

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 126 W. Columbia Street, 135 W. Columbia Street, 613 S. Harrison Street and 617 S. Harrison Street, Fort Wayne, Indiana 46808, (CSW I, 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, the total estimated project cost is \$10,972,270; and

WHEREAS, representatives of CSW I, LLC informed Common Council a Site Plan Review resulting in an Improvement Location Permit was applied for on August 8, 2021; and

WHEREAS, CSW I, 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 CSW I, 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 CSW I, LLC did not comply with I.C. 6-1.1-12.1 by:

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.

WHEREAS, representatives of CSW I, LLC were in attendance and presented testimony on why a waiver should be granted; and

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

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

SECTION 1. That, Common Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1-11.3 regarding the failure to submit the completed statement of benefits form to

1 the common council before initiation of redevelopment or rehabilitation, and for which CSW I,
2 LLC desires to claim an Economic Revitalization Area deduction.

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

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

9 **SECTION 4.** That, said designation of the hereinabove described property as an
10 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate
11 improvements to be made between the estimated timeframe of October 1, 2021 and December
12 31, 2022. Should any delays occur, an updated timeframe will be communicated to the Allen
13 County Assessor and Allen County Auditor by Community Development staff in writing.

14 **SECTION 5.** That, the estimate of the number of individuals that will be employed or
15 whose employment will be retained and the estimate of the annual salaries of those individuals and
16 the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner's Statement
17 of Benefits are reasonable and are benefits that can be reasonably expected to result from the
18 proposed described redevelopment or rehabilitation.

19 **SECTION 6.** The current year approximate tax rates for taxing units within the City
20 would be:

- 21 (a) If the proposed development does not occur, the approximate current year tax rates
22 for this site would be \$3.2648/\$100.
- 23 (b) If the proposed development does occur and no deduction is granted, the approximate
24 current year tax rate for the site would be \$3.2648/\$100 (the change would be
25 negligible).
- 26 (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%)
27 is assumed, the approximate current year tax rate for the site would be \$3.2648/\$100
28 (the change would be negligible).

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

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

SECTION 9. 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 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 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 11. 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.

SECTION 12. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 13. 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 14. 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

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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 property improvements for CSW I, LLC. CSW I, LLC will own, develop and rehabilitate three existing buildings and construct one new building producing 21 new residential units and 21,000 square feet of commercial space.**

EFFECT OF PASSAGE: **Investment of \$10,972,270.**

EFFECT OF NON-PASSAGE: **Potential loss of investment.**

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-21-09-12

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON SEPTEMBER 28, 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:

**126 W Columbia Street, 135 W Columbia Street, 613 S Harrison Street and
617 S Harrison Street
CSW I, LLC**

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY SEPTEMBER 28, 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*



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Journal Gazette**.

Notice ID: Mqg5rR4Qo8seazxu6IKG | **Proof Updated: Sep. 15, 2021 at 08:12am EDT**
Notice Name: R-21-09-12

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Lisa Petretta
lisa.petretta@cityoffortwayne.org

FILING FOR

The Journal Gazette

Columns Wide: 1

Ad Class: Legals

09/17/2021: Other 28.44

Subtotal	\$28.44
Tax %	0.00
Total	\$28.44

See Proof on Next Page

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LANA R. KEESLING
CITY CLERK
9-17 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: Mqg5rR4Qo8seazxu6IKG

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

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 57

COMPUTATION OF CHARGES

57 lines, 1 column(s) wide equal:
57 equivalent lines at \$ 0.4990 cents per line \$28.44

Additional charges for notices containing rule or tabular work
(50 percent of above amount) \$ _____

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$28.44

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:

9/17/21 _____

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



Date: 9/17/2021

Lorise Harter
Legal Clerk

The Journal Gazette

Allen County, Indiana

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Date: 9/17/2021

Lana R. Keesling
Legal Clerk

REPORT OF COMMITTEE ON FINANCE

September 28, 2021

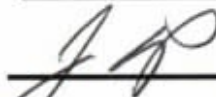

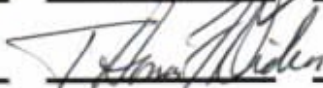



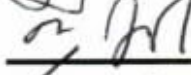


Glynn Hines Chair

Jason Arp Co-Chair

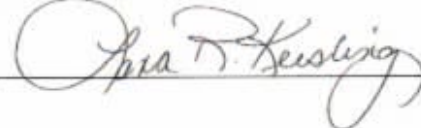
All Council Members

A Confirming Resolution designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12. for property commonly known as 126 W. Columbia Street, 135 W. Columbia Street, 613 S. Harrison Street and 617 S. Harrison Street, Fort Wayne, Indiana 46808, (CSW I, 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: September 28, 2021

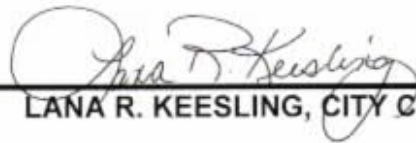
Read the first time in full and on motion by Councilperson Hines.

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

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

DATED: September 28, 2021


LANA R. KEESLING, CITY CLERK

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

Resolution No. R-21-09-12 on the 28th day of September, 2021

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th of September 2021, at the hour of 11:20 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30th day of SEPTEMBER 2021, at the hour of 12:00 o'clock PM E.S.T.


THOMAS C. HENRY, MAYOR

