

**A CONFIRMING RESOLUTION designating an  
"Economic Revitalization Area" under I.C. 6-1.1-  
12.1 for property commonly known as 4108 W.  
Ferguson Road, Fort Wayne, Indiana 46899  
(Ellison Bakery, 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 16 full-time, permanent jobs for a total new, annual payroll of \$482,435, with the average new annual job salary being \$30,152 and will retain 87 full-time and 3 part-time, permanent jobs for a total current annual payroll of \$3,471,060, with the average current, annual job salary being \$38,567; and

**WHEREAS**, the total estimated project cost is \$1,850,000; and

**WHEREAS**, a recommendation has been received from the Committee on Finance on 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 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 the value of the new manufacturing equipment, all contained

1 in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably  
2 expected to result from the proposed described installation of the new manufacturing  
3 equipment.

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

- 6 (a) If the proposed new manufacturing equipment is not installed, the approximate  
7 current year tax rates for this site would be \$2.8706/\$100.  
8 (b) If the proposed new manufacturing equipment is installed and no deduction is  
9 granted, the approximate current year tax rate for the site would be  
10 \$2.8706/\$100 (the change would be negligible).  
11 (c) If the proposed new manufacturing equipment is installed, and a deduction  
12 percentage of eighty percent (80%) is assumed, the approximate current year  
13 tax rate for the site would be \$2.8706/\$100 (the change would be negligible).

14 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction  
15 from the assessed value of the new manufacturing equipment shall be for a period of seven  
16 years.

17 **SECTION 7.** The deduction schedule from the assessed value of new  
18 manufacturing equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	85%
3	71%
4	57%
5	43%
6	29%
7	14%

19 **SECTION 8.** The benefits described in the Petitioner's Statement of Benefits can be  
20 reasonably expected to result from the project and are sufficient to justify the applicable  
21 deductions.

22 **SECTION 9.** For new manufacturing equipment, a deduction application must  
23 contain a performance report showing the extent to which there has been compliance with  
24 the Statement of Benefits form approved by the Fort Wayne Common Council at the time of  
25 filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort  
26 Wayne's Community Development Division and must be included with the deduction  
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application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

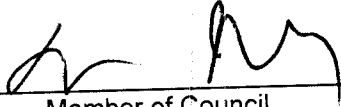
**SECTION 10.** The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new manufacturing equipment acquired.
- (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 and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

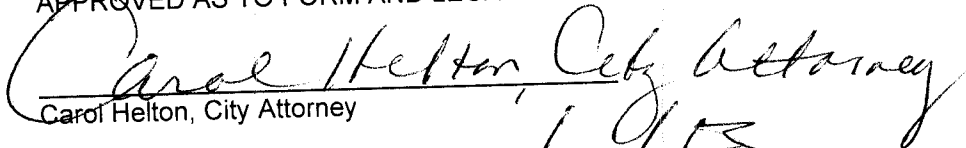
**SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**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 said 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.

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

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

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

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Ellison Bakery, Inc. is requesting the designation of an Economic Revitalization Area for personal property improvements in the amount of \$1,850,000. In order to expand, Ellison Bakery, Inc. will purchase and install new production equipment.**

EFFECT OF PASSAGE: **Installing the new equipment will allow Ellison Bakery, Inc. to strengthen Ellison's presence and will represent the highest and best use of the facility. Sixteen full-time jobs will be created.**

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

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

ASSIGNED TO COMMITTEE (PRESIDENT): **Thomas Didier and Russ Jehl**

## Exhibit A

### IDENTIFICATION OF PROPERTY:

Subject property is located at 4108 Ferguson Road, Fort Wayne, Indiana 46809.

### LEGAL DESCRIPTION:

The following legal descriptions have been obtained from the property owner. These legal descriptions are assumed to be equal to those used in the mortgage underwriting process.

Beginning on the South line of the Southeast Quarter of said Section 5 at a point situated 650.0 feet, N 89°-08' E (dead bearing and is used as the basis for the bearings in this description) from the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence N 89°-08' E, on and along said South line, being within the right-of-way of Ferguson Road, a distance of 415.0 feet; thence N 01°-41' W and parallel to the West line of the Southeast Quarter of said Southeast Quarter, a distance of 654.55 feet to a point on the South right-of-way line of Piper Drive (formerly 'C' Street); thence S 88°-11' W, on and along said South right-of-way line, a distance of 415.0 feet; thence S 01°-41' E and parallel to said West line, a distance of 647.5 feet to the point of beginning, containing 6.202 acres of land (270,148 square feet), subject to legal right-of-way for Ferguson Road and subject to all easements of record.

and

Commencing at a 5/8 diameter rebar with an orange identification cap stamped "SCO Engineering LLC-Firm #0053-Boundary Point" at the Southwest Corner of the Southeast Quarter of Fractional Section 5, Township 29 North, Range 12 East, Second Principal Meridian, Pleasant Civil Township, Allen County, Indiana; thence North 89 degrees 30 minutes 47 seconds East (calculated bearing per the Fort Wayne International Airport—Horizontal and Vertical Control Plan and is the basis for this and all subsequent bearings appearing in this description), along the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, being within the right-of-way of Ferguson Road, a distance of 1065.00 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" at the point of beginning for the parcel herein described; thence North 01 degrees 07 minutes 33 seconds West, parallel with the West line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, a distance of 678.57 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" on the centerline of Piper Drive (formerly "C" Street); thence North 88 degrees 41 minutes 39 seconds East, along the centerline of Piper Drive, a distance of 146.80 feet to a P.K. nail on the centerline of Sixth Street; thence South 01 degrees 13 minutes 46 seconds East, along the centerline of Sixth Street, a distance of 680.68 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" on the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section; thence South 89 degrees 30 minutes 47 seconds West, along the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, a distance of 148.04 feet to the point of beginning for the parcel herein described, containing 2.30 acres of land, more or less.

Public Hearing Date, if applicable 9-8-15

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  
Tom Didier, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	_____	_____	_____	<u>✓</u>
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 9-8-15 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-72-15 on the 8<sup>th</sup> day of  
September, 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 9<sup>th</sup> day  
of September, 2015, at the hour of 3:30 O'clock PM. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10<sup>th</sup> day of September  
2015, at the hour of 8:30 O'clock AM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-15-08-05

# REPORT OF COMMITTEE ON FINANCE

## SEPTEMBER 8, 2015

*RUSS JEHL – CHAIR  
TOM DIDIER – CO-CHAIR  
ALL COUNCIL MEMBERS*

A CONFIRMING RESOLUTION A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4108 W. Ferguson Road, Fort Wayne, Indiana 46899 (Ellison Bakery, Inc.).  
**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**

*Thomas J. Beck*  
*Tom Didier*  
*Russ Jehl*  
*John W. Campbell*  
*Mark A. ...*

_____	_____	_____	_____
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**SANDRA E. KENNEDY  
CITY CLERK**

# The Journal Gazette

Account # 1060008 - 1202445  
**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	_____
<b>Total number of lines in notice</b>	<b>55</b>

### COMPUTATION OF CHARGES

<u>55</u> lines, <u>1</u> column(s) wide equals	
<u>55</u> equivalent lines at \$ <u>0.424</u> 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 (\$2.00 for each proof in excess of two)	-
<b>TOTAL AMOUNT OF CLAIM</b>	<b>\$ 23.32</b>

### 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:

<u>8/28/2015</u>	-	-	-
-	-	-	-
-	-	-	-

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: August 28, 2015

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

CONFIRMING RESOLUTION NO.  
R-15-08-05

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 8, 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:

4108 W. FERGUSON ROAD, FORT WAYNE, INDIANA 46899  
(ELLISON BAKERY, INC.)

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY SEPTEMBER 8, 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  
8--28 1202445 hspaxlp

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# The News-Sentinel

Account # 1060008 - 1202445  
**FW Common Council**

Allen County, Indiana

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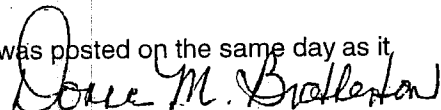
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Legal Clerk

Date: August 28, 2015

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FORT WAYNE COMMON COUNCIL**

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SANDRA E. KENNEDY  
CITY CLERK

8--28

1202445 hspaxlp