

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2015 for 817 S. Calhoun, LLC at 817 South Calhoun Street under Confirming Resolution R-34-12 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 817 S. Calhoun, 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**, 817 S. Calhoun, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

**WHEREAS**, 817 S. Calhoun, LLC's approved Statement of Benefits (SB-1) form stated that **two** full-time and **four** part-time jobs would be created; and

**WHEREAS**, 817 S. Calhoun, LLC's approved Statement of Benefits (SB-1) form stated **\$160,000** in annual payroll would be generated from the **two** full-time and **four** part-time created jobs; and

**WHEREAS**, 817 S. Calhoun, LLC's 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **six** jobs were created; and

**WHEREAS**, 817 S. Calhoun, LLC's 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$90,000** in annual payroll for the **six** 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

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

**WHEREAS**, meeting 75% of the **six** created jobs means creating **four** jobs; and

**WHEREAS**, meeting 75% of the **\$160,000** in annual payroll to be created means **\$120,000** in annual payroll created; and

**WHEREAS**, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that 817 S. Calhoun, LLC has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, 817 S. Calhoun, LLC **appeared/failed to appear** before council to provide additional information on its compliance with statement of benefits.

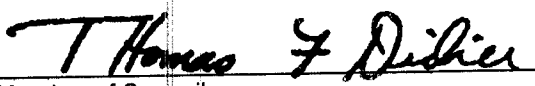
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** That, Common Council finds that the Compliance with Statement of Benefits Form (CF-1) filed by 817 S. Calhoun, LLC with an approved economic revitalization area for 2015 is not 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 for failure to create 75% of the \$160,000 or \$120,000 in annual payroll from the six jobs that were stated that would be created.

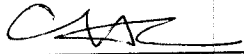
**SECTION 2a.** 817 S. Calhoun, LLC appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding 817 S. Calhoun, LLC's failure to substantially comply by its failure to create \$120,000 or more in annual payroll from the six jobs created, that 817 S. Calhoun, LLC did make reasonable efforts to substantially comply with the statement of benefits and 817 S. Calhoun, LLC 's failure to substantially comply was caused by factors beyond the control of 817 S. Calhoun, LLC. Therefore, the continuation of 817 S. Calhoun, LLC's deduction/abatement under R-34-12 is hereby approved.

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**SECTION 3.** 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 2015**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by 817 S. Calhoun, LLC in May 2015 with an approved economic revitalization area are 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 if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled**

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

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

**ASSIGNED TO COMMITTEE (PRESIDENT): Thomas Didier and Russ Jehl**

Public Hearing Date, if applicable \_\_\_\_\_

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</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: 6-23-15 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-43-15 on the 23<sup>rd</sup> day of  
June, 2015

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

John N. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24<sup>th</sup> day  
of June, 2015, 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 25<sup>th</sup> day of June  
2015, at the hour of 10:00 O'clock AM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-15-06-12

## REPORT OF COMMITTEE ON FINANCE

### JUNE 16, 2015

*THOMAS DIDIER – CHAIR  
RUSS JEHL – CO-CHAIR  
ALL COUNCIL MEMBERS*

**A RESOLUTION** determining Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2015 for 817 S. Calhoun, LLC at 817 South Calhoun Street under Confirming Resolution R-34-12 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**

*Thomas Didier*  
*Russ Jehl*  
*Steph Beck*  
*John A. Campbell*  
*M.H.*

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**SANDRA E. KENNEDY  
CITY CLERK**