

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for Seavac USA, LLC for property at 9304 Yeager Lane under Confirming Resolution R-58-04 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 Seavac USA, 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, Seavac USA, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office, the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Seavac USA, LLC's approved Statement of Benefits (SB-1) form stated that **20** full-time and **four** part-time jobs for total of **24** jobs would be created by December 2007; and

WHEREAS, Seavac USA, LLC's approved Statement of Benefits (SB-1) form stated **\$895,000** in annual payroll would be generated by the 20 full-time and four part-time jobs to be created; and

WHEREAS, Seavac USA, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filings stated that **eight** jobs have been created; and

WHEREAS, Seavac USA, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filings stated **\$186,572** in annual payroll for the eight 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 24 created jobs means creating **18** jobs; and

10 **WHEREAS**, meeting 75% of the \$895,000 in annual payroll to be created means
11 **\$671,250** in annual payroll created; and

12 **WHEREAS**, Common Council made a determination on June 24, 2014 that Seavac
13 USA, LLC was not in substantial compliance as a result of its failure to generate at least 18
14 jobs or \$671,250 in annual payroll created, and that the failure to substantially comply was
15 not caused by factors beyond the control of Seavac USA, LLC; and

16 **WHEREAS**, Council directed the Community Development Division to mail written
17 notice to Seavac USA, LLC explaining the reasons for Council's determination and a date,
18 time, place of a hearing to be conducted by Council for the purpose of further considering
19 Seavac USA, LLC's compliance with Statement of Benefits; and

20 **WHEREAS**, the aforementioned notice was properly prepared and served upon
21 Seavac USA, LLC on July 7, 2014; and

22 **WHEREAS**, Council conducted a hearing on August 5, 2014 for the purpose of
23 further considering Brooks Construction Company, Inc.'s compliance with statement of
24 benefits; and

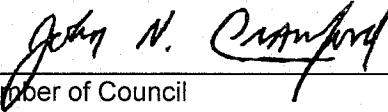
25 **WHEREAS**, Seavac USA, LLC **failed to appear** at the hearing.

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

28 **SECTION 1.** Seavac USA, LLC failed to appear and otherwise testify and
29 therefore Council confirms its determination of June 24, 2014 Seavac USA, LLC. Seavac
30 USA, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of
the Municipal Code of the City of Fort Wayne for its failure to create 75% of the 18 jobs or
75% of the \$895,000 annual payroll or \$671,250 in that Seavac USA, LLC only created eight
jobs and payroll in the amount of \$186,572. Council therefore finds that Seavac USA, LLC
has failed to substantially comply and said failure was not caused by factors outside of
Seavac USA, LLC's control. As a result of said failure, Seavac USA, LLC's
deduction/abatement under R-58-04 is hereby terminated.

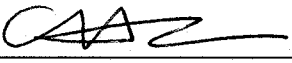
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SECTION 2. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



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 Seavac USA, 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>	_____	_____	<u>3</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-64-14 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 P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14 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-14-07-31

REPORT OF COMMITTEE ON FINANCE

AUGUST 5, 2014

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

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DO PASS

DO NOT PASS

ABSTAIN

NO REC

John A. Crawford
Russ Jehl

M. H. ...
... ..
... ..
... ..
... ..

**SANDRA E. KENNEDY
CITY CLERK**