

**A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for GTA Enterprises, Inc. for property at 4422 Airport Expressway under Confirming Resolution R-30-09 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 GTA Enterprises, 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**, GTA Enterprises, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, GTA Enterprises, Inc.'s approved Statement of Benefits (SB-1) form stated that one part-time and 35 full-time jobs for a total of 36 jobs would be retained and three full-time jobs would be created by December 2009; and

**WHEREAS**, GTA Enterprises, Inc.'s approved Statement of Benefits (SB-1) form stated \$2,137,361 in annual payroll for retained jobs and \$180,000 in annual payroll would be generated by the created jobs; and

**WHEREAS**, GTA Enterprises, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that 28 jobs were retained and two jobs were created; and

**WHEREAS**, GTA Enterprises, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing reported \$1,748,919.78 in annual payroll for the 28 jobs retained and \$34,620.72 in annual payroll for the two jobs created; and

**WHEREAS**, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

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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 36 retained jobs means retaining 27 jobs; and

12 **WHEREAS**, meeting 75% of the three full-time jobs to be created means creating  
13 three jobs; and

14 **WHEREAS**, meeting 75% of the \$2,137,361 in retained annual payroll means  
15 \$1,603,021 in annual payroll retained; and

16 **WHEREAS**, meeting 75% of the \$180,000 in annual payroll to be created means  
17 \$135,000 in annual payroll created; and

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

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

24 **SECTION 1.** That, the Compliance with Statement of Benefits Forms (CF-1) filed  
25 by GTA Enterprises, Inc. with an approved economic revitalization area for 2014 is in not in  
26 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code  
27 of the City of Fort Wayne for failure to create 75% of the three full-time jobs that were stated  
28 that would be created and create 75% of the \$180,000 in payroll that was stated that would  
29 be created.

30 **SECTION 2.** That, the failure to substantially comply was not caused by factors  
beyond the control of GTA Enterprises, Inc..

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

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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.



\_\_\_\_\_  
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 GTA Enterprises, 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: 6-27-14 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-43-14 on the 27th day of June, 2014

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

Marshall A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th 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 3:00 o'clock PM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-14-06-24

**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) for 2014 for GTA Enterprises, Inc. for property at 4422 Airport Expressway under Confirming Resolution R-30-09 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 in the DO PASS column: Russ Jehl, John Crawford, and others]*

*[Handwritten signature in the DO NOT PASS column: Thomas Baker]*

**SANDRA E. KENNEDY  
CITY CLERK**