

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 4108 W. Ferguson
Road, Fort Wayne, Indiana 46809 (Ellison Bakery 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 25 full-time, permanent jobs for a total created, annual payroll of \$1,013,480, with the average created annual job salary being \$40,539 and retain 163 full-time, permanent jobs for a total retained annual payroll of \$6,227,162, with the average retained, annual job salary being \$38,203; and

WHEREAS, the total estimated project cost is \$9,700,000; and

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

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

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 personal property for new manufacturing equipment improvements to be made between June 1, 2020 and December 31, 2023.

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 the new personal property manufacturing 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 personal property manufacturing equipment.

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

- (a) If the proposed new personal property manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9190/\$100.
- (b) If the proposed new personal property manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9190/\$100 (the change would be negligible).
- (c) If the proposed new personal property manufacturing equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current

1 year tax rate for the site would be \$2.9190/\$100 (the change would be negligible).

2 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
3 the assessed value of the new personal property manufacturing equipment shall be for a period
4 of ten years.

5 **SECTION 7.** The deduction schedule from the assessed value of new personal property
6 manufacturing equipment pursuant 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%

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

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

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

- 23 (a) The cost and description of real property improvements and/or new
24 manufacturing equipment acquired.
- 25 (b) The number of employees hired through the end of the preceding calendar year
26 as a result of the deduction.
- 27 (c) The total salaries of the employees hired through the end of the preceding
28 calendar year as a result of the deduction.
- 29 (d) The total number of employees employed at the facility receiving the deduction.
- 30 (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.

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

SECTION 12. 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 said 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 13. That, this Resolution shall be in full force and effect from and after its
passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney

Exhibit A

IDENTIFICATION OF PROPERTY:

Subject property is located at 4108 Ferguson Road, Fort Wayne, Indiana 46809.

LEGAL DESCRIPTION:

The following legal descriptions have been obtained from the property owner. These legal descriptions are assumed to be equal to those used in the mortgage underwriting process.

Beginning on the South line of the Southeast Quarter of said Section 5 at a point situated 650.0 feet, N 89°-08' E (dead bearing and is used as the basis for the bearings in this description) from the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence N 89°-08' E, on and along said South line, being within the right-of-way of Ferguson Road, a distance of 415.0 feet; thence N 01°-41' W and parallel to the West line of the Southeast Quarter of said Southeast Quarter, a distance of 654.55 feet to a point on the South right-of-way line of Piper Drive (formerly "C" Street); thence S 88°-11' W, on and along said South right-of-way line, a distance of 415.0 feet; thence S 01°-41' E and parallel to said West line, a distance of 647.5 feet to the point of beginning, containing 6.202 acres of land (270,148 square feet), subject to legal right-of-way for Ferguson Road and subject to all easements of record.

and

Commencing at $\frac{1}{4}$ 5/8 diameter rebar with an orange identification cap stamped "SCO Engineering, LLC Firm #0053-Boundary Point" at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Fractional Section 5; Township 29 North, Range 12 East, Second Principal Meridian, Pleasant Civil Township, Allen County, Indiana; thence North 89 degrees 30 minutes 47 seconds East (calculated bearing per the Fort Wayne International Airport - Horizontal and Vertical Control Plan and is the basis for this and all subsequent bearings appearing in this description), along the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, being within the right-of-way of Ferguson Road, a distance of 1065.00 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" at the point of beginning for the parcel herein described; thence North 01 degrees 07 minutes 33 seconds West, parallel with the West line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, a distance of 678.57 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" on the centerline of Piper Drive (formerly "C" Street); thence North 88 degrees 41 minutes 39 seconds East, along the centerline of Piper Drive, a distance of 146.80 feet to a P.K. nail on the centerline of Sixth Street; thence South 01 degrees 13 minutes 46 seconds East, along the centerline of Sixth Street, a distance of 689.68 feet to a survey marker nail with an identification washer stamped "SCO Engineering-Firm #0053" on the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section; thence South 89 degrees 30 minutes 47 seconds West, along the South line of the Southeast Quarter of the Southeast Quarter of said Fractional Section, a distance of 143.04 feet to the point of beginning for the parcel herein described, containing 2.30 acres of land, more or less.

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 Ellison Bakery LLC for eligible personal property improvements. Ellison Bakery LLC purchase and install new personal property manufacturing equipment.**

EFFECT OF PASSAGE: **Investment of \$14,000,000, the retention of 163 full-time permanent jobs with an annual payroll of \$6,227,162 and the creation of 25 new full-time permanent jobs with an annual payroll of \$1,013,480.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, the retention of 163 full-time permanent jobs with an annual payroll of \$6,227,162 and the creation of 25 new full-time permanent jobs with an annual payroll of \$1,013,480.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Jason Arp and Sharon Tucker**

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

CONFIRMING RESOLUTION NO. R-20-07-21

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 11, 2020, AT 5:30 P.M., IN ROOM 035 – COUNCIL CHAMBERS COURTROOM – 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:

**4108 W. Ferguson Road, Fort Wayne, Indiana 46809
Ellison Bakery 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 11, 2020.

IF CONFIRMED, SAID DESIGNATION SHALL EXPIRE DECEMBER 31, 2020.

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*

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LANA R. KEESLING
CITY CLERK
7--31 1390436 hspaxlp

The Journal Gazette

Account # 1063561 - 1390436

Allen County, Indiana

FW City Clerk's Office

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 **52**

COMPUTATION OF CHARGES

0 lines, ## column(s) wide equals
52 equivalent lines at \$ 0.486 cents per line \$ 25.27

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 \$ 25.27

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:

7/31/2020

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Pamela K. Thornton

Pamela K. Thornton
Legal Clerk

Date: July 31, 2020

ATTACH COPY OF ADVERTISEMENT HERE

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FORT WAYNE COMMON COUNCIL**

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LANA R. KEESLING
CITY CLERK
7--31 1390436 hspaxlp

REPORT OF COMMITTEE ON FINANCE

August 11, 2020

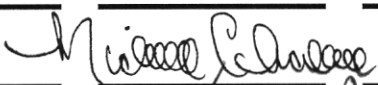


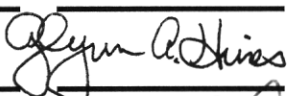

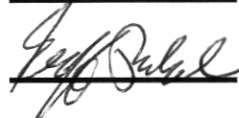

Jason Arp Chair

Sharon Tucker Co-Chair

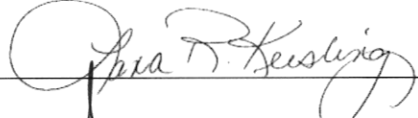

All Council Members

A Confirming Resolution designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4108 W. Ferguson Road, Fort Wayne, Indiana 46809 - Ellison Bakery LLC

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**

Public Hearing Date: 8/11/2020

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
TUCKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 11, 2020

Stacy Reed

STACY A. REED, DEPUTY CITY CLERK

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

Resolution No. R-20-07-21 on the 11th day of August, 2020

ATTEST:

Stacy Reed

STACY A. REED
DEPUTY CITY CLERK

Thomas Didier

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of August 2020, at the hour of 11:15 o'clock A.M. E.S.T.

Stacy Reed

STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 12th day of August

2020, at the hour of 1:00 o'clock pm E.S.T.

FORT WAYNE, INDIANA
RECEIVED
 AUG 13 2020
 LANA R. KEESLING
 CITY CLERK

Thomas C. Henry
THOMAS C. HENRY, MAYOR