

3  
4 **A CONFIRMING RESOLUTION designating an**  
5 **“Economic Revitalization Area” under I.C. 6-1.1-12.1 for**  
6 **property commonly known as 113 W. Berry Street, Fort**  
7 **Wayne, Indiana 46802 (Aptera Software, Inc./CT**  
8 **Financial Berry St, LLC)**

9 **WHEREAS**, Common Council has previously designated and declared by  
10 Declaratory Resolution the following described property as an “Economic Revitalization Area”  
11 under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and  
12 I.C. 6-1.1-12.1, to wit:

13 **Attached hereto as “Exhibit A” as if a part herein; and**

14 **WHEREAS**, said project will create 20 full-time, permanent jobs for a total additional  
15 payroll of \$1,495,000 with an average annual job salary being \$74,750 and retain 87 full-  
16 time, permanent jobs for a current annual payroll of \$6,406,128, with the average current  
17 annual job salary being \$73,633; and

18 **WHEREAS**, the total estimated project cost is \$2,600,000; and

19 **WHEREAS**, a recommendation has been received from the Committee on Finance;  
20 and

21 **WHEREAS**, notice of the adoption and substance of said Resolution has been  
22 published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has  
23 been conducted on said Resolution.

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

26 **SECTION 1.** That, the Resolution previously designating the above described  
27 property as an “Economic Revitalization Area” is confirmed in all respects.

28 **SECTION 2.** That, the hereinabove described property is hereby declared an  
29 “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the  
30 effective date of this Resolution and shall terminate on December 31, 2021, 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, all contained in

1 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably  
2 expected to result from the proposed described redevelopment or rehabilitation and  
3 occupation of an eligible vacant building.

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

- 6 (a) If the proposed development does not occur, the approximate current year tax  
7 rates for this site would be \$3.35721/\$100.
- 8 (b) If the proposed development occurs and no deduction is granted, the  
9 approximate current year tax rate for the site would be \$3.35721/\$100 (the  
10 change would be negligible).
- 11 (c) If the proposed development occurs, and a deduction percentage of fifty percent  
12 (50%) is assumed, the approximate current year tax rate for the site would be  
13 \$3.35721/\$100 (the change would be negligible).
- 14 (d) If the proposed occupation of the eligible vacant building does not occur, the  
15 approximate current year tax rates for this site would be \$3.35721/\$100.
- 16 (e) If the proposed occupation of the eligible vacant building occurs and no  
17 deduction is granted, the approximate current year tax rate for the site would be  
18 \$3.35721/\$100 (the change would be negligible).
- 19 (f) If the proposed occupation of the eligible vacant building occurs, and a deduction  
20 percentage of fifty percent (50%) is assumed, the approximate current year tax  
21 rate for the site would be \$3.35721/\$100 (the change would be negligible).

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

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

28

Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%

29

30

8	20%
9	10%
10	5%
11	0%

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

Year of Deduction	Percentage
1	100%
2	0%

**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.

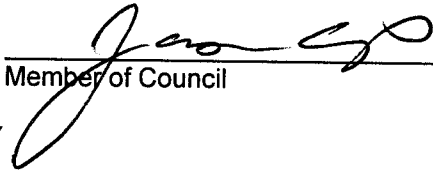
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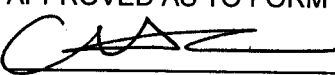
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving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

**SECTION 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 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 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

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 Aptera Software, Inc./CT Financial Berry St. LLC for real property improvements in the amount of \$2,600,000. In order to expand, Aptera Software, Inc./CT Financial Berry St. LLC will make real property improvements to a vacant building to which they will relocate.**

EFFECT OF PASSAGE: **Aptera Software, Inc./CT Financial Berry St. LLC will rehabilitate and occupy the former Allen County Courthouse Annex at 113 W. Berry Street which has been vacant since August 2015. 20 new full-time positions will be created and 87 full-time positions will be retained.**

EFFECT OF NON-PASSAGE: **Potential loss of rehabilitation of an existing vacant building and the creation of 20 new full-time positions.**

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

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

# EXHIBIT A

THIS FORM HAS BEEN PREPARED FOR USE IN THE STATE OF INDIANA ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTION OF SPECIAL CLAUSES, MAY CONSTITUTE THE PRACTICE OF LAW WHICH SHOULD ONLY BE DONE BY A LAWYER.

TAX KEY NO:  
02-12-02-453-003-000-074

## WARRANTY DEED

THIS INDENTURE WITNESSETH, that THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA, Grantor(s) of Allen County, in the State of Indiana, CONVEYS AND WARRANTS TO CT FINANCIAL BERRY ST, LLC, an Indiana limited liability company, Grantee(s) of Allen County, in the State of Indiana, in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the real estate described as follows, in Allen County, in the State of Indiana:

Lot Number 104 in the Original Plat to the City of Fort Wayne, as recorded in Deed Record D, page 169.

Subject to real estate taxes, easements (both visible and invisible), if any, restrictions of record, if any, public rights-of-way, subdivision control, and zoning ordinances.

Dated this 10<sup>th</sup> day of July, 2017.

THE BOARD OF COMMISSIONERS OF THE  
COUNTY OF ALLEN, INDIANA

Therese M. Brown  
Therese M. Brown

F. Nelson Peters  
F. Nelson Peters

Linda K. Bloom  
Linda K. Bloom

ATTEST:

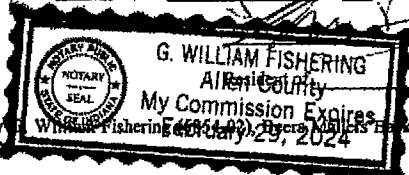
Nicholas D. Jordan, Auditor, CPA

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

Before me, a Notary Public in and for said County and State, personally appeared Therese M. Brown, F. Nelson Peters and Linda K. Bloom of The Board of Commissioners of the County of Allen, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 10 day of July, 2017.

My Commission Expires:



Notary Public

County, Indiana

This instrument was prepared by William Fishing (4631402), Esq., Wills, Hanks & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

GRANTEE(S) ADDRESS: TAXABLE to: 113 W. Berry St. Ft. Wayne, IN 46802

31L7841

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96821A  
96821B

# The Journal Gazette

Account # 1060008 - 1303525

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. **54**

### COMPUTATION OF CHARGES

54 lines, 1 column(s) wide equals  
54 equivalent lines at \$ 0.448 cents per line \$ 24.19

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 \$ 24.19**

### 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:

9/29/2017

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*

Donna M. Brotherton  
Legal Clerk

Date: September 29, 2017

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
CONFIRMING  
RESOLUTION NO. R-17-09-18**

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON OCTOBER 10, 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 UNDER SECTION I.C. 6-1.1-12.1 FOR A PROPERTY COMMONLY KNOWN AS:

113 W BERRY ST, FORT WAYNE,  
INDIANA 46802  
Aptera Software, Inc./CT Financial  
Berry St, LLC

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, OCTOBER 10, 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  
9--29 1303525 hspaxlp

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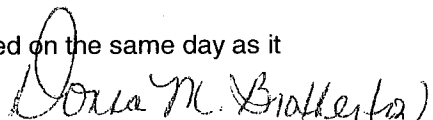
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LANA R. KEESLING  
CITY CLERK  
9-29 1303525 hspaxlp



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LANA R. KEESLING  
CITY CLERK  
9--29 1303525 hspaxlp

**BILL NO. R-17-09-18**

**REPORT OF COMMITTEE ON FINANCE**

**October 10, 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 113 W. Berry Street, Fort Wayne, Indiana 46802

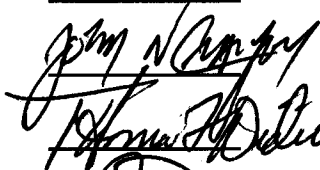
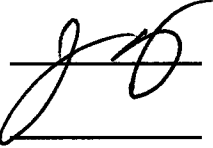


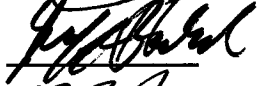
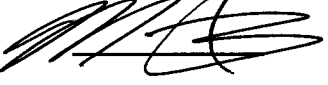


**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: October 10, 2017

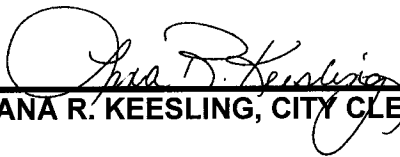
Read the first time in full and on motion by Councilman Arp.

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

Read the third time in full and on motion by Councilman Arp, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: October 10, 2017

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-17-09-18 on the 10th day of October, 2017

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

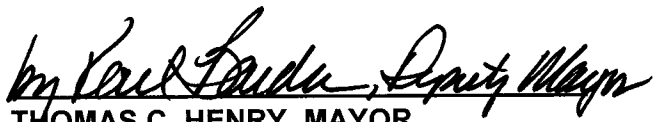
  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of October 2017, at the hour of 10:05 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 11 day of OCTOBER

2017, at the hour of 10:45 O'clock AM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR