

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for 1100 AIRPORT NORTH PARTNERSHIP, LLC for property at 8414 Clinton Park Drive under Confirming Resolution R-47-07 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 1100 Airport North Partnership, 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; 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, 1100 Airport North Partnership, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

WHEREAS, 1100 Airport North Partnership, LLC's approved Statement of Benefits (SB-1) forms stated that **95** full-time jobs would be created by September 2011; and

WHEREAS, 1100 Airport North Partnership, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **zero** jobs were 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. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to be created or retained as delineated in the original Statement of Benefits Form (SB-1) approved by Common Council; and

1 2. Meeting 75% or more of the total payroll stated to be created or retained as
2 delineated in the original Statement of Benefits Form (SB-1) approved by
3 Common Council; and

4 **WHEREAS**, meeting 75% of the 95 full-time jobs to be created means creating 71
5 jobs; and

6 **WHEREAS**, Common Council made a determination on June 24, 2014 that 1100
7 Airport North Partnership, LLC was not in substantial compliance as a result of its failure to
8 create at least 71 jobs, and that the failure to substantially comply was not caused by factors
9 beyond the control of 1100 Airport North Partnership, LLC; and

10 **WHEREAS**, Council directed the Community Development Division to mail written
11 notice to 1100 Airport North Partnership, LLC explaining the reasons for Council's
12 determination and a date, time, place of a hearing to be conducted by Council for the
13 purpose of further considering 1100 Airport North Partnership, LLC's compliance with
14 Statement of Benefits; and

15 **WHEREAS**, the aforementioned notice was properly prepared and served upon
16 1100 Airport North Partnership, LLC on July 7, 2014; and

17 **WHEREAS**, Council conducted a hearing on August 5, 2014 for the purpose of
18 further considering 1100 Airport North Partnership, LLC's compliance with statement of
19 benefits; and

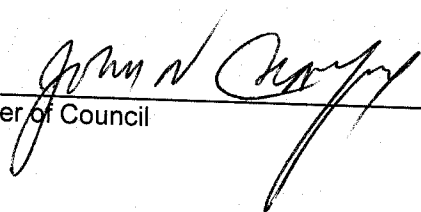
20 **WHEREAS**, 1100 Airport North Partnership, LLC **appeared** at the hearing.

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

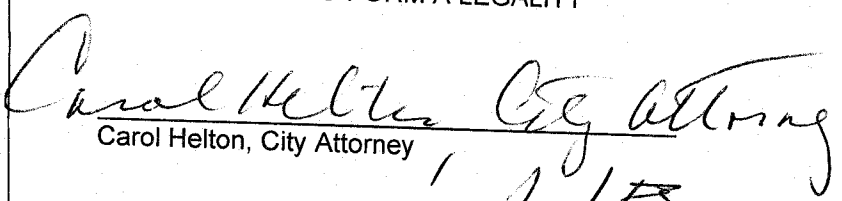
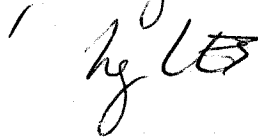
23 **SECTION 1.** That 1100 Airport North Partnership, LLC appeared and testified at the
24 hearing and from its testimony it was determined that notwithstanding 1100 Airport North
25 Partnership, LLC's failure to substantially comply by its failure to create 71 or more jobs, that
26 1100 Airport North Partnership, LLC did make reasonable efforts to substantially comply
27 with the statement of benefits and 1100 Airport North Partnership, LLC's failure to
28 substantially comply was caused by factors beyond the control of 1100 Airport North
29 Partnership, LLC. Therefore the continuation of 1100 Airport North Partnership, LLC's
30 deduction/abatement under R-47-07 is hereby approved.

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SECTION 2. 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 Confirming Substantial Compliance/Non-Compliance with a Statement of Benefits (SB-1) for 2014

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by 1100 Airport North Partnership, LLC in May 2014 with an approved economic revitalization area are either in substantial compliance or non-compliance pursuant to both Council policy and Indiana law.

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

EFFECT OF NON-PASSAGE:

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

ASSIGNED TO COMMITTEE (PRESIDENT): John Crawford and Russ Jehl

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman John Crawford
Read the second time by title and referred to the Finance Committee
Committee. Read the third time in full and on motion by Councilman
John Crawford, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	_____	_____	_____
BENDER	_____	_____	_____	<u>✓</u>
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	_____	_____	_____	<u>✓</u>
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	_____	<u>✓</u>	_____	_____
SHOAFF	_____	_____	_____	<u>✓</u>
SMITH	<u>✓</u>	_____	_____	_____

DATED: 8-12-14 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-59-14 on the 12th day of
August, 2014

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

Martin A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of August, 2014, at the hour of 3:00 o'clock PM. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of August
2014, at the hour of 10:00 o'clock AM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

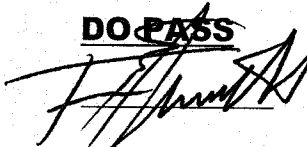
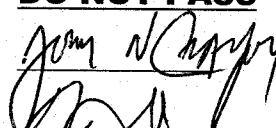
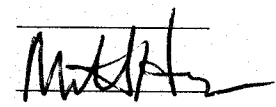
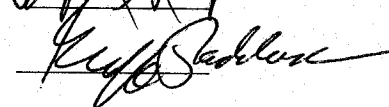
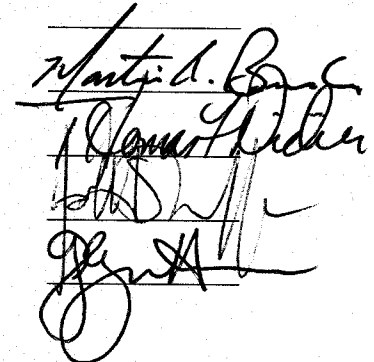
BILL NO. R-14-07-25

REPORT OF COMMITTEE ON FINANCE

AUGUST 5, 2014

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

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<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			

SANDRA E. KENNEDY
CITY CLERK