

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 7601 South Anthony
Boulevard, Fort Wayne, Indiana 46816 (Live Wire – Fort
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 eight full-time, permanent jobs for a total additional payroll of \$282,304, with the average new annual job salary being \$35,288; and

WHEREAS, the total estimated project cost is \$9,000,000; 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.

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 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 redevelopment or rehabilitation and the estimate of the value of the occupation of the eligible vacant building, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to

1 result from the proposed described redevelopment or rehabilitation and occupation of the
2 eligible vacant building.

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

- 5 (a) If the proposed development does not occur, the approximate current year tax
6 rates for this site would be \$3.3053/\$100.
- 7 (b) If the proposed development occurs and no deduction is granted, the
8 approximate current year tax rate for the site would be \$3.3053/\$100 (the
9 change would be negligible).
- 10 (c) If the proposed development occurs, and a deduction percentage of fifty percent
11 (50%) is assumed, the approximate current year tax rate for the site would be
12 \$3.3053/\$100 (the change would be negligible).
- 13 (d) If the proposed occupation of the eligible vacant building does not occur, the
14 approximate current year tax rates for this site would be \$3.3053/\$100.
- 15 (e) If the proposed occupation of the eligible vacant building occurs and no
16 deduction is granted, the approximate current year tax rate for this site would be
17 \$3.3053/\$100 (the change would be negligible).
- 18 (f) If the proposed occupation of the eligible vacant building occurs, and a deduction
19 percentage of fifty percent (50%) is assumed, the approximate current year tax
20 rate for the site would be \$3.3053/\$100 (the change would be negligible).

21 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
22 from the assessed value of the real property shall be for a period of ten years and the
23 deduction from the assessed value of the occupation of the eligible vacant building shall be
24 for a period of one year.

25 **SECTION 7.** The deduction schedule from the assessed value of the real
26 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%

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9	10%
10	5%

SECTION 8. The deduction schedule from the assessed value of the occupation of the vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%

SECTION 9. 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 real property, 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 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.

SECTION 11. For the eligible vacant building, 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 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.

SECTION 12. 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.

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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 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, 4.5 or 4.8 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

— **EXHIBIT A** —

Part of the Northwest Quarter of Section 31, Township 30 North, Range 13 East, in Allen County, State of Indiana; being more particularly described as follows:

Commencing at the Northwest corner of the aforementioned Quarter Section; running; thence South 00 degrees 18 minutes 08 seconds West along the West line thereof a distance of 1034.070 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 253.908 feet; running thence South 89 degrees 41 minutes 52 seconds East a distance of 25.00 feet to a point on the East line of Oetting Road; running thence South 15 degrees 53 minutes 14 seconds East along side right of way a distance of 10.00 feet; running thence North 59 degrees 05 minutes 01 seconds East a distance of 170.00 feet; running thence South 30 degrees 54 minutes 59 seconds East a distance of 125.553 feet; running thence South 59 degrees 05 minutes 01 seconds West a distance of 203.71 feet to a point on the East right of way line of Oetting Road and U.S. Highway #27; running thence South 15 degrees 53 minutes 14 seconds East along said right of way a distance of 16.499 feet; thence South 53 degrees 40 minutes 00 seconds East along said right of way a distance of 50.00 feet; running thence South 51 degrees 22 minutes 34 seconds East along said right of way a distance of 50.04 feet; running thence South 53 degrees 40 minutes 00 seconds East along said right of way a distance of 348.321 feet; running thence North 59 degrees 05 minutes 01 seconds East a distance of 531.445 feet to the centerline of Decatur Road; running thence North 26 degrees 35 minutes 22 seconds West a distance of 148.666 feet to a point of curvature of a curve concave Southwest having a central angle of 15 degrees 50 minutes 34 seconds and a radius of 1886.179 feet; running thence Northwesterly around said curve an arc distance of 521.555 feet; said arc being subtended by a long chord having a bearing of North 34 degrees 30 minutes 39 seconds West and a length of 519.891 feet; running thence South 72 degrees 40 minutes 38 seconds West a distance of 546.089 feet to the point of beginning.

And:

Commencing at the Northwest corner of said Section 31; running thence South 00 degrees 18 minutes 08 seconds West upon and along the West line thereof a distance of 1287.978 feet; running thence South 89 degrees 41 minutes 52 seconds East a distance of 25.000 feet to a point on the East right of way line of Oetting Road and the right of way of U.S. #27; running thence South 15 degrees 53 minutes 14 seconds East upon and along said right of way line 10.000 feet to the point of beginning of the Real Estate described herein; continuing thence along the same line a distance of 130.000 feet; running thence North 59 degrees 05 minutes 01 seconds East a distance of 203.711 feet; running thence North 30 degrees 54 minutes 59 seconds West a distance of 125.553 feet; running thence South 59 degrees 05 minutes 01 seconds West a distance of 170.00 feet to the point of beginning.

Together with the driveway easement created under that certain Driveway Easement Grant dated October 13, 1969 and recorded July 27, 1970 as Instrument Number 70-11688 in the Office of the Recorder of Allen County, Indiana.

MTC File No.: 14-22756(CWD)

Page 3 of 3

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 Live Wire - Fort Wayne, LLC for real property improvements in the amount of \$9,000,000. Live Wire - Fort Wayne, LLC will make real property improvements to a vacant building to establish a data center that will house electronically stored data and customer computer equipment.**

EFFECT OF PASSAGE: **Live Wire - Fort Wayne, LLC will rehabilitate and occupy a vacant retail building in the Southtown Centre economic development target area. Eight full-time jobs will be created as a result of the project.**

EFFECT OF NON-PASSAGE: **Potential loss of rehabilitation of an existing vacant building and eight full-time jobs**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Glynn Hines and John Crawford**

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
CONFIRMING RESOLUTION
NO. R-16-05-02**

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON MAY 24, 2016, 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:

7601 SOUTH ANTHONY
BOULEVARD
FORT WAYNE, INDIANA 46816
(LIVE WIRE - FORT 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, MAY 24, 2016.

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) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK
1240166 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1240166
FW Common Council

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 53

COMPUTATION OF CHARGES

53 lines, 1 column(s) wide equals

53 equivalent lines at \$ 0.436 cents per line \$ 23.11

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 \$ 23.11

DATA FOR COMPUTING COST

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

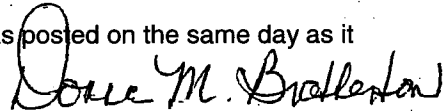
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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>5/13/2016</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.



Donna M. Brotherton
Legal Clerk

Date: May 13, 2016

ATTACH COPY OF ADVERTISEMENT HERE

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LANA R. KEESLING
CITY CLERK
1240166 hspaxip

5-13

REPORT OF COMMITTEE ON FINANCE

MAY 24, 2016

*Glynn Hines, Chair
John Crawford, Co-Chair
All Council Members*

A CONFIRMING RESOLUTION designating an
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12.1 for property commonly known as 7601
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46816 (Live Wire – Fort Wayne, LLC)

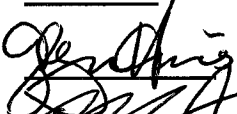

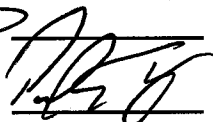





**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration
and beg leave to report back to the Common Council that said Ordinance**

DO PASS

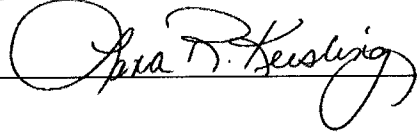
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date, if applicable N/A.

Read the first time in full and on motion by Councilman Hines.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilman Hines, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: May 24, 2016


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-16-05-02 on the 24th day of May, 2016

ATTEST:



LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th of May 2016, at the hour of 10:00 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 25TH day of MAY 2016, at the hour of 12:00 O'clock PM E.S.T.


THOMAS C. HENRY, MAYOR