

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for Brooks Construction Company, Inc. for property at 2711 Banks Avenue under Confirming Resolution R-30-10 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for Brooks Construction Company, Inc. 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; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, Brooks Construction Company, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Brooks Construction Company, Inc.'s approved Statement of Benefits (SB-1) form stated that six full-time jobs would be created by September 2010; and

WHEREAS, Brooks Construction Company, Inc.'s approved Statement of Benefits (SB-1) form stated \$390,000 in annual payroll would be generated by the created jobs; and

WHEREAS, Brooks Construction Company, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form stated that four jobs were created; and

WHEREAS, Brooks Construction Company, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form stated that \$234,210 in annual payroll for the four jobs created; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Municipal Code of the City of Fort Wayne as:

- 1 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
2 be created or retained as delineated in the original Statement of Benefits Form
3 (SB-1) approved by Common Council; and
4 2. Meeting 75% or more of the total payroll stated to be created or retained as
5 delineated in the original Statement of Benefits Form (SB-1) approved by
6 Common Council; and

7 **WHEREAS**, meeting 75% of the six jobs to be created means creating four jobs; and

8 **WHEREAS**, meeting 75% of the \$390,000 in annual payroll to be created means
9 \$292,500 in annual payroll created; and

10 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
11 receipt of the Compliance of Statement of Benefits Form (CF-1) that Brooks Construction
12 Company, Inc. has substantially complied with the original Statement of Benefits Form (SB-1)
13 approved by Common Council; and


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

16 **SECTION 1.** That, the Compliance with Statement of Benefits Forms (CF-1) filed
17 by Brooks Construction Company, Inc. with an approved economic revitalization area for
18 2014 is in not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
19 Municipal Code of the City of Fort Wayne for failure to create 75% of the six full-time jobs
20 that were stated that would be created and create 75% of the \$390,000 in annual payroll that
21 was stated that would be created.

22 **SECTION 2.** That, the failure to substantially comply was not caused by factors
23 beyond the control of Brooks Construction Company, Inc.


24 **SECTION 3.** That, Council directs the Community Development Division to mail
25 written notice to Brooks Construction Company, Inc. explaining the reasons for Council's
26 determination and a date, time, place of a hearing to be conducted by Council for the
27 purpose of further considering Brooks Construction Company, Inc.'s compliance with
28 Statement of Benefits.

29 **SECTION 4.** That, this Resolution shall be in full force and effect from and after
30 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: Resolution determining substantial non-compliance with a Statement of Benefits (SB-1) for 2014

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution affirms that Compliance with Statement of Benefits (CF-1) Form filings made by Brooks Construction Company, Inc. in May 2014 with an approved economic revitalization area is not in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Provides notice to company that it has been found to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential loss of economic revitalization area deduction (property tax abatement/phase-in)

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

ASSIGNED TO COMMITTEE (PRESIDENT):

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Jehl

Read the second time by title and referred to the Finance

Committee. Read the third time in full and on motion by Councilman

Jehl, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	✓	_____	_____	_____
CRAWFORD	✓	_____	_____	_____
DIDIER	✓	_____	_____	_____
HARPER	✓	_____	_____	_____
HINES	✓	_____	_____	_____
JEHL	✓	_____	_____	_____
PADDOCK	✓	_____	_____	_____
SHOAFF	✓	_____	_____	_____
SMITH	✓	_____	_____	_____

DATED: 6-24-14 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. K-8-14 on the 24th day of
June, 2014

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Robert A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day
of June, 2014, at the hour of 2 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of June
2014, at the hour of 3:00 o'clock PM, E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-14-06-14

COMMITTEE ON FINANCE

JUNE 17, 2014

*RUSS JEHL – CHAIR
JOHN CRAWFORD – CO-CHAIR
ALL COUNCIL MEMBERS*

A RESOLUTION determining Substantial Non-Compliance with Statement of Benefits (SB-1) form filing for 2014 for Brooks Construction Company, Inc. for property under Confirming Resolution R-11-12 Banks Avenue under Confirming Resolution R-30-10 with an “Economic Revitalization Area” approved under I.C. 6-1.1-12.1.

COMMITTEE OF FINANCE HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

**SANDRA E. KENNEDY
CITY CLERK**