

**A CONFIRMING RESOLUTION approving a waiver of non-compliance and designating an “Economic Revitalization Area” and under I.C. 6-1.1-12 for property commonly known as 5001 US 30 W, Fort Wayne, Indiana 46808 (Office 30 Venture, 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 25 additional full-time, permanent jobs for a total additional annual payroll of \$1,365,000 and average annual payroll of \$54,600 and retain 128 full-time permanent jobs with a retained annual payroll of \$7,277,722 and an annual average salary of \$56,857; and

**WHEREAS**, the total estimated project cost is \$4,338,980; and

**WHEREAS**, representatives of Office 30 Venture, LLC informed Common Council that the real property improvements for which they are requesting designation of an Economic Revitalization Area under I.C. 6-1.1-12.1 are complete; and

**WHEREAS**, Office 30 Venture, 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 Office 30 Venture, 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 Office 30 Venture, LLC did not comply with I.C. 6-1.1-12.1 by:

(a) failure to provide the completed statement of benefits forms to the Common Council before the public hearing,

(b) failure to submit the completed statement of benefits form to the Common Council before initiation of redevelopment or rehabilitation,

**WHEREAS**, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5, I.C. 6-1.1-12.1-11.3(c) and I.C. 5-3-1 and a public hearing has been conducted on said Resolution and waiver.

**WHEREAS**, representatives of Office 30 Venture, 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

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 Office 30 Venture, LLC desires  
9 to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for real  
10 property improvements during the period of April 26, 2021 through the date of this resolution.

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

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

17                   **SECTION 4.** That, said designation of the hereinabove described property as an  
18 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate  
19 improvements made between April 26, 2021 and May 31, 2021.

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

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

27                   (a) If the proposed development does not occur, the approximate current year tax rates  
28 for this site would be \$3.3799/\$100.

29                   (b) If the proposed development occurs and no deduction is granted, the approximate  
30 current year tax rate for the site would be \$3.3799/\$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 \$3.3799/\$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 seven 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	85%
3	71%
4	57%
5	43%
6	29%
7	14%
8	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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

\_\_\_\_\_  
Carol Helton, City Attorney

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 Office 30 Venture, LLC. Office 30 Venture, LLC will remodel and update 44,795 square feet of internal space and make exterior updates and site improvements to facilitate the leasing of the space to Parts Town, LLC.**

EFFECT OF PASSAGE: **Investment of \$4,338,980, creation of 25 new full-time permanent jobs with the annual payroll of \$1,365,000 and the retention of 128 full-time permanent jobs with an annual payroll of \$7,277,722.**

EFFECT OF NON-PASSAGE: **Potential loss of investment, creation of 25 new full-time permanent jobs with the annual payroll of \$1,365,000 and the retention of 128 full-time permanent jobs with an annual payroll of \$7,277,722.**

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

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