/\$100.

1 (b) If the proposed development does occur and no deduction is granted, the approximate  
2 current year tax rate for the site would be \$3.3570/\$100 (the change would be negligible).

3 (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is  
4 assumed, the approximate current year tax rate for the site would be \$3.3570/\$100 (the  
5 change would be negligible).

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

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

Year of Deduction	Percentage
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	100%

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18 **SECTION 8.** Notwithstanding the foregoing deduction schedule, the deduction, if not sooner  
19 terminated for non-compliance, shall terminate when the aggregate tax benefit resulting from the  
20 deduction reaches \$3,500,000 or at the completion of the ten-year deduction schedule, whichever is  
21 sooner.

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

24 **SECTION 10.** For real property, a deduction application must contain a performance report  
25 showing the extent to which there has been compliance with the Statement of Benefits form approved by  
26 the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County  
27 Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in  
28 the deduction application. For subsequent years, the performance report must be updated each year in  
29 which the deduction is applicable at the same time the property owner is required to file a personal  
30 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.

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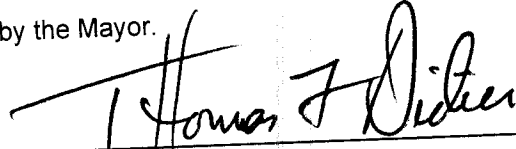
**SECTION 11.** The performance report must contain the following information:

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

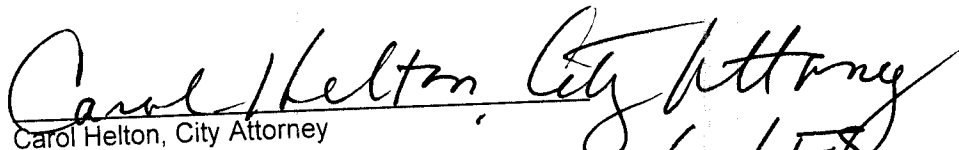
**SECTION 12.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 13.** 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 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.

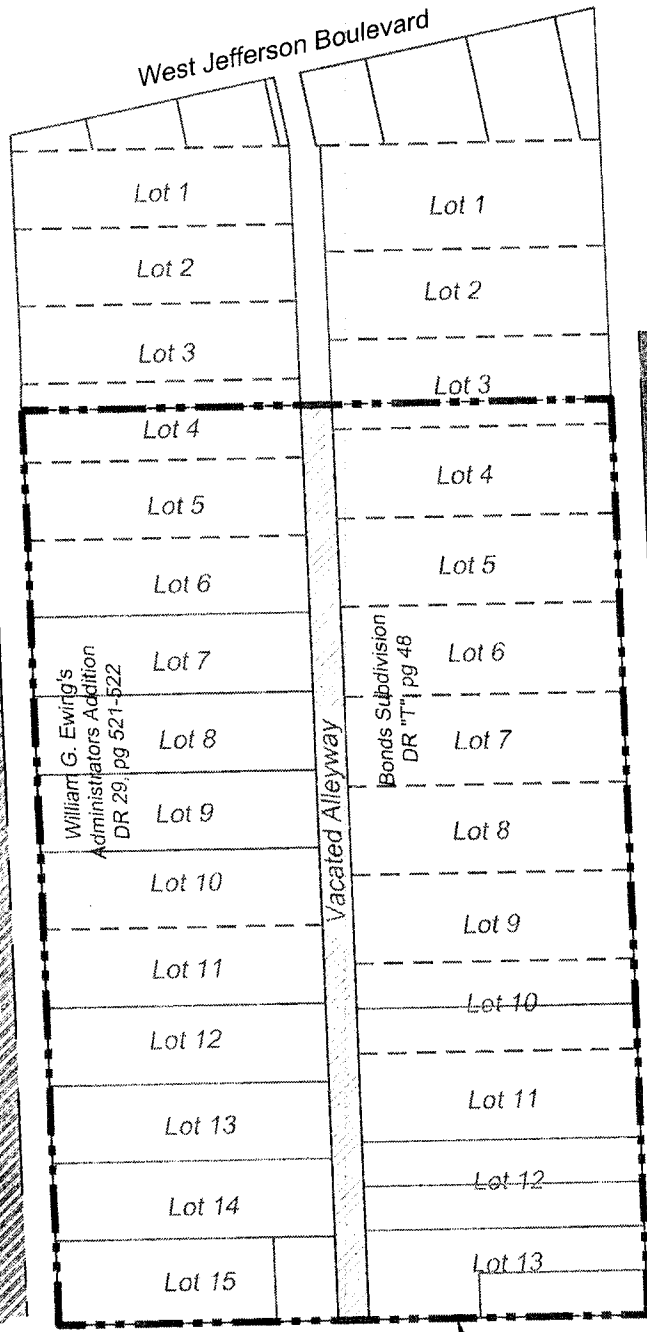
  
\_\_\_\_\_  
Member of Council

APPROVED AS TO FORM A LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney  
by LES

# Cityscape Flats

Boundary Exhibit



**Legal Description:**

The South 28 feet of Lot 4 in William G. Ewing's Administrators Addition to Fort Wayne, as recorded in Deed Record 29, pages 521-522 in the Office of the Recorder of Allen County, Indiana.

**TOGETHER WITH:**

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in William G. Ewing's Administrators Addition to Fort Wayne, as recorded in Deed Record 29, pages 521-522 in the Office of the Recorder of Allen County, Indiana.

**TOGETHER WITH:**

The South 13.4 feet of Lot 3 in Bonds Subdivision of Out Lot 2 of East Half, Northwest Quarter, Section 11, Township 30 North, Range 12 East, as recorded in Deed Record "T", page 49 in the Office of the Recorder of Allen County, Indiana.

**TOGETHER WITH:**

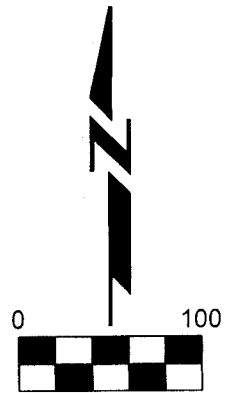
Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Bonds Subdivision of Out Lot 2 of East Half, Northwest Quarter, Section 11, Township 30 North, Range 12 East, as recorded in Deed Record "T", page 49 in the Office of the Recorder of Allen County, Indiana.

Boundary of Legal Description



D.A. Brown Engineering Consultants  
 5419 County Road 427, Suite C, Auburn, IN 46706  
 Phone: (260) 925 - 2020 Fax: (260) 925 - 1212  
 www.dabrownengineering.com

Job No: 1411-03



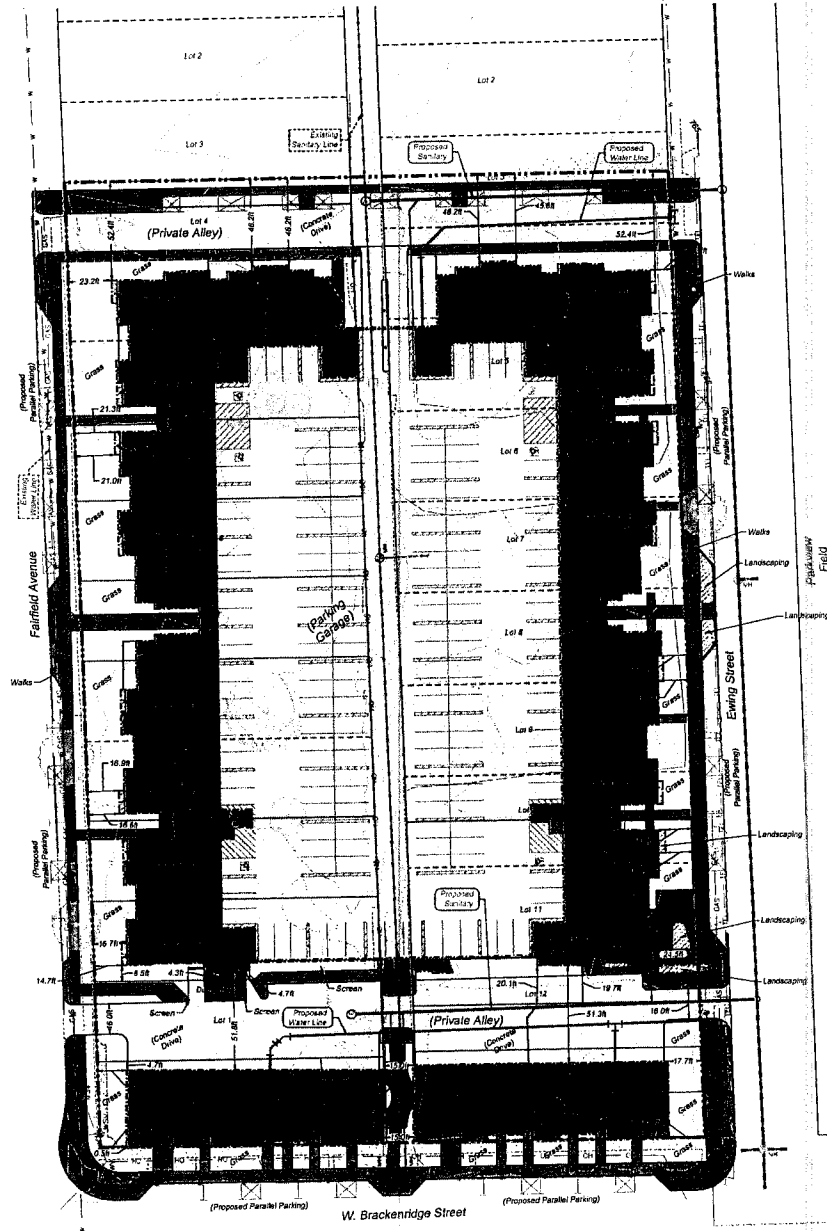
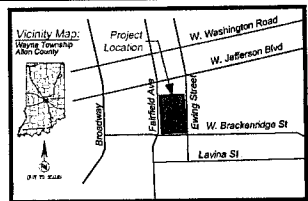
Scale 1" = 100 ft  
 June 10, 2015

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# Primary Development Plan Cityscape Flats

A Site Located in Section 11, Township 30 North, Range 12 East.

Allen County, Indiana



**Legal Description:**

The South 28 feet of Lot 4 in William G. Ewing's Administrators Addition to Fort Wayne, as recorded in Deed Record 28, pages 521-522 in the Office of the Recorder of Allen County, Indiana.

**TOGETHER WITH:**

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in William G. Ewing's Administrators Addition to Fort Wayne, as recorded in Deed Record 29, pages 521-522 in the Office of the Recorder of Allen County, Indiana.

**TOGETHER WITH:**

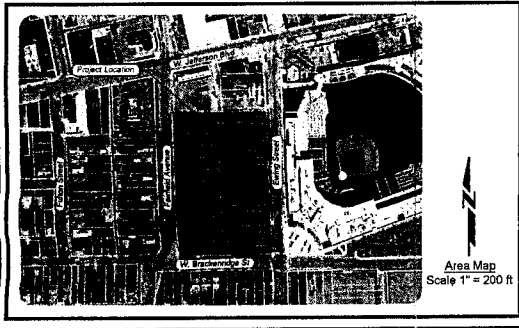
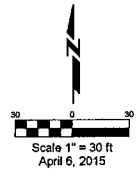
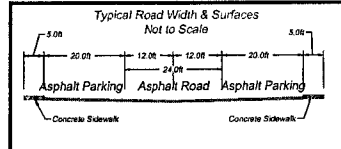
The South 13 1/2 feet of Lot 3 in Bonds Subdivision of Out Lot 2 of East Half, Northwest Quarter, Section 11, Township 30 North, Range 12 East, as recorded in Deed Record '71, page 49 in the Office of the Recorder of Allen County, Indiana.

**TOGETHER WITH:**

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Bonds Subdivision of Out Lot 2 of East Half, Northwest Quarter, Section 11, Township 30 North, Range 12 East, as recorded in Deed Record '77, page 49 in the Office of the Recorder of Allen County, Indiana.

Location	Description	Area	Volume	Unit
Basement Levels	Basement Level 1	62,177 SFT		
	Basement Level 2	12,496 SFT		
	Basement Level 3	17,923 SFT		
	Basement Level 4	1,877 SFT		
Basement Level 1/2	Basement Level 1/2	11,882 SFT		
	Basement Level 1/2	14,829 SFT		
	Basement Level 1/2	14,829 SFT		
	Basement Level 1/2	11,882 SFT		
	Basement Level 1/2	14,829 SFT		
	Basement Level 1/2	11,882 SFT		
First Level	First Level (1/2)	24,827 SFT		
	First Level (2/2)	24,827 SFT		
Second Level	Second Level (1/2)	11,882 SFT		
	Second Level (2/2)	11,882 SFT		
Third Level	Third Level (1/2)	11,882 SFT		
	Third Level (2/2)	11,882 SFT		
Total Level	Total Level (1/2)	24,827 SFT		
	Total Level (2/2)	24,827 SFT		
Grand Total	Grand Total (1/2)	24,827 SFT		
	Grand Total (2/2)	24,827 SFT		

Location	Description	Area	Volume	Unit
Basement	Basement 1	62,177 SFT		
	Basement 2	12,496 SFT		
Total	Total	74,673 SFT		
	Grand Total	74,673 SFT		



**General Contractor:**  
Sunstone Construction Company, LLC  
6455 Brauer Lane  
Carmel, IN 46033  
Tel: (317) 418-2200



**Developer:**  
DOMO Development Company, LLC  
8830 Notestine Road  
Fort Wayne, IN 46835  
Tel: (260) 413-6342

**Engineer:**  
**DABEC**  
D.A. Brown Engineering Consultants  
5413 County Road #27, Suite C, Hudson, IN 46026  
Phone: (260) 925-2020 Fax: (260) 925-1212  
www.dabrownengineering.com

**Project Jurisdiction Summary:**

- Sanitary Sewer Utility: Fort Wayne Utilities, 200 E. Berry Street, Fort Wayne, IN 46802, (260) 427-5064
- Water Utility: Fort Wayne Utilities, 200 E. Berry Street, Fort Wayne, IN 46802, (260) 427-5064
- Drainage Approval: Fort Wayne Utilities, 200 E. Berry Street, Suite 300, Fort Wayne, IN 46802, (260) 448-7623
- Planning/Development Approval: Allen County Department of Planning Services, 200 E. Berry Street, Suite 150, Fort Wayne, IN 46802, (260) 448-7607
- Traffic Street & Right-of-Way Approval: Fort Wayne Utilities, 200 E. Berry Street, Suite 425, Fort Wayne, IN 46802, (260) 427-1111

Revisions			
Date	Drawn By	Date	Description
04/06/2015			
Scale:	Checked By:		
As Noted			
Job No.	Sheet No.		
1411-03-001	1 of 1		

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This is to confirm the designation of an Economic Revitalization Area for Cityscape Flats, LLC for real property improvements in the amount of \$24,300,000. Cityscape Flats, LLC will construct a multi-family residential development consisting of market rate apartment units, row house townhomes, a parking garage and landscaped outdoor courtyard.**

EFFECT OF PASSAGE: **Cityscape Flats, LLC will create a new residential development in the downtown economic development target area on land the city has acquired for redevelopment.**

EFFECT OF NON-PASSAGE: **Potential loss of development in downtown Fort Wayne**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Tom Didier and Russ Jehl**

Public Hearing Date, if applicable 7-14-15

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  
Russ 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>6</u>	<u>2</u>		<u>1</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: 7-14-15 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-62-15 on the 14<sup>th</sup> day of  
July, 2015

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

John N. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15<sup>th</sup> day  
of July, 2015, at the hour of 11:00 O'clock Am. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21<sup>st</sup> day of July  
2015, at the hour of 8:30 O'clock Am. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

# The Journal Gazette

Account # 1060008 - 1193195

Allen County, Indiana

**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 **59**

### COMPUTATION OF CHARGES

59 lines, 1 column(s) wide equals

59 equivalent lines at \$ 0.424 cents per line \$ 25.02

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 \$ 25.02**

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8 Size of type . . . . 7point.  
Number of Insertions . . . . 1

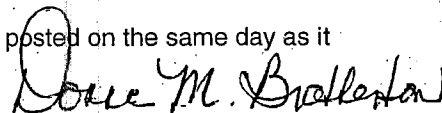
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

7/3/2015

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



Donna M. Brotherton  
Legal Clerk

Date: July 3, 2015

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

CONFIRMING RESOLUTION  
NO. R-15-06-35

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 14, 2015, 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:

Property bounded by West Jefferson  
Boulevard  
On the North, Ewing Street on the  
East, West  
Brackenridge Street on the South and  
Fairfield Avenue on the West  
Fort Wayne, Indiana 46802  
(Cityscape Flats, LLC)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY JULY 14, 2015.

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

7--3 1193195 hspaxlp

# The News-Sentinel

Account # 1060008 - 1193195  
**FW Common Council**

Allen County, Indiana

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Number of Insertions . . . . 1

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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:

7/3/2015 - - -

- - -

- - -

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

*Donna M. Brotherton*

Donna M. Brotherton  
Legal Clerk

Date: July 3, 2015

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

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SANDRA E. KENNEDY  
CITY CLERK

7--3 1193195 hspaxlp

BILL NO. R-15-06-35

## REPORT OF COMMITTEE ON FINANCE

### JULY 14, 2015

*RUSS JEHL – CHAIR  
TOM DIDIER – 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 unassigned address, generally described as property bounded by West Jefferson Boulevard on the North, Ewing Street on the East, West Brackenridge Street on the South and Fairfield Avenue on the West, Fort Wayne, Indiana 46802 (Cityscape Flats, 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**

*Martin A. B...  
John R. Campford  
Tom Didier  
Russ Jehl*

*or JM  
M...*

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**SANDRA E. KENNEDY  
CITY CLERK**