

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 7719 Southtown Xing, Fort Wayne, Indiana 46816 (TB Southtown 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 12 full-time, permanent jobs for a total additional annual payroll of \$294,000, with the average additional, annual job salary being \$24,500 and 20 part-time permanent jobs with a total annual payroll of \$66,000; and

WHEREAS, the total estimated project cost is \$700,000; 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, 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 improvements to be made between August 1, 2019 and March 31, 2020.

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 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:

- 1 (a) If the proposed development does not occur, the approximate current year tax rates
 2 for this site would be \$3.4283/\$100.
- 3 (b) If the proposed development occurs and no deduction is granted, the approximate
 4 current year tax rate for the site would be \$3.4283/\$100 (the change would be
 5 negligible).
- 6 (c) If the proposed development occurs, and a deduction percentage of fifty percent
 7 (50%) is assumed, the approximate current year tax rate for the site would be
 8 \$3.4283/\$100 (the change would be negligible).

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

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

Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%
11	0%

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

16 **SECTION 9.** For real property, a deduction application must contain a performance
 17 report showing the extent to which there has been compliance with the Statement of Benefits
 18 form approved by the Fort Wayne Common Council at the time of filing. This report must be
 19 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community
 20 Development Division and must be included with the deduction application. For subsequent
 21 years, the performance report must be updated each year in which the deduction is applicable at

1 the same time the property owner is required to file a personal property tax return in the taxing
2 district in which the property for which the deduction was granted is located. If the taxpayer does
3 not file a personal property tax return in the taxing district in which the property is located, the
4 information must be provided by May 15.


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

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

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

16 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has
17 received a deduction under section 3 or 4.5 of this chapter may be required to repay the
18 deduction amount as determined by the county auditor in accordance with section 12 of said
19 chapter if the property owner ceases operations at the facility for which the deduction was
20 granted and if the Common Council finds that the property owner obtained the deduction by
21 intentionally providing false information concerning the property owner's plans to continue
22 operation at the facility.

23 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its
24 passage and any and all necessary approval by the Mayor.

25 
26 _____
27 Member of Council

28 APPROVED AS TO FORM A LEGALITY


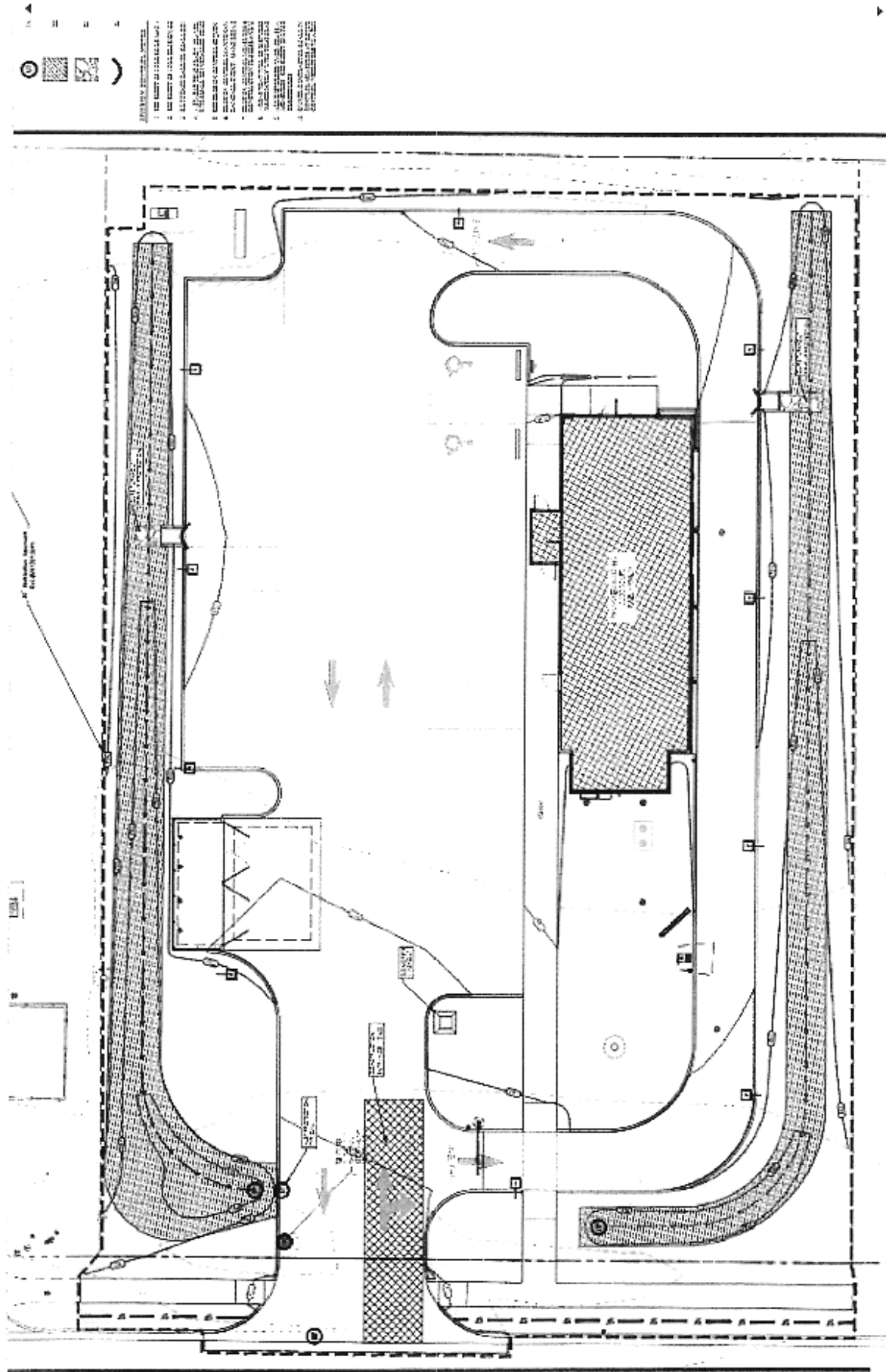
29 
30 _____
Carol Helton, City Attorney

EXHIBIT A

TITLE DESCRIPTION

Part of the Northeast Quarter of Section 30, Township 36 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, based on an original survey by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller Land Surveying, Inc., Survey No. 19035028, dated April 1, 2019, and being more particularly described as follows:

Commencing at the Northwest corner of said Northeast Quarter; thence North 88 degrees 41 minutes 52 seconds East (Indiana State Plane Coordinate System, 1983 bearing), a distance of 413.00 feet along the North line of said Northeast Quarter and within the right-of-way of Tillman Road; thence South 01 degrees 18 minutes 08 seconds East, a distance of 25.00 feet to the Southwestern right-of-way line of U.S. Highways 27 & 33; thence South 86 degrees 28 minutes 08 seconds East, a distance of 178.20 feet along said right-of-way line; thence South 55 degrees 21 minutes 08 seconds East, a distance of 1173.36 feet along said Southwestern right-of-way line to a 5/8" steel rebar with a "US SURVEYOR 0002" identification cap found on the east line of an existing 1.01 acre tract of land as described in Document Number 2014008721 in the Office of the Recorder in Allen County, Indiana and being the POINT OF BEGINNING of the herein described tract; thence continuing South 55 degrees 21 minutes 08 seconds East, a distance of 155.00 feet along said Southwestern right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence South 34 degrees 02 minutes 38 seconds West, a distance of 225.01 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the Northeastern right-of-way line of Southtown Crossing; thence North 55 degrees 21 minutes 08 seconds West, a distance of 155.00 feet along said Southtown Crossing right-of-way to a 5/8" steel rebar with a "US SURVEYOR 0002" identification cap found on the east line of said 1.01 acre tract; thence North 34 degrees 02 minutes 38 seconds East (basis of bearings), a distance of 225.01 feet along said East line to the Point of Beginning. Containing 0.801 Acres, more or less. Subject to easements of record.



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 TB Southtown LLC for eligible real property improvements located within an Economic Development Target Area (EDTA). TB Southtown LLC will construct and operate a new Taco Bell Restaurant.**

EFFECT OF PASSAGE: **Investment of \$700,000, the creation of 12 new full-time permanent jobs with an annual payroll of \$294,000 and an average annual salary \$24,500 and 20 part-time jobs with an annual payroll of \$66,000.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, the creation of 12 new full-time permanent jobs with an annual payroll of \$294,000 and an average annual salary \$24,500 and 20 part-time jobs with an annual payroll of \$66,000**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Russ Jehl and Jason Arp**

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

CONFIRMING RESOLUTION NO. R-19-06-32

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON JULY 9, 2019, 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:

**7719 Southtown Xing, Fort Wayne, Indiana 46816
TB Southtown 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 9, 2019.

IF CONFIRMED, SAID DESIGNATION SHALL EXPIRE DECEMBER 31, 2019.

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*

The Journal Gazette

Account # 1063561 - 1363534

Allen County, Indiana

FW City Clerk's Office

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 **54**

COMPUTATION OF CHARGES

54 lines, 1 column(s) wide equals
54 equivalent lines at \$ 0.473 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 \$ 25.54

DATA FOR COMPUTING COST

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

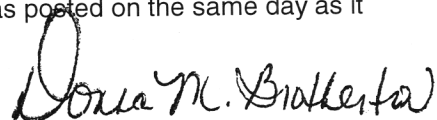
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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>6/29/2019</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: June 29, 2019

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LANA R. KEESLING
CITY CLERK

7--3 1363534 hspaxlp

BILL NO. S-19-06-32

REPORT OF COMMITTEE ON FINANCE

July 9, 2019

Russ Jehl Chair

Jason Arp Co-Chair

All Council Members

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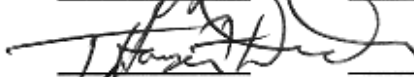

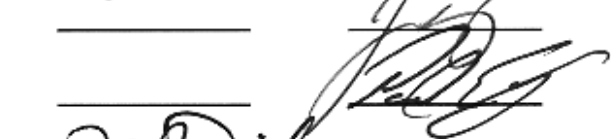

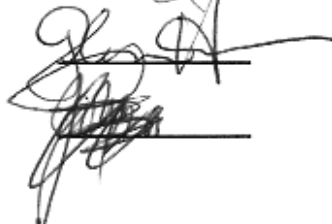

COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

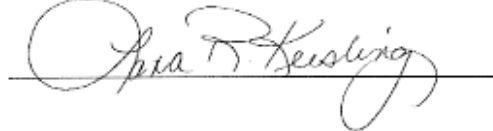
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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	_____	_____	_____
	_____	_____	_____
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	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: July 9, 2019


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 Jehl, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CRAWFORD	<input type="checkbox"/>	<input checked="" 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 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: July 9, 2019



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Resolution No. R-19-06-32 on the 9th day of July, 2019



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

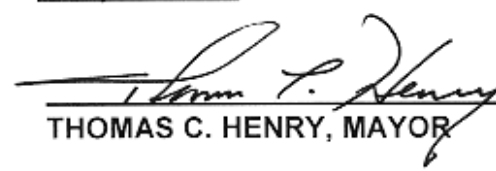
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
 of July 2019, at the hour of 9:45 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10th day of JULY
 2019, at the hour of 11:00 o'clock AM E.S.T.

FORT WAYNE, INDIANA
RECEIVED
JUL 10 2019
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR