

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2015for 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) for property at 8414 Clinton Park Drive under Confirming Resolution R-47-07 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 1100 Airport North Partnership, 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**, 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

**WHEREAS**, 1100 Airport North Partnership, LLC's approved Statement of Benefits (SB-1) forms stated that **95** full-time jobs would be created by September 2011; and

**WHEREAS**, 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **zero** jobs were 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

**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/or
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 **95** full-time jobs to be created means creating **71** jobs; and

**WHEREAS**, Common Council made a determination on June 23, 2015 that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) was not in substantial compliance as a result of its failure to create 75% of the 95 jobs or 71 jobs that were stated that would be created and that the failure to substantially comply was not caused by factors beyond the control of 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC); and

**WHEREAS**, Council directed the Community Development Division to mail written notice to 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) compliance with Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served upon 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) on July 6, 2015; and

**WHEREAS**, Council conducted a hearing on July 21, 2015 for the purpose of further considering 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) compliance with statement of benefits; and

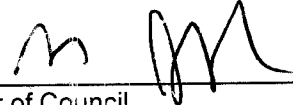
**WHEREAS**, 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) **appeared/failed to appear** at the hearing.

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

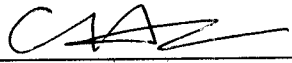
**SECTION 1c.** That 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC). appeared and testified at the hearing and from its testimony it was determined that notwithstanding 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) failure to substantially comply by its failure to create 75% of the 95 jobs or 71 jobs that were stated that would be created, that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) did not make reasonable efforts to substantially comply with the statement of benefits and 1100 Airport North Partnership, LLC's

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(now filed under Silverado Properties, LLC) failure to substantially comply was not caused by factors beyond the control of 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC). As a result of said failure, 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) deduction/abatement under R-47-07 is hereby terminated.

  
\_\_\_\_\_  
Member of Council

APPROVED AS TO FORM A LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2015**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) in May 2015 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): Tom Didier and Russ Jehl**

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

Read the first time in full and on motion by Councilman Russ Jehl

Read the second time by title and referred to the Finance Committee Committee. Read the third time in full and on motion by Councilman

Russ Jehl, 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: 7-28-15 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-63-15 on the 29<sup>th</sup> day of July, 2015

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

John W. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29<sup>th</sup> day of July, 2015, at the hour of 11:30 O'clock Am. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29<sup>th</sup> day of July 2015, at the hour of 3:00 O'clock Pm. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-15-07-03

## REPORT OF COMMITTEE ON FINANCE

### JULY 21, 2015

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

**A RESOLUTION CONFIRMING** Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2015 for 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) for property at 8414 Clinton Park Drive under Confirming Resolution R-47-07 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

*m.g.*  
*[Signature]*  
*Martin A. Bender*  
*John W. Casper*  
*[Signature]*  
*[Signature]*

*Thomas F. Didier*

**SANDRA E. KENNEDY  
CITY CLERK**