

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12.1 for property commonly known as 9205 Avionics Drive, Fort Wayne, Indiana 46809 (Deister Concentrator, LLC/AOA Realty, 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 five full-time, permanent jobs and two part-time jobs for a total additional annual payroll of \$135,200, with the average new annual job salary being \$22,533 and retain eight full-time, permanent jobs for a current annual payroll of \$392,600, with the average current annual job salary being \$49,075; and

WHEREAS, the total estimated project cost is \$428,000; and

WHEREAS, representatives of Deister Concentrator, LLC/AOA Realty, LLC informed Common Council that the real property improvements for which they are requesting designation of an Economic Revitalization Area under I.C. 6-1.1-12.1 have been initiated; and

WHEREAS, Deister Concentrator, LLC/AOA Realty, LLC has submitted a written request for a waiver of non-compliance under I.C. 6-1.1-12.1-11.3; and

WHEREAS, I.C. 6-1.1-12.1-11.3 permits non-compliance events such as the untimely filing of an application, statement of benefits, or another document required to be filed under I.C. 6-1.1-12.1; and

WHEREAS, the Common Council acknowledges that Deister Concentrator, LLC/AOA Realty, LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve under I.C. 6-1.1-12.1-11.3; and

WHEREAS, Common Council finds that Deister Concentrator, LLC/AOA Realty, LLC did not comply with I.C. 6-1.1-12.1 by:

(a) failure to submit the completed statement of benefits form to the Common Council before initiation of redevelopment or rehabilitation, and

(b) failure to designate an area as an economic revitalization area before the initiation of redevelopment or rehabilitation, and

(c) failure to file a timely deduction application

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, I.C. 6-1.1-12.1-11.3(c) and I.C. 5-3-1 and a public hearing has been conducted on said Resolution and waiver.

1 **WHEREAS**, representatives of Deister Concentrator, LLC/AOA Realty, LLC were in attendance
2 and presented testimony on why a waiver should be granted; and

3 **WHEREAS**, a recommendation has been received from the Committee on Finance concerning
4 said Resolution; and

5 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:**

7 **SECTION 1.** That, Common Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-
8 12.1-11.3 regarding:

9 (a) failure to submit the completed statement of benefits form to the common council before
10 initiation of redevelopment or rehabilitation, and

11 (b) failure to designate an area as an economic revitalization area before the initiation of
12 redevelopment or rehabilitation, and

13 (c) failure to file a timely deduction application
14 for which Deister Concentrator, LLC/AOA Realty, LLC desires to claim an Economic Revitalization Area
15 deduction. Such waiver shall be in effect for real property improvements during the period of May 16,
16 2017 through the date of this resolution.

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

19 **SECTION 3.** That, the hereinabove described property is hereby declared an "Economic
20 Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this
21 Resolution and shall terminate on December 31, 2021, unless otherwise automatically extended in five
22 year increments per I.C. 6-1.1-12.1-9.

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

25 **SECTION 5.** That, the estimate of the number of individuals that will be employed or whose
26 employment will be retained and the estimate of the annual salaries of those individuals and the estimate
27 of redevelopment or rehabilitation and estimate of the value of the new real estate improvements, all
28 contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
29 expected to result from the proposed described installation of the new information technology equipment.

30 **SECTION 6.** 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 \$3.4370/\$100.

(b) If the proposed development does occur and no deduction is granted, the approximate
current year tax rate for the site would be \$3.4370/\$100 (the change would be negligible).

(c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
assumed, the approximate current year tax rate for the site would be \$3.4370/\$100 (the
change would be negligible).

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

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

Year of Deduction	Percentage
1	100%
2	80%
3	60%
4	40%
5	20%
6	0%

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

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

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

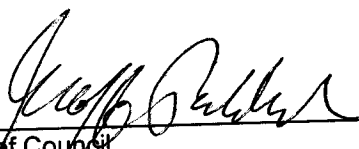
- 21 A. The cost and description of real property improvements and/or new information technology
22 equipment acquired.
- 23 B. The number of employees hired through the end of the preceding calendar year as a result of
24 the deduction.
- 25 C. The total salaries of the employees hired through the end of the preceding calendar year as a
26 result of the deduction.
- 27 D. The total number of employees employed at the facility receiving the deduction.
- 28 E. The total assessed value of the real and/or personal property deductions.
- 29 F. The tax savings resulting from the real and/or personal property being abated.

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

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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.

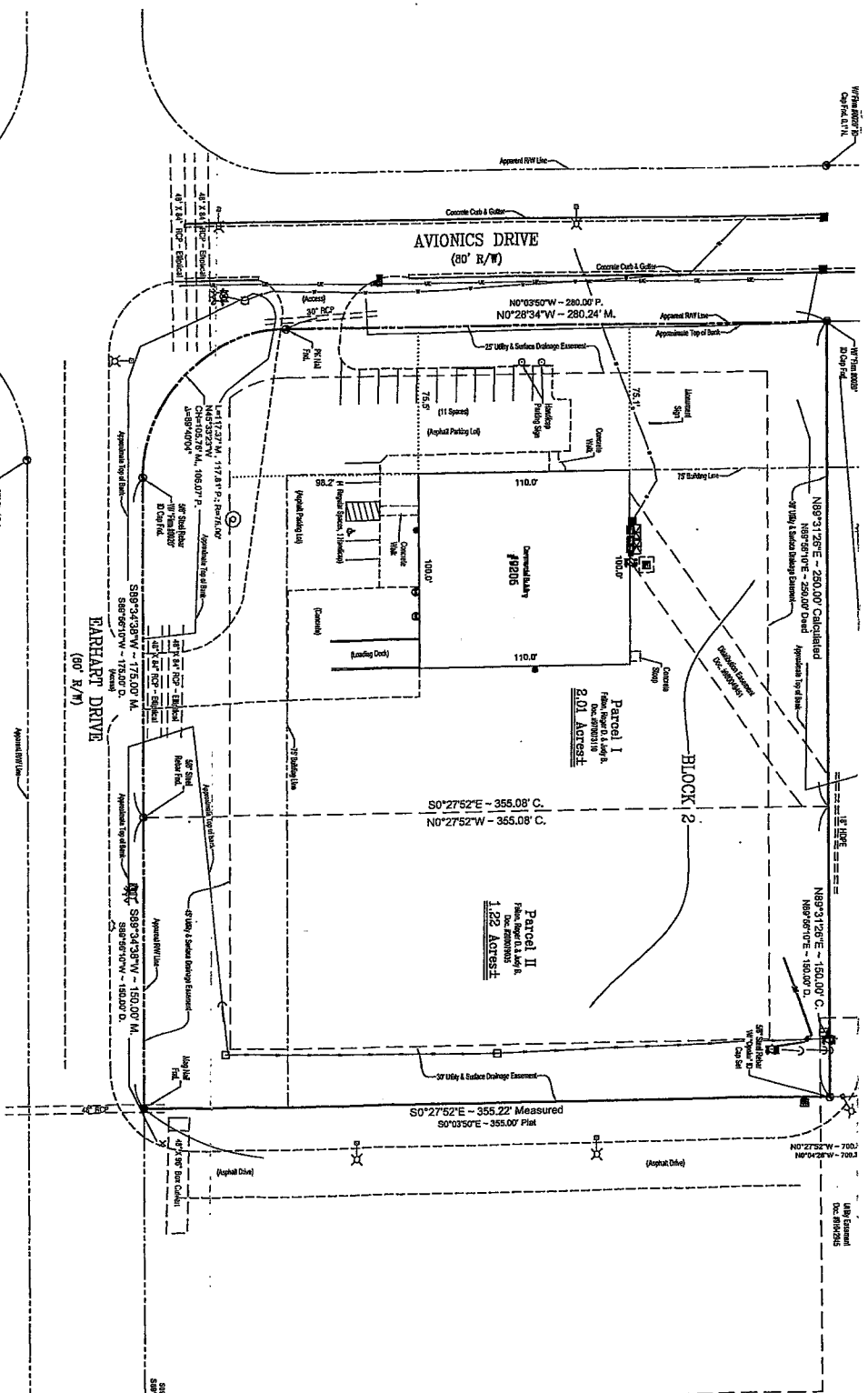


Member of Council

APPROVED AS TO FORM A LEGALITY



Carol Helton, City Attorney



Legal Description

PARCEL I: The West 250 feet in Block 2 of Baer Field Industrial Park, Section 1, as recorded in Plat Cabinet "C", page 134 and Document Number 980081294, now known as Airport Business Center, Section 1, pursuant to the Amended and Restated Declaration of Easements, Conveyances and Restrictions for Airport Business Center Section 1 (formerly known as Baer Field Industrial Park) recorded as Document Number 201079985, in the Office of the Recorder of Allen County, Indiana.

PARCEL II: Block 2, except the West 250 feet, hereafter of Baer Field Industrial Park, Section 1, as recorded in Plat Cabinet "C", page 134 and Document Number 980081294, now known as Airport Business Center, Section 1, pursuant to the Amended and Restated Declaration of Easements, Conveyances and Restrictions for Airport Business Center Section 1 (formerly known as Baer Field Industrial Park) recorded as Document Number 201079985, in the Office of the Recorder of Allen County, Indiana.

Symbols Legend

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> ● ASD - Air Conditioning Unit ● Antenna ● Aisle Shift ● Bench Mark ● Boulder ● Boulder ● Boulder ● Cable TV Pedestal ● Column ● Control Panel ● Drain ● B-Flow Inlet | <ul style="list-style-type: none"> ■ Power Pole w/ Elec. Drop ■ Electric Box ■ Electric Meter ■ Electric Panel ■ Electric Pedestal ■ Electric Transformer ■ Light Pole Base Only ■ Light Pole ■ Vent Light ■ Power Pole ■ Street Pole ■ Finish Floor ■ Flag | <ul style="list-style-type: none"> ● Sanitary Top ● Slump ● Survey Marker Nail ● Tee-Off Point ● Temporary Bench Mark ● Telephone Pedestal ● Telephone Pole ● Tree ● Valve ● Automatic Sprinkler ● Inground Control Valve ● Fire Hydrant ● Water Curb Stop |
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Note C

Subject To - Part
 Schedule B - Part
 9. Pick notation
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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 Deister Concentrator, LLC/AOA Realty, LLC for real property improvements in the amount of \$428,000. Deister Concentrator, LLC /AOA Realty, LLC has purchased property with an existing structure to which it will construct an 11,000 square foot addition.**

EFFECT OF PASSAGE: **Investment of \$428,000, five new full-time jobs and two new part-time jobs.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, five new full-time jobs and two new part-time jobs.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Geoff Paddock and Jason Arp**

The Journal Gazette

Account # 1060008 - 1296227

Allen County, Indiana

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

57

COMPUTATION OF CHARGES

57 lines, 1 column(s) wide equals

57 equivalent lines at \$ 0.448 cents per line

\$ 25.54

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

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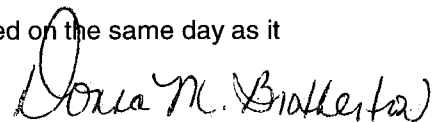
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

7/28/2017

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 28, 2017

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
CONFIRMING RESOLUTION
NO. R-17-07-24**

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 8, 2017, 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 AND REGARDING A WAIVER OF NONCOMPLIANCE WITH THE PROCEDURAL REQUIREMENTS UNDER SECTION I.C. 6-1.1-12.1 FOR A PROPERTY COMMONLY KNOWN AS:

9205 AVIONICS DRIVE
FORT WAYNE, INDIANA 46809
DEISTER CONCENTRATOR,
LLC/AOA REALTY, LLC

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, AUGUST 8, 2017.

IF CONFIRMED, SAID DESIGNATION SHALL EXPIRE DECEMBER 31, 2017.

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
7--28 1296227 hspaxlp

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The Journal Gazette

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Charge for extra proofs of publication
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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.

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LANA R. KEESLING
CITY CLERK
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The News-Sentinel

Allen County, Indiana

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LANA R. KEESLING
CITY CLERK

7--28 1296227 hspaxlp

BILL NO. R-17-07-24

REPORT OF COMMITTEE ON FINANCE

August 8, 2017

Jason Arp Chair

Geoff Paddock 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 9205 Avionics Drive, Fort Wayne, Indiana 46809




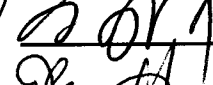
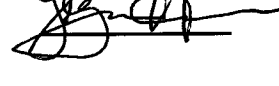
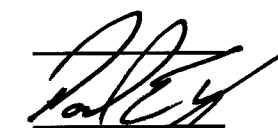
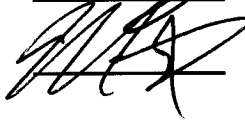
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 08/08/17


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

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

Read the third time in full and on motion by Councilman Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 8, 2017




 LANA R. KEESLING, CITY CLERK


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

Resolution No. R-17-07-24 on the 8th day of August, 2017

ATTEST:



 LANA R. KEESLING
 CITY CLERK




 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th of August 2017, at the hour of 10:10 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 9TH day of AUGUST 2017, at the hour of 12:00 O'clock PM . E.S.T.



 THOMAS C. HENRY, MAYOR