

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for GTA Enterprises, Inc. for property at 4422 Airport Expressway, Suite 220 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

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 made a determination on June 24, 2014 that GTA  
19 Enterprises, Inc. was not in substantial compliance as a result of its failure to generate at  
20 least three jobs and \$135,000 in annual payroll created, and that the failure to substantially  
21 comply was not caused by factors beyond the control of GTA Enterprises, Inc.; and

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

26 **WHEREAS**, the aforementioned notice was properly prepared and served upon  
27 GTA Enterprises, Inc. on July 7, 2014; and

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

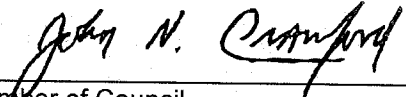
30 **WHEREAS**, GTA Enterprises, Inc. **appeared** at the hearing.

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

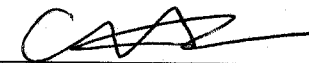
**SECTION 1.** That GTA Enterprises, Inc. appeared and testified at the hearing and  
from its testimony it was determined that notwithstanding GTA Enterprises, Inc.'s failure to  
substantially comply by its failure to create the three jobs or the annual payroll of \$135,000 or  
more, that GTA Enterprises, Inc. did make reasonable efforts to substantially comply with the

1 statement of benefits and GTA Enterprises, Inc.'s failure to substantially comply was caused  
2 by factors beyond the control of GTA Enterprises, Inc. Therefore the continuation of GTA  
3 Enterprises, Inc.'s deduction/abatement under R-30-09 is hereby approved.

4 **SECTION 2.** That, this Resolution shall be in full force and effect from and after its  
5 passage and any and all necessary approval by the Mayor.  
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9 \_\_\_\_\_  
10 Member of Council

11 APPROVED AS TO FORM A LEGALITY

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14 Carol Helton, City Attorney  
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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 GTA Enterprises, 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**

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-67-14 on the 12<sup>th</sup> day of  
August, 2014

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

W. Ashli A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13<sup>th</sup> 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 14<sup>th</sup> 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-14-07-34

## REPORT OF COMMITTEE ON FINANCE

### AUGUST 5, 2014

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

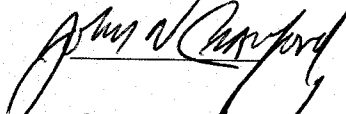
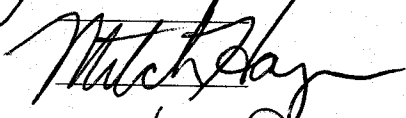
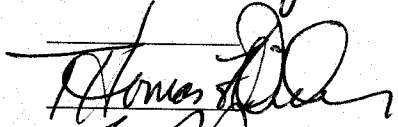

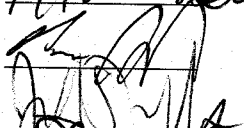
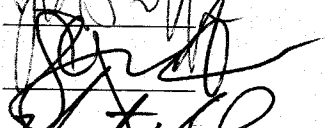
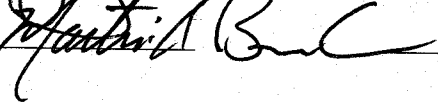
**A RESOLUTION** Confirming Substantial Compliance/Non-Compliance with a Statement of Benefits (SB-1) for 2014 for GTA Enterprises, Inc. for the property at 4422 Airport Expressway, Suite 220 under Confirming Resolution R-30-09 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1. **COMMITTEE 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**

	_____	_____	_____
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	_____	_____	_____
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	_____	_____	_____

**SANDRA E. KENNEDY  
CITY CLERK**