

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12 for property commonly known as 3955 W. Washington Center Road, Fort Wayne, Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,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 120 full-time, permanent jobs for a total additional annual payroll of \$7,539,012, with the average additional, annual job salary being \$62,825; and

WHEREAS, the total estimated project cost is \$32,200,000; and

WHEREAS, representatives of Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,LLC informed Common Council that the application for designation under I.C. 6-1.1-12 was submitted after the initiating the project by applying for a Improvement Location Permit; and

WHEREAS, Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,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 Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,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 Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH,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. 5-3-1and a public hearing has been conducted on said Resolution and waiver.

1           **WHEREAS**, representatives of Acadia Fort Wayne JV Holdings, LLC/Acadia  
2 Healthcare/FWBH,LLC were in attendance and presented testimony on why a waiver should be  
3 granted; and

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

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

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

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

12           (b) failure to submit the completed statement of benefits form to the common council  
13 before initiation of redevelopment or rehabilitation, and for which Acadia Fort Wayne JV  
14 Holdings, LLC/Acadia Healthcare/FWBH,LLC desires to claim an Economic Revitalization Area  
15 deduction.

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 June 1, 2021 and December 31, 2023 and personal  
25 property for new information technology equipment improvements to be made between  
26 December 1, 2021 and December 31, 2024.

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 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, 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 \$3.2510/\$100.

          (b) If the proposed development does occur and no deduction is granted, the  
approximate current year tax rate for the site would be \$3.5721/\$100 (the change  
would be negligible).

- 1 (c) If the proposed development occurs, and a deduction percentage of fifty percent  
 2 (50%) is assumed, the approximate current year tax rate for the site would be  
 3 \$3.2510/\$100 (the change would be negligible).
- 4 (d) If the proposed new manufacturing, logistical distribution and information technology  
 5 equipment is not installed, the approximate current year tax rates for this site would  
 6 be \$3.2510/\$100.
- 7 (e) If the proposed new information technology equipment is installed and no deduction  
 8 is granted, the approximate current year tax rate for the site would be \$3.2510/\$100  
 9 (the change would be negligible).
- 10 (f) If the proposed manufacturing, logistical distribution and information technology  
 11 equipment is installed and a deduction percentage of eighty percent (80%) is  
 12 assumed, the approximate current year tax rate for the site would be \$3.2510/\$100  
 13 (the change would be negligible).

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

17 **SECTION 8.** The deduction schedule from the assessed value of the real property  
 18 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%

21 **SECTION 9.** The deduction schedule from the assessed value of new information  
 22 technology 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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1                   **SECTION 10.** That, the benefits described in the Petitioner's Statement of Benefits can  
2 be reasonably expected to result from the project and are sufficient to justify the applicable  
3 deductions.

4                   **SECTION 11.** For manufacturing, logistical distribution and information technology  
5 equipment, a deduction application must contain a performance report showing the extent to  
6 which there has been compliance with the Statement of Benefits form approved by Common  
7 Council at the time of filing. This report must be submitted to the Allen County Auditor's Office,  
8 and the City of Fort Wayne's Community Development Division and must be included with the  
9 deduction application. For subsequent years, the performance report must be updated and  
10 submitted along with the deduction application at the time of filing.

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

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

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

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

**SECTION 15.** 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.





Admn. Appr. \_\_\_\_\_

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 and confirm the designation of an Economic Revitalization Area for eligible real and personal property improvements. Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH, LLC will construct an 80,000 square foot 120 bed inpatient/outpatient behavior health facility.**

EFFECT OF PASSAGE: **Investment of \$32,200,000 and the creation of 120 new full-time permanent jobs with an annual payroll of \$7,539,012.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and the creation of 120 new full-time permanent jobs with an annual payroll of \$7,539,012.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Jason Arp and Glynn Hines**

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

**CONFIRMING RESOLUTION NO. R-21-04-07**

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON APRIL 27, 2021, AT 5:30 P.M., IN ROOM 035 – COUNCIL 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:

**3955 W. Washington Center Road, Fort Wayne, Indiana 46818  
Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH, LCC**

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY APRIL 27, 2021.

IF CONFIRMED, SAID DESIGNATION SHALL EXPIRE DECEMBER 31, 2021.

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*

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(RESOLUTION NO. R-21-04-07)

ON APRIL 27, 2021, 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 3955 W. WASHINGTON CENTER ROAD, FORT WAYNE, INDIANA 46818, 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)

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"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 - 1406832

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 40

### COMPUTATION OF CHARGES

40 lines, 1 column(s) wide equals \_\_\_\_\_

40 equivalent lines at \$ 0.487 cents per line \$ 19.46

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 \$ 19.46

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8 Size of type . . . . 7point.  
Number of Insertions . . . . 5

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 5 times.

The dates of publication being as follows:

4/16/2021

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: April 16, 2021

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4-16 1406832 hspaxlp

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4-16 1406832 hspaxlp

# The Journal Gazette

Account # 1063561 - 1406831

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 55

### COMPUTATION OF CHARGES

55 lines, 1 column(s) wide equals \_\_\_\_\_

55 equivalent lines at \$ 0.499 cents per line \$ 27.45

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 \$ 27.45

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.  
Number of insertions . . . . 5

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*Pamela K. Thornton*

\_\_\_\_\_  
Pamela K. Thornton  
Legal Clerk

Date: April 16, 2021

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LANA R. KEESLING  
CITY CLERK

4-16 1406831 hspaxlp



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LANA R. KEESLING  
CITY CLERK

4-16 1406831 hspaxlp

**BILL NO. R-21-04-07**

**REPORT OF COMMITTEE ON FINANCE**

**April 27, 2021**

**Jason Arp Chair**



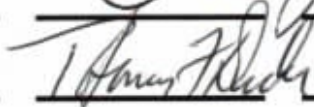


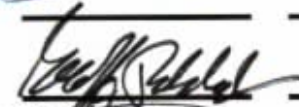


**Glynn Hines Co-Chair**

**All Council Members**

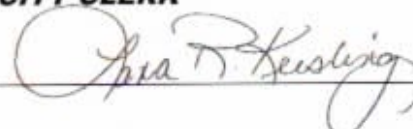
A Confirming Resolution designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12.1 for property commonly known as 3955 W. Washington Center Road, Fort Wayne, Indiana 46818

*Acadia Fort Wayne JV Holdings, LLC/Acadia Healthcare/FWBH, LCC*

**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: April 27, 2021

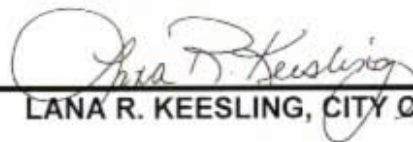
Read the first time in full and on motion by Councilperson Arp.

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

Read the third time in full and on motion by Councilperson 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: May 11, 2021




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LANA R. KEESLING, CITY CLERK

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

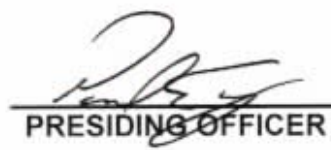
Ordinance No. R-21-04-07 on the 11th day of May, 2021

ATTEST:




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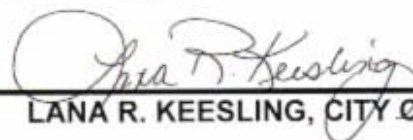
LANA R. KEESLING  
CITY CLERK




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PRESIDING OFFICER

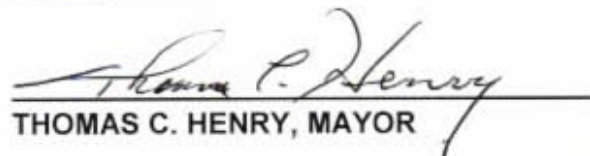
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of May 2021, at the hour of 9:10 o'clock A.M. E.S.T.




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LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13<sup>TH</sup> day of MAY 2021, at the hour of 8:30 o'clock AM E.S.T.




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THOMAS C. HENRY, MAYOR

