

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 5002 Speedway Drive, Fort Wayne, Indiana 46825 (Koch Air, LLC)

WHEREAS, Petitioner has duly filed its petition dated November 15, 2023 to have the following described property designated and declared 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 one additional full-time, permanent job with a total additional annual payroll of \$42,000 and retain eleven current full-time permanent jobs with a retained annual payroll of \$932,000 and an annual average salary of \$84,727; and

WHEREAS, the total estimated project cost is \$1,400,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2026, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing.

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 real estate improvements to be made between March 1, 2023 and April 31, 2024. Should any delays occur an updated project timeline will be provided to the Allen County Auditor’s Office in writing by Community Development staff.

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 redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. That, 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 \$3.8936/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.8936/\$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 \$3.8936/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above

1 described recommendations and resolution, if applicable.

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

4 **SECTION 8.** The deduction schedule from the assessed value of the real property
5 pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	85%
3	71%
4	57%
5	43%
6	29%
7	14%
8	0%

6 **SECTION 9.** That, the benefits described in the Petitioner's Statement of Benefits can
7 be reasonably expected to result from the project and are sufficient to justify the applicable
8 deductions.

9 **SECTION 10.** That, the taxpayer is non-delinquent on any and all property tax due to
10 jurisdictions within Allen County, Indiana.

11 **SECTION 11.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has
12 received a deduction under section 3 or 4.5 of this chapter may be required to repay the
13 deduction amount as determined by the county auditor in accordance with section 12 of said
14 chapter if the property owner ceases operations at the facility for which the deduction was
15 granted and if the Common Council finds that the property owner obtained the deduction by
16 intentionally providing false information concerning the property owner's plans to continue
17 operation at the facility.

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

20 
21 _____
22 Member of Council

23 APPROVED AS TO FORM AND LEGALITY

24 
25 _____
26 Malak Heiny, City Attorney

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DIGEST SHEET

TITLE OF ORDINANCE: **Declaratory Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Koch Air, LLC is requesting the designation of an Economic Revitalization Area for eligible real property improvements. Koch Air, LLC will construct an approximately 25,000 square foot warehouse addition to the existing facility.**

EFFECT OF PASSAGE: **Investment of \$1,400,000, the creation of one full-time permanent job with an annual payroll of \$42,000 and the retention of eleven full-time permanent jobs with an annual payroll of \$932,000.**

EFFECT OF NON-PASSAGE: **Potential loss of investment and creation of one full-time permanent job with an annual payroll of \$42,000 and the retention of eleven full-time permanent jobs with an annual payroll of \$932,000.**

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

ASSIGNED TO COMMITTEE (CHAIR AND CO-CHAIR): **Jason Arp and Geoff Paddock**

MEMORANDUM



TO: City Council
FROM: Carman Young, Economic Development Specialist
DATE: November 15, 2023
RE: Request for designation by Koch Air, LLC as an ERA for real property improvements.

BACKGROUND

PROJECT ADDRESS:	5002 Speedway Drive	PROJECT LOCATED WITHIN:	N/A
PROJECT COST:	\$1,400,000	COUNCILMANIC DISTRICT:	3

COMPANY PRODUCT OR SERVICE:	Koch Air, LLC is a wholesale distributor of energy efficient residential and commercial HVAC equipment.
PROJECT DESCRIPTION:	Koch Air, LLC will construct an approximately 25,000 square foot warehouse addition to the existing facility.

CREATED

RETAINED

JOBS CREATED (FULL-TIME):	1	JOBS RETAINED (FULL-TIME):	11
JOBS CREATED (PART-TIME):	0	JOBS RETAINED (PART-TIME):	0
TOTAL NEW PAYROLL:	\$42,000	TOTAL RETAINED PAYROLL:	\$932,000
AVERAGE SALARY (FULL-TIME NEW):	\$42,000	AVERAGE SALARY (FULL-TIME RETAINED):	\$84,727

COMMUNITY BENEFIT REVIEW

Yes No N/A

Project will encourage vacant or under-utilized land appropriate for commercial or industrial use?

Yes No N/A

Real estate to be designated is consistent with land use policies of the City of Fort Wayne?

Explain: Property to be designated is zoned I-2, General Industrial. Use of this property is consistent with the land use policies of the City of Fort Wayne.

Yes No N/A

Project encourages the improvement or replacement of a deteriorated or obsolete structure?

Explain: An approximately 25,000 square foot warehouse addition to the existing facility will be constructed.

Yes No N/A

Project encourages the improvement or replacement of obsolete manufacturing and/or research and development and/or information technology and/or logistical distribution equipment?

Yes No N/A

Project will result in significant conversion of solid waste or hazardous waste into energy or other useful products?

Yes No N/A

Project encourages preservation of a historically or architecturally significant structure?

Yes No N/A

Construction will result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

Yes No N/A

Construction will use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

Yes No N/A

ERA designation induces employment opportunities for Fort Wayne area residents?
Explain: One new full-time permanent job will be created with an annual payroll of \$42,000 and eleven full-time permanent jobs will be retained with an annual pay roll of \$932,000

Yes No N/A

Taxpayer is NOT delinquent on any or all property tax due to any taxing jurisdiction within Allen County.

POLICY

Per the policy of the City of Fort Wayne, the following guidelines apply to this project:

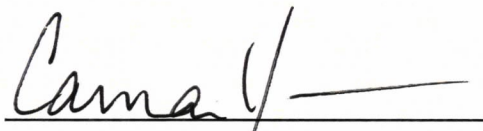
- 1. The period of deduction for speculative real property improvements is seven years.

Under Fort Wayne Common Council's tax abatement policies and procedures, Loch Air, LLC is eligible for a recommended seven year deduction on real property improvements. Attached is a calculation of property taxes saved/paid with the deduction.

PREVIOUSLY APPROVED PHASE-INS

Koch Air, LLC was approved for this same project in February 2023 under R-9-23 however the design and size of the project changed following Fort Wayne Common Council's approval. The required approvals on the changes to the design of the project pushed back the start of the project. This process will update the timeline and SB-1 of the project allowing the totality of the project to be covered by the approved phase-in.

Signed:



Economic Development Specialist

**FORT WAYNE COMMUNITY DEVELOPMENT DIVISION
TAX ABATEMENT - ESTIMATE OF SAVINGS**

*New tax abatement percentages have been changed to reflect change in state law

Koch Air, LLC

REAL PROPERTY TAX ABATEMENT - 7 yr Schedule

Year	Cash Value	True Tax Value	Assessed Value	Abatement %	Tax Tax Paid		Deduction	Taxable AV	Tax Rate	Tax Paid	Tax Saved
					%	%					
1	\$11,000,000	\$11,000,000	\$11,000,000	100%	0%	0%	\$11,000,000	\$0	0.030707	\$0	\$337,777
2	\$11,000,000	\$11,000,000	\$11,000,000	85%	15%	15%	\$9,350,000	\$1,650,000	0.030707	\$50,667	\$287,110
3	\$11,000,000	\$11,000,000	\$11,000,000	71%	29%	29%	\$7,810,000	\$3,190,000	0.030707	\$97,955	\$239,822
4	\$11,000,000	\$11,000,000	\$11,000,000	57%	35%	35%	\$6,270,000	\$3,850,000	0.030707	\$118,222	\$192,533
5	\$11,000,000	\$11,000,000	\$11,000,000	43%	43%	43%	\$4,730,000	\$4,730,000	0.030707	\$145,244	\$145,244
6	\$11,000,000	\$11,000,000	\$11,000,000	29%	71%	71%	\$3,190,000	\$7,810,000	0.030707	\$239,822	\$97,955
7	\$11,000,000	\$11,000,000	\$11,000,000	14%	86%	86%	\$1,540,000	\$9,460,000	0.030707	\$290,488	\$47,289
8	\$11,000,000	\$11,000,000	\$11,000,000	0%	100%	100%	\$0	\$11,000,000	0.030707	\$337,777	\$0

TOTAL TAX SAVED REAL PROPERTY (7 yrs on 7 yr deduction) **\$1,347,730**

TOTAL TAX PAID REAL PROPERTY (7 yrs on 7 yr deduction) **\$1,280,175**

NOTE: Above calculations assume a constant tax rate over the abatement period. Time value of money is not considere

NOV 15 2023 *ckj*

COMMUNITY DEVELOPMENT



**ECONOMIC REVITALIZATION AREA APPLICATION
CITY OF FORT WAYNE, INDIANA**

APPLICATION IS FOR: (Check appropriate box(es))

- Real Estate Improvements
- Personal Property Improvements
- Vacant Commercial or Industrial Building

Total cost of real estate improvements: 1,400,000
 Total cost of manufacturing equipment improvements: _____
 Total cost of research and development equipment improvements: _____
 Total cost of logistical distribution equipment improvements: _____
 Total cost of information technology equipment improvements: _____
 TOTAL OF ABOVE IMPROVEMENTS: 1,400,000

GENERAL INFORMATION

Real property taxpayer's name: Koch Air LLC
 Personal property taxpayer's name: Koch Air LLC
 Telephone number: 812-962-5258
 Address listed on tax bill: 5002 Speedway Dr., Fort Wayne, IN 46825
 Name of company to be designated, if applicable: Koch Air
 Year company was established: 1998
 Address of property to be designated: 5002 Speedway Drive, Fort Wayne, IN 46825
 Real estate property identification number: 02-07-23-403-001.000-073
 Contact person name: Kym Thomas
 Contact person telephone number: 812-962-5283 Contact email: kthomas@kochair.com
 Contact person address: 1900 W Lloyd Expressway, Evansville, IN 47712

List company officer and/or principal operating personnel

NAME	TITLE	ADDRESS	PHONE NUMBER
Brad Muehlbauer	President	1900 W Lloyd Expressway, Evansville, IN 47712	812-962-5270
Kym Thomas	Sec/Treas	1900 W Lloyd Expressway, Evansville, IN 47712	812-962-5258

List all persons or firms having ownership interest in the applicant business and the percentage each holds:

NAME	PERCENTAGE
Koch HVAC Distribution, Inc	100%

- Yes No Are any elected officials shareholders or holders of any debt obligation of the applicant or operating business? If yes, who? (name/title) _____
- Yes No Is the property for which you are requesting ERA designation totally within the corporate limits of the City of Fort Wayne?
- Yes No Do you plan to request state or local assistance to finance public improvements?
- Yes No Is the property for which you are requesting ERA designation located in an Economic Development Target Area (EDTA)? (see attached map for current areas)
- Yes No Does the company's business include a retail component? If yes, answer the following questions:
 What percentage of floor space will be utilized for retail activities? _____
 What percentage of sales is made to the ultimate customer? _____
 What percentage of sales will be from service calls? _____

What is the percentage of clients/customers served that are located outside of Allen County? 73%

What is the company's primary North American Industrial Classification Code (NAICs)? 423730

Describe the nature of the company's business, product, and/or service: Wholesale distribution of energy efficient, residential and commercial HVAC equipment to contractors across northern IN and a few counties in OH

Dollar amount of annual sales for the last three years:

Year	Annual Sales
2022	17.5M
2021	16.2M
2020	10.6M

List the company's three largest customers, their locations and amount of annual gross sales:

Customer Name	City/State	Annual Gross Sales
Masters Heating & Cooling	Ft Wayne, Decatur, Angola, IN	2.78M
MJM Mechanical	Ft Wayne, IN	1.19M
Fire and Ice Heating/Cooling	Huntertown, Huntington, IN	920k

List the company's three largest material suppliers, their locations and amount of annual purchases:

Supplier Name	City/State	Annual Gross Purchases
Carrier Corp	Charlotte, NC and Indianapolis, IN	156M co overall
Cambridge-Lee Ind	Atlanta, GA	1.8M co overall
Southwark Metal	Pittsburgh, PA	2.1M co overall

List the company's top three competitors:

Competitor Name	City/State
RE Michel	Ft Wayne, IN
Gustave Larson	Ft Wayne, IN
Mid-City Supply	Elkhart, IN

Describe the product or service to be produced or offered at the project site: Residential and commercial HVAC equipment distribution to contractors in northern Indiana and a few counties in Ohio

In order to be considered an Economic Revitalization Area (ERA), the area must be within the corporate limits of the City of Fort Wayne and must have become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. It also includes any area where a facility or group of facilities that are technologically, economically, or energy obsolete is located and where the obsolescence may lead to a decline in employment and tax revenues.

How does the property for which you are requesting designation meet the above definition of an ERA?

The property located in the city of Ft Wayne has become too small to fit our growing business.

In order to serve all of our northern Indiana and Ohio customers, we need to update and expand this building to allow us to operate efficiently under one roof. Alternatively, we would have to look to surrounding counties that are more closely located to our customers and build a new building and transfer some staff to the new location.

REAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value for real property improvements.

Describe any structure(s) that is/are currently on the property: approximately 20,000 sq ft building
consisting of mainly warehouse with some office space

Describe the condition of the structure(s) listed above: current building is aging, but decent condition, with wear
and tear appropriate for its age

Describe the improvements to be made to the property to be designated for tax phase-in purposes: Addition of
approx. 25,000 sq ft of warehouse with high ceilings and two new dock doors for delivery
trucks

Projected construction start (month/year): March 2023

Projected construction completion (month/year): April 2024

Yes No Will construction result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

Yes No Will construction use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

This project will adhere to all applicable federal, state, and municipal statutes, regulations, ordinances and codes, including but not limited to all Indiana and Allen County Building Codes and the Allen County Zoning Ordinance.

Adherence to all applicable federal, state, and municipal statutes, regulations, ordinances and codes will be maintained throughout all design, permitting, contractor licensure, and construction phases of the Property owner's project. Said adherence shall be attested to on the initial tax phase-in application and each annual Compliance with Statement of Benefits Form.

PERSONAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value of new manufacturing, research and development, logistical distribution or information technology equipment.

List below the equipment for which you are seeking an economic revitalization area designation.

Manufacturing equipment must be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property at the site to be designated. Research and development equipment consists of laboratory equipment, research and development equipment, computers and computer software, telecommunications equipment or testing equipment used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products at the site to be designated. Logistical distribution equipment consists of racking equipment, scanning or coding equipment, separators, conveyors, fork lifts or lifting equipment, transitional moving equipment, packaging equipment, sorting and picking equipment, software for technology used in logistical distribution, is used for the storage or distribution of goods, services, or information. Information technology equipment consists of equipment, including software used in the fields of information processing, office automation, telecommunication facilities and networks, informatics, network administration, software development and fiber optics: (use additional sheets, if necessary)

Not applicable

Yes No Has the above equipment for which you are seeking a designation, ever before been used for any purpose in Indiana? If yes, was the equipment acquired at an arms length transaction from an entity not affiliated with the applicant? Yes No

Yes No Will the equipment be leased?
Date first piece of equipment will be purchased (month/year): _____

Date last piece of equipment will be installed (month/year): _____

Please provide the depreciation schedule term for equipment under consideration for personal property tax phase-in:

ELIGIBLE VACANT BUILDING INFORMATION

Complete this section of the application if you are requesting a deduction from the current assessed value of a vacant building

Yes No Has the building for which you are seeking designation for tax phase-in been unoccupied for at least one year? Please provide evidence of occupation. (i.e. certificate of occupancy, paid utility receipts, executed lease agreements)

What year was the structure built? _____

Describe any structure(s) that is/are currently on the property: _____

Describe the condition of the structure(s) listed above: _____

Projected occupancy date (month/year): _____

Describe the efforts of the owner or previous owner in regards to selling, leasing or renting the eligible vacant building during the period the eligible vacant building was unoccupied including how much the building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

This project will adhere to all applicable federal, state, and municipal statutes, regulations, ordinances and codes, including but not limited to all Indiana and Allen County Building Codes and the Allen County Zoning Ordinance. Adherence to all applicable federal, state, and municipal statutes, regulations, ordinances and codes will be maintained throughout all design, permitting, contractor licensure, and construction phases of the Property owner's project. Said adherence shall be attested to on the initial tax phase-in application and each annual Compliance with Statement of Benefits Form.

PUBLIC BENEFIT INFORMATION

EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

ESTIMATE OF EMPLOYEES AND PAYROLL FOR FORT WAYNE
FACILITY REQUESTING ECONOMIC REVITALIZATION AREA DESIGNATION

Please be specific on job descriptions. When listing the occupation codes, please avoid using the "Major Occupational Groupings" (i.e. 11-000, 13-000, 15-000, etc.) which are more general in nature. Instead, use specific occupation codes (i.e. 11-1021, 13-1081, 15-2041 etc) for each created and retained job. To fill out information on occupation and occupation code, use data available through Occupation Employment Statistics for Fort Wayne http://www.bls.gov/oes/current/oes_23060.htm

Any information concerning the cost of the property and specific salaries paid to individual employees is confidential per Indiana Code (I.C. 6-1.1-12.1-5.1)

Current Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Counter sales	41-2022	2	100,000
Warehouse	53-7065	5	230,000
Sales	41-4011	2	450,000
Inside Sales	13-0151	1	67,000
Branch Manager	11-3013	1	85,000

Retained Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Counter Sales	41-2022	2	100,000
Warehouse	53-7065	5	230,000
Sales	41-4011	2	450,000
Inside Sales	13-0151	1	67,000
Branch Manager	11-3013	1	85,000

Additional Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
Warehouse	53-7065	1	42,000

PUBLIC BENEFIT INFORMATION

Current Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll

Retained Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll

Additional Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll

Check the boxes below if the existing jobs and the jobs to be created will provide the listed benefits:

- | | | |
|---|--|--|
| <input type="checkbox"/> Pension Plan | <input checked="" type="checkbox"/> Major Medical Plan | <input checked="" type="checkbox"/> Disability Insurance |
| <input checked="" type="checkbox"/> Tuition Reimbursement | <input checked="" type="checkbox"/> Life Insurance | <input checked="" type="checkbox"/> Dental Insurance |

List any benefits not mentioned above: 401k with match, wellness incentives, paid day off for volunteering

When will you reach the levels of employment shown above? (month/year): April 2024

REQUIRED ATTACHMENTS

The following must be attached to the application.

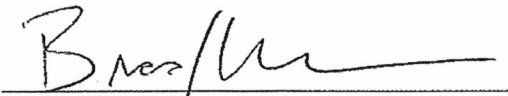
- 1. **Statement of Benefits Form(s) (first page/front side completed)**
- 2. **Full legal description of property and a plat map identifying the property boundaries. (Property tax bill legal descriptions are not sufficient.) Should be marked as Exhibit A.**
- 3. **Check for non-refundable application fee made payable to the City of Fort Wayne.**

ERA filing fee (either real or personal property improvements)	.1% of total project cost not to exceed \$1,000
ERA filing fee (both real and personal property improvements)	.1% of total project cost not to exceed \$1,500
ERA filing fee (vacant commercial or industrial building)	\$500
ERA filing fee in an EDTA	\$200
Amendment to extend designation period	\$300
Waiver of non-compliance with ERA filing	\$1,000 + ERA filing fee
- 4. **Owner's Certificate (if applicant is not the owner of property to be designated) Should be marked as Exhibit B if applicable.**

CERTIFICATION

I, as the legal taxpayer and/or owner, hereby certify that all information and representations made on this application and its attached exhibits are true and complete and that no Improvement Location Permit or Structural Permit have been filed for construction of improvements, the occupation of the vacant building has not taken place and no manufacturing, research and development, logistical distribution or information technology equipment which is a part of this application been purchased and installed as of the date of filing of this application. I also certify that the taxpayer is not delinquent on any and all property tax due to taxing jurisdictions within Allen County, Indiana. I understand that any incorrect information on this application may result in a rescission of any tax phase-ins which I may receive.

I understand that I must file a correctly completed Compliance with Statement of Benefits Form (CF-1/Real Property for real property improvements, CF-1/PP for personal property improvements, and CF-1/VBD for vacant building deduction) and the Public Benefit Annual Update with the City of Fort Wayne Community Development Division in each year in which I receive a deduction. Further the CF-1/PP form must be filed with the county assessor and the CF-1/Real Property and CF-1/VBD must be filed with the county auditor. Failure to file the CF-1 form with these agencies may result in a rescission of any tax phase-in occurring as a result of this application.



Signature of Taxpayer/Owner

Brad Muehlbauer, President

Printed Name and Title of Applicant

11/15/2023

Date

Return completed application to Community Development staff at 200 E. Berry Street Suite 320 Fort Wayne, IN 46802

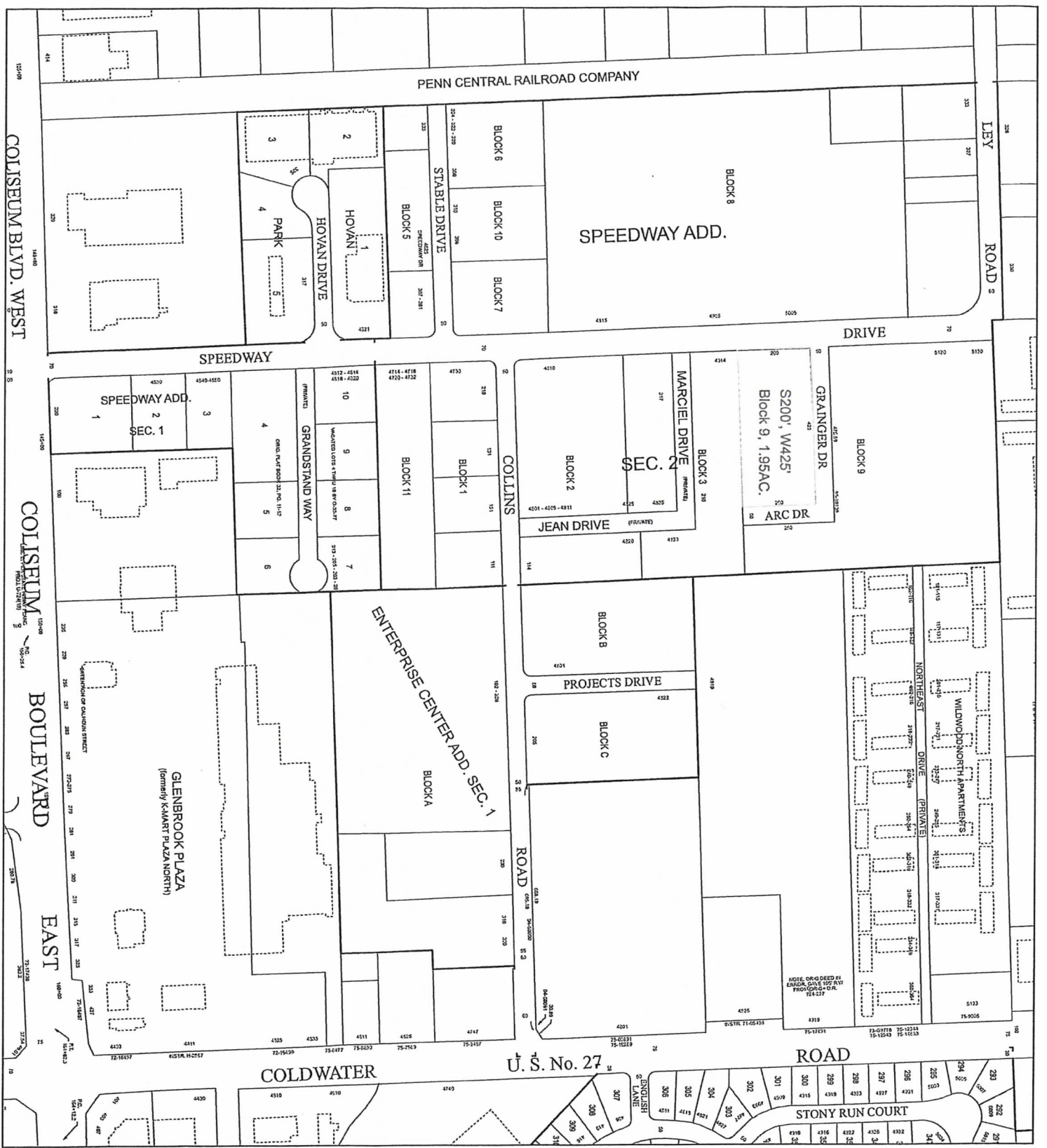
EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

A 1.95 acre tract of land being a part of Block 9 in the Plat of SPEEDWAY ADDITION SECTION II, within the west one half of the Southeast Quarter of Section 23, Township 31 North, Range 12 East, recorded by Plat Book 32, pages 13 & 14 within the Recorder's Office of Allen County, Indiana; described as follows:

Beginning at a bolt spike found denoting the southwest corner of said Block 9 of Speedway Addition Section II, said bolt spike further described as being on the east right of way line of Speedway Drive as recorded, thence proceeding north on the common line of the east right of way of Speedway Drive and the west line of said Block 9, 200.0 feet to a bolt spike set, thence turning an interior angle of Ninety (90) degrees zero (0) minutes to the right and project a distance of 425.0 feet to a bolt spike set; thence turning an interior angle of Ninety (90) degrees zero (0) minutes to the right and project a line of 200.0 feet south to an iron pin set on the south line of said Block 9; thence west along the south line of said Block 9, 425.0 feet to the point of beginning.

Commonly known as: 5002 Speedway Drive
Tax Parcel No.: 02-07-23-403-001.000-073

EXHIBIT A



MAP NO. **M30**
12/28/2015

SE 1/4 SEC. 23
TOWNSHIP 31 N, RANGE 12 E
WASHINGTON TWP, ALLEN CO.

MAP SCALE : 1" = 200'
(PRINT AT 15" X 18" PAGE SIZE)

0 100 200 300 400

Feet

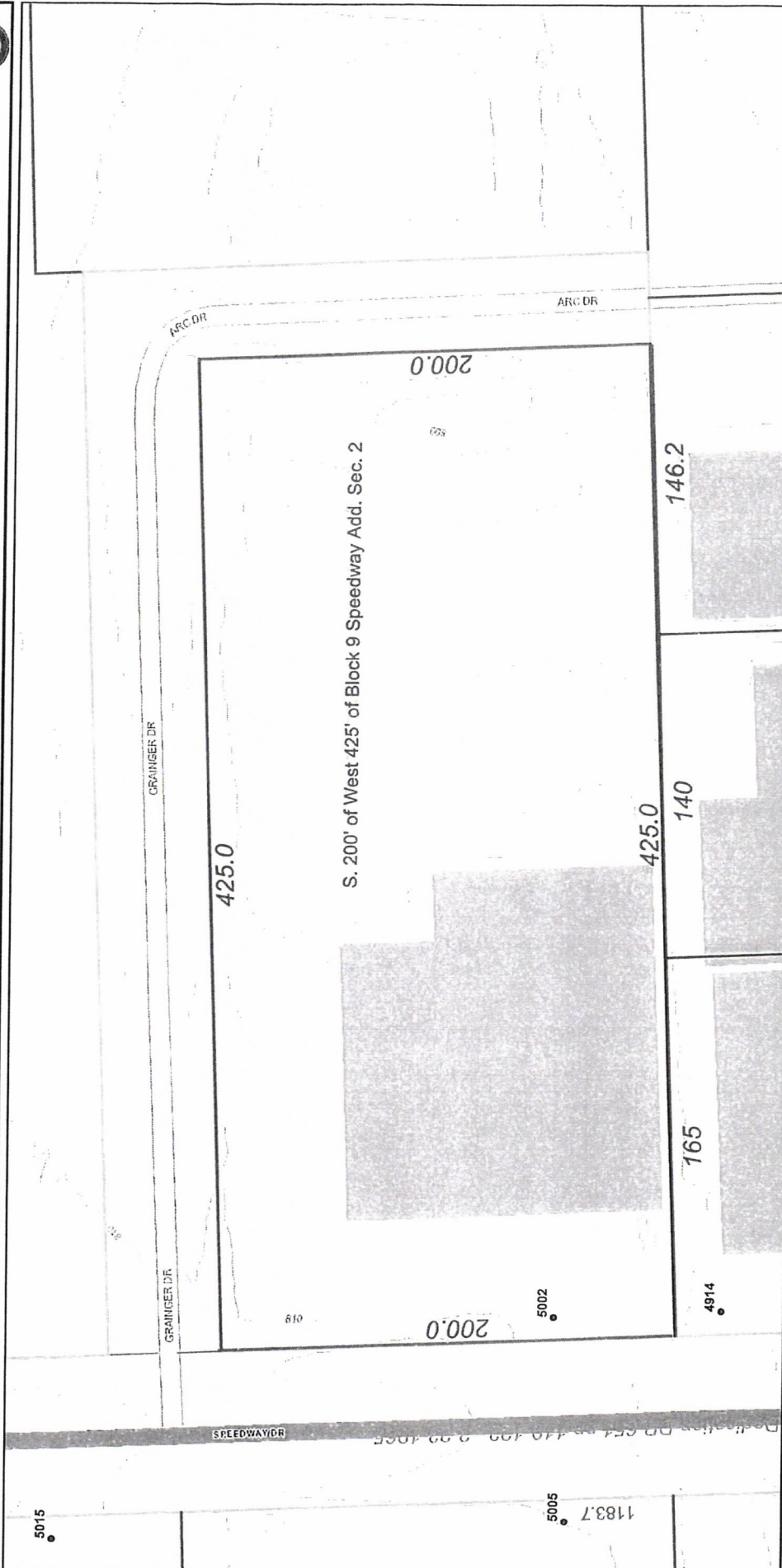
CITY OF FORT WAYNE
STREET ENGINEERING

CITIZENS SQUARE
200 EAST BERRY STREET
FORT WAYNE, IN 46802

NOTICE: THE INFORMATION DERIVED ON THIS MAP CONCERNING LOCATION, DISTANCE, AND INFRASTRUCTURE IS NOT GUARANTEED TO BE ACCURATE OR ALL INFORMATION SHOWN WAS OBTAINED FROM AVAILABLE RECORDS. SHOULD REPRESENTATION BE MADE TO DETERMINE ACCURACY.

EXHIBIT A

5002 Speedway Drive





STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

CITY OF FT. WAYNE

20 PAY 20

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer Koch Air LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 1900 W Lloyd Expressway, Evansville, IN 47712		
Name of contact person Kym Thomas	Telephone number (812) 962-5258	E-mail address kthomas@kochair.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Fort Wayne Common Council		Resolution number
Location of property 5002 Speedway Drive, Fort Wayne, IN 46825	County Allen	DLGF taxing district number 073
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Addition of 25,000 of warehouse space for distribution of residential and commercial HVAC equipment and supplies to contractors in northern IN and OH. The new space will allow for better efficiency and growth of the business and allows to gain efficiencies under one roof rather than building a new location in a different county		Estimated start date (month, day, year) March 1; 2023
		Estimated completion date (month, day, year) April 30, 2024

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
11.00	\$932,000.00	11.00	\$932,000.00	1.00	\$42,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	1,400,000.00	
Less values of any property being replaced		
Net estimated values upon completion of project		

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
Other benefits	

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) 11/15/2023
Printed name of authorized representative Brad Muehlbauer	Title President

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is December 31, 2026 NOTE: This question addresses whether the resolution contains an expiration date for the designated area.

B. The type of deduction that is allowed in the designated area is limited to:

1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No

C. The amount of the deduction applicable is limited to \$ unlimited.

D. Other limitations or conditions (specify) N/A

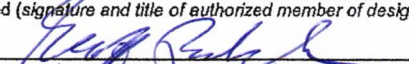
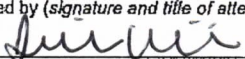
E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number <u>(260) 427-2977</u>	Date signed (month, day, year) <u>11/28/23</u>
Printed name of authorized member of designating body <u>Geoff Paddock</u>	Name of designating body <u>City Council</u>	
Attested by (signature and title of attester) 	Printed name of attester <u>Liana Phillips</u> <u>Admin. Assistant</u>	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 5002 Speedway Drive
Fort Wayne, Indiana 46825 (Koch Air, 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 one additional full-time, permanent job with a total additional annual payroll of \$42,000 and retain eleven current full-time permanent jobs with a retained annual payroll of \$932,000 and an annual average salary of \$84,727; and

WHEREAS, the total estimated project cost is \$1,400,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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.

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 real estate improvements to be made between March 1, 2023 and April 31, 2024. Should any delays occur an updated project timeline will be provided to the Allen County Auditor’s Office in writing by Community Development staff.

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 redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. 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 \$3.8936/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.8936/\$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 \$3.8936/\$100 (the change would be negligible).

SECTION 6. 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 7. 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	85%
3	71%
4	57%
5	43%
6	29%
7	14%
8	0%

SECTION 8. 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 9. 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 Fort Wayne 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 with 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 10. The performance report must contain the following information

- A. The cost and description of real property improvements.
- 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 property deductions.
- F. The tax savings resulting from the real 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 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 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.

Member of Council

APPROVED AS TO FORM A LEGALITY

Malak Heiny, City Attorney

BILL NO. R-23-11-41

REPORT OF COMMITTEE ON FINANCE

November 28, 2023

Geoff Paddock Chair

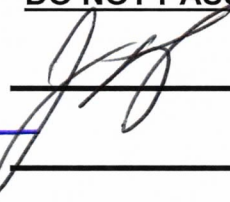

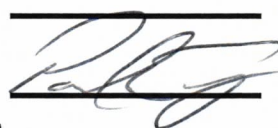

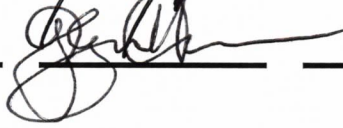
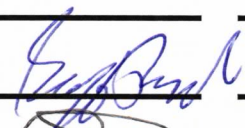

Jason Arp Co-Chair

All Council Members

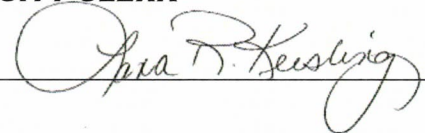
A Declaratory Resolution designating an "Economic Revitalization Area" under I.C. 6- 1.1-12.1 for property commonly known as 5002 Speedway Drive, Fort Wayne, Indiana 46825 (Koch Air, LLC)

This is to be Introduced, Discussed and voted for Passage in the same evening

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>
<u>ARP</u>			
<u>CHAMBERS</u>			
<u>DIDIER</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HINES</u>			
<u>JEHL</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A


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

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

Read the third time in full and on motion by Councilperson Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: November 28, 2023




 LANA R. KEESLING, CITY CLERK

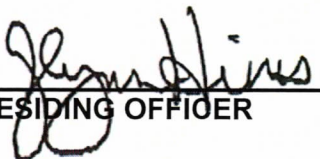
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-23-11-41 on the 28th day of November, 2023

ATTEST:

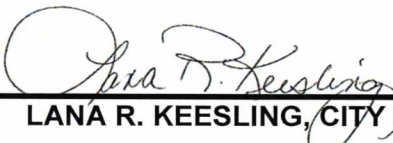


 LANA R. KEESLING
 CITY CLERK



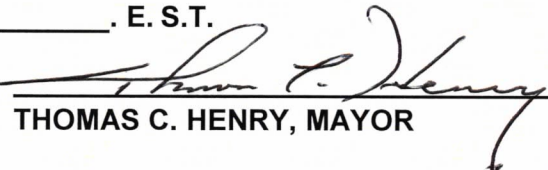
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th of November 2023, at the hour of 2:15 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 1st day of December 2023, at the hour of 4:30 o'clock PM E. S.T.



 THOMAS C. HENRY, MAYOR

