

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12. For multiple properties as listed on attached Exhibit A, Fort Wayne, Indiana 46802, (Union Parking Company, LLC/Broadway Redevelopment Partners, 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 \$110,000,000; and

**WHEREAS**, representatives of Union Parking Company, LLC/Broadway Redevelopment Partners, LLC informed Common Council applications for demolition permits were submitted to the Allen County Building Department on September 20, 2021, September 27, 2021 and September 28, 2021; and

**WHEREAS**, Union Parking Company, LLC/Broadway Redevelopment Partners, 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 Union Parking Company, LLC/Broadway Redevelopment Partners, 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 Union Parking Company, LLC/Broadway Redevelopment Partners, 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 Union Parking Company, LLC/Broadway Redevelopment Partners, 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:**

1           **SECTION 1.** That, Common Council hereby adopts a waiver of non-compliance with  
2 I.C. 6-1.1-12.1-11.3 regarding the failure to submit the completed statement of benefits form to  
3 the common council before initiation of redevelopment or rehabilitation, and for which Union  
4 Parking Company, LLC/Broadway Redevelopment Partners, LLC desires to claim an Economic  
5 Revitalization Area deduction.

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

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

12           **SECTION 4.** That, said designation of the hereinabove described property as an  
13 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate  
14 improvements to be made between the estimated timeframe of June 1, 2022 and June 30, 2025.  
15 Should any delays occur, an updated timeframe will be communicated to the Allen County  
16 Assessor and Allen County Auditor by Community Development staff in writing.

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

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

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

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

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**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

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 Union Parking Company, LLC/Broadway Redevelopment Partners, LLC. Union Parking Company, LLC/Broadway Redevelopment Partners, LLC will construct a mixed use development consisting of parking, residential apartments, commercial retail space, fitness center and childcare center.**

EFFECT OF PASSAGE: **Investment of \$110,000,000.**

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**



## INTERIM AD DRAFT

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

Notice ID: 7NytvMSCYPJDmPG2O8n | **Proof Updated: Oct. 27, 2021 at 08:13am EDT**  
Notice Name: R-21-10-20

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

10/29/2021: Other 24.45

Subtotal \$24.45

Tax % 0.00

**Total \$24.45**

See Proof on Next Page

NOTICE OF PUBLIC HEARING  
(RESOLUTION NO. R-21-10-20)

ON NOVEMBER 9, 2021, AT 5:30 P.M. IN THE COUNCIL CHAMBERS COURTROOM 035, CITIZENS 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. 6-1-1-27, RELATING TO THE DESIGNATING OF THE PROPERTY COMMONLY KNOWN AS 1309, 1311, 1315, 1317, UNION STREET, 0000, 1312, 1313, 1305, 1307, 1311, 1312, 1317, 1310, 1324, 1326, 1326 JACKSON STREET, 1434, 1404, 1406, 1412, 1414, 1418, 1420, 1430 BROADWAY, 815, 811, 809, 803, 719, 715 LAVINA STREET, 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).

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.

10--29 hspaxtp

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(RESOLUTION NO. R-21-10-20)

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# The Journal Gazette

Allen County, Indiana

Account Name  
Gov: Fort Wayne City Clerk's Office  
Notice ID: 7NjytvMSCYPJDmPG2O8n

## 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 49

### COMPUTATION OF CHARGES

49 lines, 1 column(s) wide equal  
49 equivalent lines at \$ 0.4990 cents per line \$24.45

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

Electronic processing fee \$ 0.00

TOTAL AMOUNT OF CLAIM \$ 24.45

### 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:

10/29/21 \_\_\_\_\_  
\_\_\_\_\_

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: 10/29/2021

Karisa Haner  
Legal Clerk

**REPORT OF COMMITTEE ON FINANCE**

**November 9, 2021**

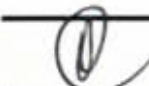
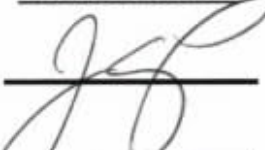
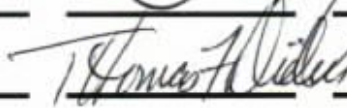
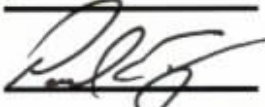
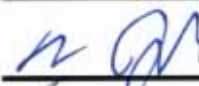


**Glynn Hines Chair**

**Jason Arp Co-Chair**

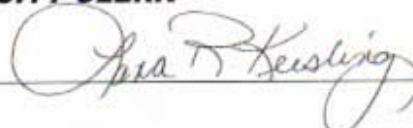
**All Council Members**

A Confirming Resolution designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12. For multiple properties as listed on attached Exhibit A, Fort Wayne, Indiana 46802 - Union Parking Company, LLC/Broadway Redevelopment Partners, 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	VIRTUAL		
HINES	(ABSENT)		
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: November 9, 2021

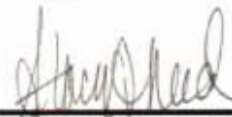
Read the first time in full and on motion by Councilperson Hines.

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

Read the third time in full and on motion by Councilperson 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"/>
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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"/>

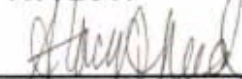
DATED: November 9, 2021



STACY A. REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-21-10-20 on the 9th day of November, 2021

ATTEST:

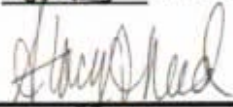


STACY A. REED  
DEPUTY CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of November 2021, at the hour of 8:45 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 10<sup>TH</sup> day of November 2021, at the hour of 9:30 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR

