

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Castleton Village Center, Inc. d/b/a Hightech Signs for property at 6321 Huguenard Road, Fort Wayne, IN 46818 under Confirming Resolution R-5-16 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 Castleton Village Center, Inc. d/b/a Hightech Signs 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**, Castleton Village Center, Inc. d/b/a Hightech Signs has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

**WHEREAS**, Castleton Village Center, Inc. d/b/a Hightech Signs' approved Statement of Benefits (SB-1) form stated that **24** full-time jobs would be retained and **11** full-time jobs would be created by June 2016; and

**WHEREAS**, Castleton Village Center, Inc. d/b/a Hightech Signs' approved Statement of Benefits (SB-1) form stated **\$667,500** in annual payroll for the **24** full-time retained jobs and **\$181,000** in annual payroll would be generated by the **11** full-time jobs to be created; and

**WHEREAS**, Castleton Village Center, Inc. d/b/a Hightech Signs; 2017 Compliance with Statement of Benefits (CF-1) form filing stated that **24** jobs were retained and **five** jobs were created; and

**WHEREAS**, Castleton Village Center, Inc. d/b/a Hightech Signs; 2017 Compliance with Statement of Benefits (CF-1) form filing stated **\$772,000** in annual payroll for the **24** jobs retained and **\$94,500** in annual payroll for the **five** 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

**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

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

4 **WHEREAS**, meeting 75% of the **24** full-time jobs retained means retaining **18** jobs; and

5 **WHEREAS**, meeting 75% of the **11** full-time jobs to be created means creating **eight** full-  
6 time jobs; and

7 **WHEREAS**, meeting 75% of the **\$667,500** in retained annual payroll means **\$500,625** in  
8 annual payroll; and

9 **WHEREAS**, meeting 75% of the **\$181,000** in annual payroll to be created means  
10 **\$135,750**; and

11 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after  
12 receipt of the Compliance of Statement of Benefits Form (CF-1) that Castleton Village Center, Inc.  
13 d/b/a Hightech Signs has substantially complied with the original Statement of Benefits Form (SB-  
14 1) approved by Common Council; and

15 **WHEREAS**, Castleton Village Center, Inc. d/b/a Hightech Signs **failed to appear** before  
16 council to provide additional information on its compliance with statement of benefits.

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

19 **SECTION 1.** That, Common Council finds that the Compliance with Statement of  
20 Benefits Form (CF-1) filed by Castleton Village Center, Inc. d/b/a Hightech Signs with an approved  
21 economic revitalization area for 2017 are not in substantial compliance pursuant to I.C. 6-1.1-12.1  
22 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of  
23 the 11 full-time jobs or eight jobs that were stated that would be created and create 75% of the  
24 \$667,500 in annual payroll or \$135,750 that was stated that would be generated by the created  
25 jobs.

26 ~~**SECTION 2a.**—Castleton Village Center, Inc. d/b/a Hightech Signs appeared before  
27 council and provided additional information on its compliance with statement of benefits and from  
28 this information it was determined that notwithstanding, Castleton Village Center, Inc. d/b/a  
29 Hightech Signs' failure to substantially comply by its failure to create eight jobs or more and  
30 \$135,750 in annual payroll or more from the jobs created, that Castleton Village Center, Inc. d/b/a  
Hightech Signs' did make reasonable efforts to substantially comply with the statement of benefits  
and Castleton Village Center, Inc. d/b/a Hightech Signs' failure to substantially comply was  
caused by factors beyond the control of Castleton Village Center, Inc. d/b/a Hightech Signs.—  
Therefore, the continuation of Castleton Village Center, Inc. d/b/a Hightech Signs'  
deduction/abatement under R-5-16 is hereby approved.~~

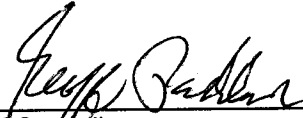
~~**SECTION 2b.**—That Castleton Village Center, Inc. d/b/a Hightech Signs, appeared and  
provided additional information on its compliance with statement of benefits and from this  
information it was determined that notwithstanding Castleton Village Center, Inc. d/b/a Hightech  
Signs' failure to substantially comply by its failure to create eight jobs or more and \$135,750 or  
more in annual payroll from the jobs created, that Castleton Village Center, Inc. d/b/a Hightech  
Signs did not make reasonable efforts to substantially comply with the statement of benefits and  
Castleton Village Center, Inc. d/b/a Hightech Signs' failure to substantially comply was not caused  
by factors beyond the control of Castleton Village Center, Inc. d/b/a Hightech Signs. Council  
therefore directs the Community Development Division to mail written notice to Castleton Village  
Center, Inc. d/b/a Hightech Signs 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  
Castleton Village Center, Inc. d/b/a Hightech Signs' 2017 compliance with statement of benefits.~~

~~**SECTION 2c.** That Castleton Village Center, Inc. d/b/a Hightech Signs failed to appear  
and otherwise provide additional information on its compliance with statement of~~


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benefits and has caused Council to conclude and find that Castleton Village Center, Inc. d/b/a Hightech Signs 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 on their 2017 filing. Council therefore directs the Community Development Division to mail written notice to Castleton Village Center, Inc. d/b/a Hightech Signs 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 Castleton Village Center, Inc. d/b/a Hightech Signs' 2017 compliance with statement of benefits.

**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.

  
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Member of Council

APPROVED AS TO FORM A LEGALITY

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

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2017**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by Hightech Signs Castleton Village Center in May 2017 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): Geoff Paddock and Jason Arp**

**BILL NO. R-17-06-11 AA**

**REPORT OF COMMITTEE ON FINANCE**

**June 20, 2017**

**VOTED 2c:**

**Geoff Paddock Chair**

**FAILURE TO APPEAR/  
NON-COMPLIANCE**

**Jason Arp Co-Chair**

**All Council Members**

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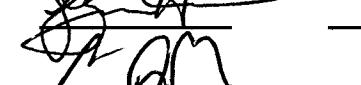
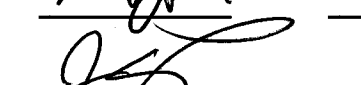

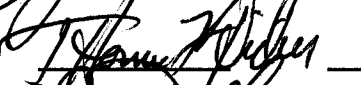

**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

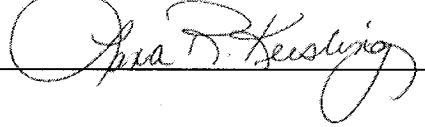
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



**AMENDED, SEE PKT**

Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilman Paddock, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 27, 2017


  
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 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Ordinance No. R-17-06-11 AA on the 27th day of June, 2017

Voted Motion 2c – Failure to Appear/Non-Compliance

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK


  
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 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of June 2017, at the hour of 11:45 o'clock A.M. E.S.T.

  
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 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30<sup>TH</sup> day of JUNE

2017, at the hour of 10:00 O'clock AM E.S.T.

  
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 THOMAS C. HENRY, MAYOR