

A RESOLUTION determining SUBSTANTIAL COMPLIANCE with Statement of Benefits (CF-1) form filing for 2014 for GTA Enterprises, Inc. for property at 4422 Airport Expressway under Confirming Resolution R-32-12 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 three part-time and 27 full-time jobs for a total of 30 jobs would be retained and three full-time jobs would be created by April 2014; and

WHEREAS, GTA Enterprises, Inc.'s approved Statement of Benefits (SB-1) form stated \$1,808,624 in annual payroll for retained jobs and \$140,000 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

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 30 retained jobs means retaining 23 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 \$1,808,624 in retained annual payroll means
15 \$1,356,468 in annual payroll retained; and

16 **WHEREAS**, meeting 75% of the \$140,000 in annual payroll to be created means
17 \$105,000 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, Common Council finds that GTA Enterprises, Inc.'s
25 Compliance with Statement of Benefits information evidenced that GTA Enterprises, Inc.
26 failed to comply in that it did not create 75% of the three full-time jobs that were stated that
27 would be created and it did not create 75% of the \$140,000 in annual payroll that was stated
28 that would be created.


29 **SECTION 2.** Further, Common Council finds GTA Enterprises, Inc.'s failure to
30 substantially comply was caused by factors beyond the control of the applicant for the
following reasons:

1. GTA Enterprises, Inc. was negatively impacted by the downturn in the economy. GTA
Enterprises, Inc. has also struggled to find skilled employees after some employees were
found to be unsatisfactory while others moved out the state.

SECTION 3. In light of the fact that failure to substantially comply was determined
to be outside GTA Enterprises, Inc.'s control, Common Council finds that GTA Enterprises,
Inc. 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.



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 GTA Enterprises, Inc. 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	<input checked="" type="checkbox"/>	_____	_____	_____
CRAWFORD	<input checked="" type="checkbox"/>	_____	_____	_____
DIDIER	<input checked="" type="checkbox"/>	_____	_____	_____
HARPER	<input checked="" type="checkbox"/>	_____	_____	_____
HINES	<input checked="" type="checkbox"/>	_____	_____	_____
JEHL	<input checked="" type="checkbox"/>	_____	_____	_____
PADDOCK	_____	<input checked="" type="checkbox"/>	_____	_____
SHOAF	<input checked="" type="checkbox"/>	_____	_____	_____
SMITH	<input checked="" type="checkbox"/>	_____	_____	_____

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-39-14 on the 24th day of
June, 2014

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

Martha 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 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-14-06-25 - 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 GTA Enterprises, Inc. for property at 4422 Airport Expressway under Confirming Resolution R-32-12 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

[Signature]

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**SANDRA E. KENNEDY
CITY CLERK**