

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12. for 8510 Ardmore Avenue, Fort Wayne, Indiana 46809, (Sabert Corporation/STN Realty 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 19 full-time, permanent jobs for a total additional annual payroll of \$1,458,600, with the average additional, annual job salary being \$76,768 and retain 62 full-time permanent jobs with a total current payroll of \$4,024,900 with the average current, annual salary of \$64,917; and

WHEREAS, the total estimated project cost is \$30,670,590; and

WHEREAS, representatives of Sabert Corporation/STN Realty Fort Wayne, LLC informed Common Council that the real and personal 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, Sabert Corporation/STN Realty Fort Wayne, 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 Sabert Corporation/STN Realty Fort Wayne, 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 Sabert Corporation/STN Realty Fort Wayne, LLC did not comply with I.C. 6-1.1-12.1 by:

(a) failure to provide the completed statement of benefits forms to the Common Council before the public hearing,

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

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 Sabert Corporation/STN Realty Fort Wayne, LLC were in
2 attendance and presented testimony on why a waiver should be granted; and

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

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

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

9 (a) failure to provide the completed statement of benefits forms to the common council
10 before the public hearing,

11 (b) failure to submit the completed statement of benefits form to the common council
12 before initiation of redevelopment or rehabilitation, and for which Sabert Corporation/STN Realty
13 Fort Wayne, LLC desires to claim an Economic Revitalization Area deduction. Such waiver shall
14 be in effect for real property improvements made during the period of February 1, 2019 through
15 the date of this resolution.

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

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

22 **SECTION 4.** That, said designation of the hereinabove described property as an
23 "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real
24 estate improvements made between February 1, 2019 and January 31, 2020 and personal
25 property for new manufacturing, research and development, logistical distribution and information
26 technology equipment improvements to be made between December 1, 2019 and May 31, 2020.

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

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 \$3.4283/\$100.

- 1 (b) If the proposed development does occur and no deduction is granted, the
 2 approximate current year tax rate for the site would be \$3.4283/\$100 (the change
 3 would be negligible).
- 4 (c) If the proposed development occurs, and a deduction percentage of fifty percent
 5 (50%) is assumed, the approximate current year tax rate for the site would be
 6 \$3.4283/\$100 (the change would be negligible).
- 7 (d) If the proposed new manufacturing, research and development, logistical distribution
 8 and information technology equipment is not installed, the approximate current year
 9 tax rates for this site would be \$3.4283/\$100.
- 10 (e) If the proposed new manufacturing, research and development, logistical distribution
 11 and information technology equipment is installed and no deduction is granted, the
 12 approximate current year tax rate for the site would be \$3.4283/\$100 (the change
 13 would be negligible).
- 14 (f) If the proposed new manufacturing, research and development, logistical distribution
 15 and information technology equipment is installed and a deduction percentage of
 16 eighty percent (80%) is assumed, the approximate current year tax rate for the site
 17 would be \$3.4283/\$100 (the change would be negligible).

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

20 **SECTION 8.** The deduction schedule from the assessed value of the real property
 21 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%

22 **SECTION 9.** The deduction schedule from the assessed value of new manufacturing,
 23 research and development, logistical distribution and information technology equipment pursuant
 24 to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%

2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%
11	0%

SECTION 10. That, 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 11. For manufacturing, research and development, logistical distribution and information technology equipment, 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 Common Council at the time of filing. This report must be submitted to the Allen County Assessor'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 and submitted along with the deduction application at the time of filing.

SECTION 12. 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 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 in 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.

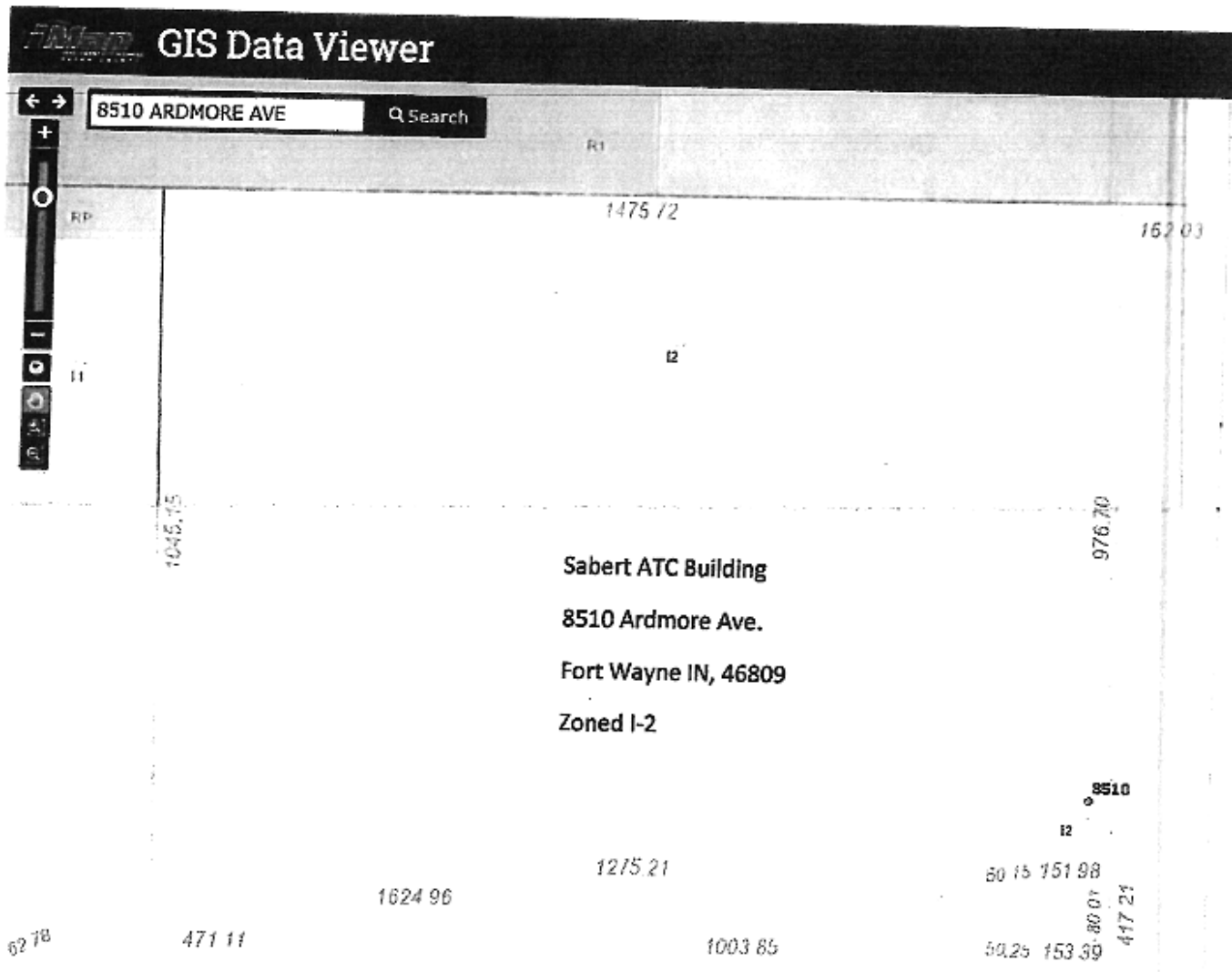
SECTION 13. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new manufacturing, logistical distribution and information technology 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.

EXHIBIT A

PARCEL DESCRIPTION (Title Commitment No. 1830463)

COMMENCING at the Southeast corner of the Southeast Quarter of said Section 32, Township 30 North, Range 12 East as marked by a Harrison monument; thence North 09 degrees 15 minutes 52 seconds West (adjoining deed bearing and is used as the basis for the bearings in this description), along the East line of said Southeast Quarter, a distance of 1605.66 feet; thence South 89 degrees 22 minutes 24 seconds West, a distance of 146.19 feet to a mag nail with "Tazian Assoc. Firm #0020" disk at the Northeast corner of Gulfstream Drive as recorded in Document Number 2015053264 in the Office of the Recorder of Allen County, Indiana, this being the POINT OF BEGINNING; thence Northerly, along the Westerly right-of-way of Ardmore Avenue as defined by a curve to the right having a radius of 11546.54 feet, an arc distance of 56.94 feet, being subtended by a chord having a length of 56.94 feet and a bearing of North 01 degrees 18 minutes 13 seconds West to a mag nail with "Tazian Assoc. Firm #0020" disk; thence North 01 degrees 09 minutes 42 seconds West, continuing along said Westerly right-of-way of Ardmore Avenue, a distance of 976.70 feet to the intersection of said Westerly right-of-way with the North line of the Southeast Quarter of said Section 32; thence South 89 degrees 41 minutes 23 seconds West, along said North line, a distance of 1475.72 feet to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap; thence South 01 degrees 05 minutes 14 seconds East, along a line partially defined by the Westerly line of a 100 foot wide easement granted to AEP Indiana Michigan by deed recorded in Document Number 2017014329, a distance of 1045.15 feet to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap on the Northerly right-of-way of the aforesaid Gulfstream Drive; thence North 89 degrees 26 minutes 38 seconds East, along said Northerly right-of-way, a distance of 1275.21 feet to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap; thence North 83 degrees 43 minutes 21 seconds East, continuing along said Northerly right-of-way, a distance of 50.15 feet to a 5/8-inch rod with "Tazian Assoc. Firm #0020" cap; thence North 89 degrees 22 minutes 24 seconds East, continuing along said Northerly right-of-way, a distance of 151.98 feet to the Point of Beginning, containing 35.29 acres of land, more or less.





Fort Wayne Common Council

Citizen's Square

200 E. Berry Street Suite 120

Fort Wayne, IN 46802

Sabert Corporation is applying for a waiver of non-compliance related to the construction of our Advanced Technology Center located at 8510 Ardmore Avenue, Fort Wayne, IN 46809. The project started prior to submitting the application due to the turnover of the Plant Controller position at our Fort Wayne manufacturing plant. Work was beginning as the new controller was starting and there was confusion between this application and at the state level. We appreciate the council's understanding in this matter and appreciate the consideration of the application at such a late date.

Sincerely,

James McFadden

Fort Wayne Plant Controller

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This is to approve a waiver of non-compliance for late filing and to confirm the designation of an Economic Revitalization Area for Sabert Corporation/STN Realty Fort Wayne, LLC for eligible real and personal property improvements. Sabert Corporation/STN Realty Fort Wayne will construct a new manufacturing, tooling, and testing facility for thermoforming manufacturing operation for food packaging products. Sabert Corporation/STN Realty Fort Wayne will also purchase and install new personal property manufacturing, research and development, logistical distribution and information technology equipment.**

EFFECT OF PASSAGE: **Investment of \$30,670,590, the retention of 62 full-time permanent jobs with an annual payroll of \$4,024,900 and the creation of 19 new full-time permanent jobs with an annual payroll of \$1,458,600.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, the retention of 62 full-time permanent jobs with an annual payroll of \$4,024,900 and the creation of 19 new full-time permanent jobs with an annual payroll of \$1,458,600.**

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
(RESOLUTION NO. R-19-12-19)

ON JANUARY 14, 2020, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE ROOM 030, CITIZEN'S SQUARE BUILDING 200 EAST BERRY STREET, FORT WAYNE, INDIANA, A PUBLIC HEARING WILL BE HELD ON THE MATTER OF THE WAIVER OF NON-COMPLIANCE WITH THE PROCEDURAL REQUIREMENTS OF I.C. 6-1.1-12.1, RELATING TO THE DESIGNATING OF THE PROPERTY COMMONLY KNOWN AT 8510 ARDMORE AVENUE, FORT WAYNE, INDIANA 46809, AS AN ECONOMIC REVITALIZATION AREA. THE PUBLIC HEARING ON THE WAIVER WILL BE HELD PURSUANT TO I.C. 6-1.1-31-1 AND 50 I.A.C. 10-4-4(C)

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 THE CITY OF FORT WAYNE PUBLIC INFORMATION OFFICE (260) 427-1120, AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.

The Journal Gazette

Account # 1063561 - 1376460

Allen County, Indiana

FW City Clerk's Office

ATTACH COPY OF ADVERTISEMENT HERE

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	42

COMPUTATION OF CHARGES

<u>42</u> lines, <u>1</u> column(s) wide equals	
<u>42</u> equivalent lines at <u>\$ 0.473</u> cents per line	\$ 19.87
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	<u>\$ 19.87</u>

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>12/20/2019</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

Donna M. Brotherton
Legal Clerk

Date: December 20, 2019

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Lana R. Kessling
City Clerk
hspaxlo

12-20 1376460

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Lana R. Kessling
City Clerk
hspaxlp

12--20 1376460

BILL NO. R-19-12-19

REPORT OF COMMITTEE ON FINANCE

January 14, 2020

Sharon Tucker Chair

Jason Arp Co-Chair

All Council Members

A Confirming Resolution designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12. for 8510 Ardmore Avenue, Fort Wayne, Indiana 46809

Sabert Corporation/STN Realty Fort Wayne, LLC



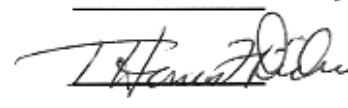
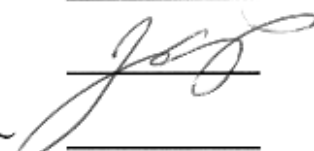
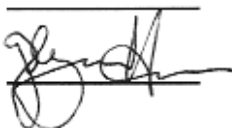
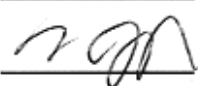

COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

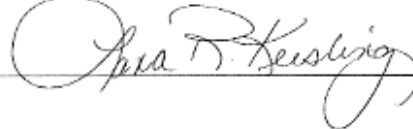
DO NOT PASS

ABSTAIN

NO REC

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

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: January 14, 2020

Read the first time in full and on motion by Councilperson Jehl.

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

Read the third time in full and on motion by Councilperson Tucker, 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"/>
CHAMBERS	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: January 14, 2020


LANA R. KEESLING, CITY CLERK

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

Resolution No. R-19-12-19 on the 14th day of January, 2020

ATTEST:



LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th
of January 2020, at the hour of 9:20 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15TH day of JANUARY
2020, at the hour of 10:00 o'clock AM E.S.T.


THOMAS C. HENRY, MAYOR

