

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 6055 Innovation Boulevard, Fort Wayne, Indiana 46818 (Michael Kinder and Sons, Inc.)

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 ten full-time, permanent jobs for a total additional annual payroll of \$740,000, with the average additional, annual job salary being \$74,000 and retain 80 full-time permanent and 21 part-time jobs with a total annual payroll of \$4,548,124; and

WHEREAS, the total estimated project cost is \$6,450,000; and

WHEREAS, representatives of Michael Kinder and Sons, Inc. 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 an Improvement Location Permit; and

WHEREAS, Michael Kinder and Sons, Inc. 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 Michael Kinder and Sons, Inc. 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 Michael Kinder and Sons, Inc. 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.

WHEREAS, representatives of Michael Kinder and Sons, Inc. 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

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

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

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

7 (b) failure to submit the completed statement of benefits form to the common council
8 before initiation of redevelopment or rehabilitation, and for which Michael Kinder and Sons, Inc.
9 desires to claim an Economic Revitalization Area deduction.

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

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

16 **SECTION 4.** That, said designation of the hereinabove described property as an
17 "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real estate
18 improvements made between December 31, 2021 and May 1, 2023 and personal property for new
19 information technology equipment improvements to be made between May 1, 2022 and May 1,
20 2023. Should any delays occur, an updated timeframe will be communicated to the Allen County
21 Assessor and Allen County Auditor by Community Development staff in writing.

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

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

- 30
- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.1453/\$100.
 - (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.1453/\$100 (the change would be negligible).
 - (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.1453/\$100 (the change would be negligible).
 - (d) If the proposed new logistical distribution and information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.1453/\$100.

1 (e) If the proposed new logistical distribution and information technology equipment is
2 installed and no deduction is granted, the approximate current year tax rate for the site
3 would be \$3.1453/\$100 (the change would be negligible).

4 (f) If the proposed logistical distribution and information technology equipment is installed
5 and a deduction percentage of eighty percent (80%) is assumed, the approximate
6 current year tax rate for the site would be \$3.1453/\$100 (the change would be
7 negligible).

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

11 **SECTION 8.** The deduction schedule from the assessed value of the real property
12 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% |

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18 **SECTION 9.** The deduction schedule from the assessed value of new logistical distribution
19 and information 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 which
6 there has been compliance with the Statement of Benefits form approved by Common Council at
7 the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City
8 of Fort Wayne's Community Development Division and must be included with the deduction
9 application. For subsequent years, the performance report must be updated and submitted along
10 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 form
13 approved by the Common Council at the time of filing. This report must be submitted to the Allen
14 County Auditor's Office and the City of Fort Wayne's Community Development Division and must
15 be included in the deduction application. For subsequent years, the performance report must be
16 updated each year in which the deduction is applicable at the same time the property owner is
17 required to file a personal property tax return in the taxing district in which the property for which
18 the deduction was granted is located. If the taxpayer does not file a personal property tax return
19 in the taxing district in which the property is located, the information must be provided by May 15.

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

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

30 **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.

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. Michael Kinder and sons will construct a new corporate headquarters and warehouse. New logistical distribution and information technology personal property equipment will be purchased and installed.**

EFFECT OF PASSAGE: **Investment of \$6,450,000, the creation of ten new full-time permanent jobs with an annual payroll of \$740,000 and retention of 80 full-time permanent and 21 part-time jobs with an annual payroll of \$4,548,124.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, the creation of ten new full-time permanent jobs with an annual payroll of \$740,000 and retention of 80 full-time permanent and 21 part-time jobs with an annual payroll of \$4,548,124.**

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: 83yr1UpazqasdDxXuas2 | **Proof Updated: Oct. 27, 2021 at 08:15am EDT**
Notice Name: R-21-10-22

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 | FILING FOR |
| Lisa Petretta | The Journal Gazette |
| lisa.petretta@cityoffortwayne.org | |

| | |
|------------------------|-------------------------|
| Columns Wide: 1 | Ad Class: Legals |
|------------------------|-------------------------|

| | |
|-------------------|-------|
| 10/29/2021: Other | 21.46 |
|-------------------|-------|

| | |
|--------------|----------------|
| Subtotal | \$21.46 |
| Tax % | 0.00 |
| Total | \$21.46 |

NOTICE OF PUBLIC HEARING (RESOLUTION NO. R-21-10-22)

ON NOVEMBER 9, 2021, AT 5:30 P.M. IN THE COUNCIL CHAMBERS COURTROOM 035, 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 AS 6055 INNOVATION BOULEVARD, 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 hspaxlp

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-21-10-22)

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The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: 83yr1UpazqasdDxXuas2

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

43

COMPUTATION OF CHARGES

43 lines, 1 column(s) wide equal:

43 equivalent lines at \$ 0.4990 cents per line

\$21.46

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

\$

Electronic processing fee

\$0.00

TOTAL AMOUNT OF CLAIM

\$21.46

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 Hauer
Legal Clerk



BILL NO. R-21-10-22

REPORT OF COMMITTEE ON FINANCE

November 9, 2021



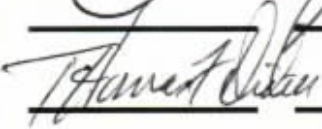
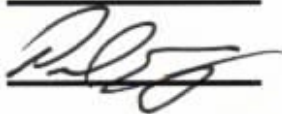
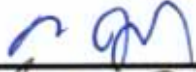
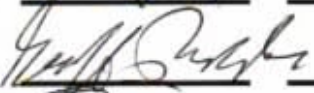

Glynn Hines Chair

Jason Arp Co-Chair

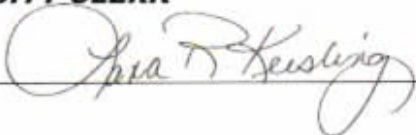
All Council Members

A Confirming Resolution designating an "Economic Revitalization Area" and approving a waiver of non-compliance under I.C. 6-1.1-12 for property commonly known as 6055 Innovation Boulevard, Fort Wayne, Indiana 46818 - *Michael Kinder and Sons, Inc.*

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"/> |
| 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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: 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-21-10-22 on the 9th day of November, 2021

ATTEST:

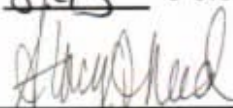


 STACY A. REED
 DEPUTY CITY CLERK



 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 10TH day of November 2021, at the hour of 9:30 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 NOV 10 2021
 LANA R. KEESLING
 CITY CLERK