

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for Vermeer of Indiana, Inc. (filed under JSC, LLC) for property at 3310 West Coliseum Boulevard under Confirming Resolution R-03-14 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 Vermeer of Indiana, Inc. (filed under JSC, 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, Vermeer of Indiana, Inc. (filed under JSC, LLC) has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

WHEREAS, Vermeer of Indiana, Inc.'s (filed under JSC, LLC) approved Statement of Benefits (SB-1) form stated that **six** full-time jobs would be retained and **three** full-time and **one** part-time job would be created by March 2015; and

WHEREAS, Vermeer of Indiana, Inc.'s (filed under JSC, LLC) approved Statement of Benefits (SB-1) form stated **\$4300,000** in annual payroll for the **six** full-time retained jobs and **\$205,000** in annual payroll would be generated by the **three** full-time and **one** part-time job to be created; and

WHEREAS, Vermeer of Indiana, Inc. (filed under JSC, LLC); 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **six** jobs were retained and **zero** jobs were created; and

1 **WHEREAS**, Vermeer of Indiana, Inc.'s (filed under JSC, LLC); 2016 Compliance with
2 Statement of Benefits (CF-1) form filing stated **\$410,000** in annual payroll for the **six** jobs
3 retained and **\$0** in annual payroll for the **zero** jobs created; and

4 **WHEREAS**, Common Council designated the City of Fort Wayne Community
5 Development Division as the entity for the administration, application, processing and
6 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
7 the City of Fort Wayne; and

8 **WHEREAS**, Common Council has defined substantial compliance under Section
9 153.21 of the Municipal Code of the City of Fort Wayne as:

- 10 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
11 be created or retained as delineated in the original Statement of Benefits Form
12 (SB-1) approved by Common Council; and
- 13 2. Meeting 75% or more of the total payroll stated to be created or retained as
14 delineated in the original Statement of Benefits Form (SB-1) approved by
15 Common Council; and

16 **WHEREAS**, meeting 75% of the **six** full-time jobs retained means retaining **four**
17 jobs; and

18 **WHEREAS**, meeting 75% of the **three** full-time and one part-time job to be created
19 means creating **three** jobs; and

20 **WHEREAS**, meeting 75% of the **\$430,000** in retained annual payroll means
21 **\$322,500** in annual payroll; and

22 **WHEREAS**, meeting 75% of the **\$205,000** in annual payroll to be created means
23 **\$153,750**; and

24 **WHEREAS**, Common Council made a determination on June 28, 2016 that Vermeer
25 of Indiana, Inc. (filed under JSC, LLC) was not in substantial compliance as a result of its
26 failure to generate at least three jobs and at least \$153,750 in annual payroll created, and
27 that the failure to substantially comply was not caused by factors beyond the control of
28 Vermeer of Indiana, Inc. (filed under JSC, LLC); and

29 **WHEREAS**, Council directed the Community Development Division to mail written
30 notice to Vermeer of Indiana, Inc. (filed under JSC, 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 Vermeer of Indiana, Inc. (filed under JSC, LLC) compliance
with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon
Vermeer of Indiana, Inc. (filed under JSC, LLC) on August 1, 2016; and

1 **WHEREAS**, Council conducted a hearing on August 23, 2016 for the purpose of
2 further considering Vermeer of Indiana, Inc. (filed under JSC, LLC) compliance with
3 statement of benefits; and

4 **WHEREAS**, Vermeer of Indiana, Inc. (filed under JSC, LLC) **appeared/failed to**
5 **appear** at the hearing.

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

8 **VOTE SECTION 1a.** Vermeer of Indiana, Inc. (filed under JSC, LLC) failed to appear and
9 otherwise testify and therefore Council confirms its determination of June 28, 2016 that
10 Vermeer of Indiana, Inc. (filed under JSC, LLC) has failed to substantially comply pursuant
11 to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for its
12 failure to create 75% of the three full-time and one part-time jobs or three jobs that were
13 stated that would be created and create 75% of the \$205,000 in annual payroll or \$1533,750
14 that was stated that would be generated by the created jobs. Council therefore finds that
15 Vermeer of Indiana, Inc. (filed under JSC, LLC) has failed to substantially comply and said
16 failure was not caused by factors outside of Vermeer of Indiana, Inc.'s (filed under JSC, LLC)
17 control. As a result of said failure, Vermeer of Indiana, Inc.'s (filed under JSC, LLC)
18 deduction/abatement under R-03-14 is hereby terminated.

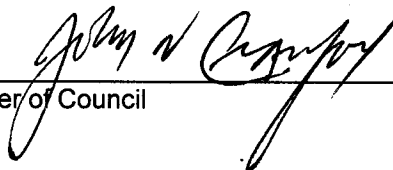
19 ~~**SECTION 1b.** That Vermeer of Indiana, Inc. (filed under JSC, LLC) appeared and~~
20 ~~testified at the hearing and from its testimony it was determined that notwithstanding~~
21 ~~Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply by its failure~~
22 ~~to create 75% of the three full-time and one part-time job or three jobs that were stated that~~
23 ~~would be created and create 75% of the \$205,000 in annual payroll or \$153,750 that was~~
24 ~~stated that would be generated by the created jobs, that Vermeer of Indiana, Inc. (filed under~~
25 ~~JSC, LLC) did make reasonable efforts to substantially comply with the statement of benefits~~
26 ~~and Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply was~~
27 ~~caused by factors beyond the control of Vermeer of Indiana, Inc. (filed under JSC, LLC).~~
28 ~~Therefore the continuation of Vermeer of Indiana, Inc. (filed under JSC, LLC)~~
29 ~~deduction/abatement under R-03-14 is hereby approved.~~

30 ~~**SECTION 1c.** That Vermeer of Indiana, Inc. (filed under JSC, LLC) appeared and~~
31 ~~testified at the hearing and from its testimony it was determined that notwithstanding~~
32 ~~Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply by its failure~~
33 ~~to create 75% of the three full-time and one part-time job or three jobs that were stated that~~
34 ~~would be created and create 75% of the \$205,000 in annual payroll or \$153,750 that was~~
35 ~~stated that would be generated by the created jobs, that Vermeer of Indiana, Inc. (filed under~~
36 ~~JSC, LLC) did not make reasonable efforts to substantially comply with the statement of~~
37 ~~benefits and Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply~~

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~~was not caused by factors beyond the control of Vermeer of Indiana, Inc. (fied under JSC, LLO). As a result of said failure, Vermeer of Indiana, Inc.'s (fied under JSC, LLO) deduction/abatement under R 09-14 is hereby terminated.~~

SECTION 2. 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 Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Vermeer of Indiana, Inc. (filed under JSC, LLC) in May 2016 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): Glynn Hines and John Crawford

BILL NO. R-16-08-12

Move to pass either Section 1a or Section 1b

REPORT OF COMMITTEE ON FINANCE

August 23, 2016

John Crawford Chair

Glynn Hines Co-Chair

All Council Members

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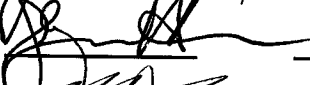

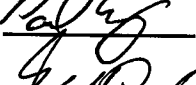

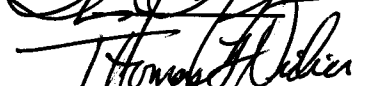
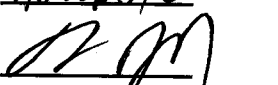
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**

