

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for North American Van Lines for property at 5001 US Highway 30 West under Confirming Resolution R-08-09 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 North American Van Lines 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**, North American Van Lines has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, North American Van Lines' approved Statement of Benefits (SB-1) form stated that **437** full-time jobs would be retained and **240** full-time jobs would be created by December 2011; and

**WHEREAS**, North American Van Lines' approved Statement of Benefits (SB-1) form stated **\$18,866,000** in annual payroll for the **437** full-time retained jobs and **\$8,640,000** in annual payroll would be generated by the **240** full-time jobs to be created; and

**WHEREAS**, North American Van Lines; 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **417** jobs were retained and **zero** jobs were created; and

**WHEREAS**, North American Van Lines; 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$20,303,713** in annual payroll for the **417** jobs retained and **\$0** in annual payroll for the **zero** 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 **437** full-time jobs retained means retaining **327**  
12 jobs; and

13 **WHEREAS**, meeting 75% of the **240** full-time jobs to be created means creating **180**  
14 full-time jobs; and

15 **WHEREAS**, meeting 75% of the **\$18,866,000** in retained annual payroll means  
16 **\$14,149,500** in annual payroll; and

17 **WHEREAS**, meeting 75% of the **\$8,640,000** in annual payroll to be created means  
18 **\$6,480,000**; and

19 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after  
20 receipt of the Compliance of Statement of Benefits Form (CF-1) that North American Van  
21 Lines has substantially complied with the original Statement of Benefits Form (SB-1)  
22 approved by Common Council; and

23 **WHEREAS**, North American Van Lines **appeared/failed to appear** before council to  
24 provide additional information on its compliance with statement of benefits.

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

27 **SECTION 1.** That, Common Council finds that the Compliance with Statement of  
28 Benefits Form (CF-1) filed by North American Van Lines with an approved economic  
29 revitalization area for 2016 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and  
30 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of  
the 240 full-time jobs or 180 jobs that were stated that would be created and create 75% of  
the \$8,640,000 in annual payroll or \$6,480,000 that was stated that would be generated by  
the created jobs.

~~**SECTION 2a.** North American Van Lines appeared before council and provided  
additional information on its compliance with statement of benefits and from this information  
it was determined that notwithstanding, North American Van Lines' failure to substantially  
comply by its failure to create 180 jobs or more and \$6,480,000 in annual payroll or more~~

1 ~~from the jobs created, that North American Van Lines did make reasonable efforts to~~  
2 ~~substantially comply with the statement of benefits and North American Van Lines' failure to~~  
3 ~~substantially comply was caused by factors beyond the control of North American Van Lines.~~  
4 ~~Therefore, the continuation of North American Van Lines' deduction/abatement under P. 08~~  
5 ~~is hereby approved.~~

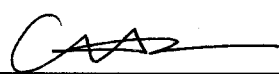
6 **NOTE SECTION 2b.** That North American Van Lines, appeared and provided additional  
7 information on its compliance with statement of benefits and from this information it was  
8 determined that notwithstanding North American Van Lines' failure to substantially comply by  
9 its failure to create 180 jobs or more and \$6,480,000 or more in annual payroll from the jobs  
10 created, that North American Van Lines did not make reasonable efforts to substantially  
11 comply with the statement of benefits and North American Van Lines' failure to substantially  
12 comply was not caused by factors beyond the control of North American Van Lines. Council  
13 therefore directs the Community Development Division to mail written notice to North  
14 American Van Lines explaining the reasons for Council's determination and a date, time,  
15 place of a hearing to be conducted by Council for the purpose of further considering North  
16 American Van Lines' 2016 compliance with statement of benefits.

17 ~~**SECTION 2c.** That North American Van Lines failed to appeal and otherwise~~  
18 ~~provide additional information on its compliance with statement of benefits and has caused~~  
19 ~~Council to conclude and find that North American Van Lines is not in substantial compliance~~  
20 ~~pursuant to I.C. 8-1.1-12.1 and Section 153-21 of the Municipal Code of the City of Fort~~  
21 ~~Wayne on their 2016 filing. Council therefore directs the Community Development Division~~  
22 ~~to mail written notice to North American Van Lines explaining the reasons for Council's~~  
23 ~~determination and a date, time, place of a hearing to be conducted by Council for the~~  
24 ~~purpose of further considering North American Van Lines' 2016 compliance with statement of~~  
25 ~~benefits.~~

26 **SECTION 3.** That, this Resolution shall be in full force and effect from and after  
27 its passage and any and all necessary approval by the Mayor.

28   
29 \_\_\_\_\_  
30 Member of Council

APPROVED AS TO FORM A LEGALITY

31   
32 \_\_\_\_\_  
33 Carol Helton, City Attorney

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2016**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by North American Van Lines in May 2016 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): Glynn Hines and John Crawford**



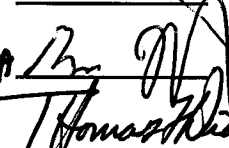
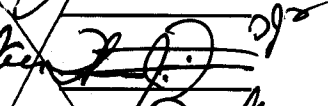
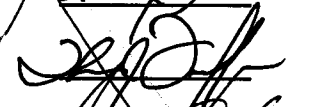
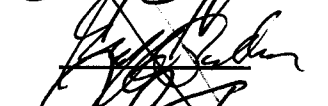

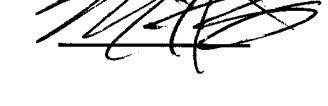
# REPORT OF COMMITTEE ON FINANCE

June 21, 2016

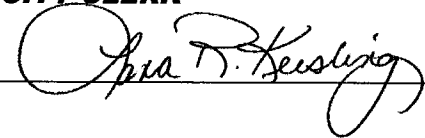
Glynn Hines, Chair  
John Crawford, Co-Chair  
All Council Members

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for North American Van Lines for property at 5001 US Highway 30 West under Confirming Resolution R-08-09 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
HINES				
JEHL				
DIDIER				
BARRANDA				
				
				
				
				
				

LANA R. KEESLING  
CITY CLERK





Public Hearing Date, if applicable N/A

Read the first time in full and on motion by Councilman Hines.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilman Crawford, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

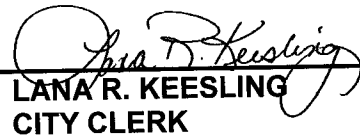
DATED: June 28, 2016



LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 Resolution No. R-16-06-08 on the 28th day of June, 2016

ATTEST:



LANA R. KEESLING  
CITY CLERK



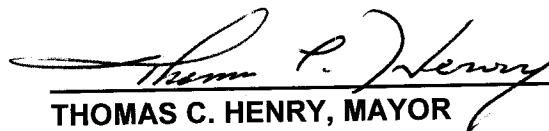
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th  
 of June 2016, at the hour of 11:30 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29<sup>TH</sup> day of June  
 2016, at the hour of 2:00 O'clock PM . E.S.T.



THOMAS C. HENRY, MAYOR