

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2015 for Brooks Construction Company, Inc. for property at 2711 Banks Avenue under Confirming Resolution R-30-10 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 Brooks Construction Company, 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**, Brooks Construction Company, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, Brooks Construction Company, Inc.'s approved Statement of Benefits (SB-1) form stated that **six** full-time jobs would be created by September 2010; and

**WHEREAS**, Brooks Construction Company, Inc.'s approved Statement of Benefits (SB-1) form stated **\$390,000** in annual payroll would be generated by the created jobs; and

**WHEREAS**, Brooks Construction Company, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form stated that **four** jobs were created; and

**WHEREAS**, Brooks Construction Company, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form stated that **\$254,732** in annual payroll for the four 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 jobs to be created means creating four jobs; and

**WHEREAS**, meeting 75% of the \$390,000 in annual payroll to be created means \$292,500 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 Brooks Construction Company, Inc. has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, Brooks Construction Company, Inc. **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 Forms (CF-1) filed by Brooks Construction Company, Inc. with an approved economic revitalization area for 2014 are 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 \$390,000 in annual payroll or \$292,500 in annual payroll that was stated that would be created.

**SECTION 2a.** Brooks Construction Company, Inc. appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding Brooks Construction Company, Inc.'s failure to substantially comply by its failure to create \$292,500 in annual payroll or more from the jobs created, that Brooks Construction Company, Inc. did make reasonable efforts to substantially comply with the statement of benefits and Brooks Construction Company, Inc.'s failure to substantially comply was caused by factors beyond the control of Brooks Construction Company, Inc. Therefore, the continuation of Brooks Construction Company, Inc.'s deduction/abatement under R-30-10 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.

*Thomas F. Dillier*  
Member of Council

APPROVED AS TO FORM A LEGALITY

*CAH*  
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 Brooks Construction Company, Inc. 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 Didier, 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>	_____	_____	_____
SHOAF	<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-50-15 on the 23<sup>rd</sup> day of  
June, 2015

Sandra E. Kennedy ATTEST:  
SANDRA E. KENNEDY, CITY CLERK  
John N. Crawford  
PRESIDENT 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 2:00 O'clock PM. E.S.T.  
Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-15-06-20

# 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 (CF-1) form filing for 2015 for Brooks Construction Company, Inc. for property at 2711 Banks Avenue under Confirming Resolution R-30-10 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*  
*[Signature]*  
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**SANDRA E. KENNEDY  
CITY CLERK**