

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE with Statement of Benefits (CF-1) form filing for 2014 for EFFT Equities, LLC for property at 4429 Allen Martin Drive under Confirming Resolution R-41-13 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 EFFT Equities, LLC 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**, 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**, EFFT Equities, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor’s Office and the City of Fort Wayne; and

**WHEREAS**, EFFT Equities, LLC’s approved Statement of Benefits (SB-1) forms stated that 27 full-time jobs would be retained and 14 full-time jobs would be created by April 2013; and

**WHEREAS**, EFFT Equities, LLC’s approved Statement of Benefits (SB-1) forms stated \$1,135,000 in annual payroll for retained jobs and \$517,813 in annual payroll would be generated by the created jobs; and

**WHEREAS**, EFFT Equities, LLC’s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that 30 jobs were retained and four jobs were created; and

**WHEREAS**, EFFT Equities, LLC’s 2014 Compliance with Statement of Benefits (CF-1) form filing stated \$1,460,125 in annual payroll for the 30 jobs retained and \$83,939 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

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of  
2 the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section  
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the 27 retained jobs means retaining 21 jobs; and

12 **WHEREAS**, meeting 75% of the 14 jobs to be created means creating 11 jobs; and

13 **WHEREAS**, meeting 75% of the \$1,135,000 in retained annual payroll means  
14 \$851,250 in annual payroll retained; and

15 **WHEREAS**, meeting 75% of the \$517,813 in annual payroll to be created means  
16 \$388,360 in annual payroll created; and

17 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after  
18 receipt of the Compliance of Statement of Benefits Form (CF-1) that EFFT Equities, LLC has  
19 substantially complied with the original Statement of Benefits Form (SB-1) approved by  
20 Common Council; and

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

23 **SECTION 1.** That, Common Council finds that EFFT Equities, LLC's Compliance  
24 with Statement of Benefits information evidenced that the company failed to comply in that it  
25 did not create 75% of the 14 jobs that were stated that would be created and create 75% of  
26 the \$517,813 in annual payroll that was stated that would be created.


27 **SECTION 2.** Further, Common Council finds that EFFT Equities, LLC's failure to substantially  
28 comply was caused by factors beyond the control of the applicant. For the following reasons:

- 29 1. Earth First is the employer and uses temporary employees in the recycling area of their  
30 transfer station. This business is seasonal in nature and when work has slowed the temporary  
employees have employment at other places. Earth First also uses a contracted firm to  
transport their residual waste to a landfill, so those employees cannot be counted.


**SECTION 3.** In light of the fact that failure to substantially comply was determined  
to be outside the EFFT Equities, LLC's control, Common Council finds that EFFT Equities,  
LLC is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the  
Municipal Code of the City of Fort Wayne on their 2014 filing.

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**SECTION 4.** 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

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution determining substantial 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 EFFT Equities, LLC in May 2014 with an approved economic revitalization area is in substantial compliance pursuant to both Council policy and Indiana law.**

**EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit**

**EFFECT OF NON-PASSAGE:**

**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>8</u>	<u>1</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. R-37-14 on the 24th day of  
June, 2014

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

Matthew 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 30<sup>th</sup> day of June  
2014, at the hour of 11:00 o'clock AM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-14-06-19 - AS AMENDED

**COMMITTEE ON FINANCE**

**JUNE 17, 2014**

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

**A RESOLUTION** determining Substantial Compliance with Statement of Benefits (CF-1) form filing for 2014 for EFFT Equities, LLC for property at 4429 Allen Martin Drive under Confirming Resolution R-41-13 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 signatures under DO PASS column]*  
M  
John D. ...  
J. A.  
Michael A. Bender  
John W. ...  
M. ...  
Thomas F. ...

*[Handwritten signature under DO NOT PASS column]*  
Kerry ...

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**SANDRA E. KENNEDY  
CITY CLERK**