

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for North American Van Lines, Inc. for property at 5001 US Highway 30 West under Confirming Resolution R-08-09 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 North American Van Lines 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**, North American Van Lines, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, North American Van Lines, Inc.'s approved Statement of Benefits (SB-1) form stated that **437** full-time jobs would be retained and **240** full-time jobs would be created by December 2011; and

**WHEREAS**, North American Van Lines, Inc.'s approved Statement of Benefits (SB-1) form stated **\$18,866,000** in annual payroll for the 437 full-time retained jobs and **\$8,640,000** in annual payroll would be generated by the 240 full-time jobs to be created; and

**WHEREAS**, North American Van Line's 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **437** jobs were retained and **47** jobs were created; and

**WHEREAS**, North American Van Line's 2014 Compliance with Statement of Benefits (CF-1) form filing stated **\$21,348,588** in annual payroll for the 437 jobs retained and **\$1,112,027** in annual payroll for the 47 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

1                   **WHEREAS**, Common Council has defined substantial compliance under Section  
2 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9                   **WHEREAS**, meeting 75% of the 437 full-time jobs retained means retaining **327**  
10 jobs; and

11                   **WHEREAS**, meeting 75% of the 240 full-time jobs to be created means creating **180**  
12 full-time jobs; and

13                   **WHEREAS**, meeting 75% of the \$18,866,000 in retained annual payroll means  
14 **\$14,149,500** in annual payroll; and

15                   **WHEREAS**, meeting 75% of the \$8,640,000 in annual payroll to be created means  
16 **\$6,480,000**; and

17                   **WHEREAS**, Common Council made a determination on June 24, 2014 that North  
18 American Van Lines, Inc. was not in substantial compliance as a result of its failure to  
19 generate at least 180 jobs and at least \$6,480,000 in annual payroll created, and that the  
20 failure to substantially comply was not caused by factors beyond the control of North  
21 American Van Lines, Inc.; and

22                   **WHEREAS**, Council directed the Community Development Division to mail written  
23 notice to North American Van Lines, Inc. explaining the reasons for Council's determination  
24 and a date, time, place of a hearing to be conducted by Council for the purpose of further  
25 considering North American Van Lines, Inc.'s compliance with Statement of Benefits; and

26                   **WHEREAS**, the aforementioned notice was properly prepared and served upon  
27 North American Van Lines, Inc. on July 7, 2014; and

28                   **WHEREAS**, Council conducted a hearing on August 5, 2014 for the purpose of  
29 further considering North American Van Lines, Inc.'s compliance with statement of benefits;  
30 and

**WHEREAS**, North American Van Lines **appeared** at the hearing.


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

**SECTION 1.** That North American Van Lines, Inc. appeared and testified at the  
hearing and from its testimony it was determined that notwithstanding North American Van

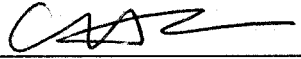
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Lines, Inc.'s failure to substantially comply by its failure to create 180 jobs and annual payroll of \$6,480,000 or more, that North American Van Lines, Inc. did make reasonable efforts to substantially comply with the statement of benefits and North American Van Lines, Inc.'s failure to substantially comply was caused by factors beyond the control of North American Van Lines, Inc.. Therefore the continuation of North American Van Lines, Inc.'s deduction/abatement under R-08-09 is hereby approved.

**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 North American Van Lines, Inc. 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**

8/12/14

I submit a request for reconsideration  
of R-14-07-30 at the next regular meeting  
of City Council

John W. Crawford  
City Council At Large

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>7</u>	<u>2</u>	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	_____	<u>✓</u>	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	_____	<u>✓</u>	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 8-26-14

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-63-14 on the 26<sup>th</sup> day of  
August, 2014

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

Thomas C. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27<sup>th</sup> day  
of August, 2014, at the hour of 1:00 o'clock pm. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28<sup>th</sup> day of AUGUST

2014, at the hour of 2:00 o'clock PM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-14-07-30

# REPORT OF COMMITTEE ON FINANCE

## AUGUST 5, 2014

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

**A RESOLUTION** Confirming Substantial Compliance/Non-Compliance with a Statement of Benefits (SB-1) for 2014 for North American Van Lines, Inc. for the property at 5001 US Highway 30 West under Confirming Resolution R-08-09 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**

*John W. Crippen*  
\_\_\_\_\_  
*M. H.*  
\_\_\_\_\_

**DO NOT PASS**

*Geoff Rabalais*  
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**ABSTAIN**

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**NO REC**

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*Thomas Baker*  
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**SANDRA E. KENNEDY  
CITY CLERK**