

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Coram USA, LLC/JD Summit Associates for property at 6911 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-98-13 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 Coram USA, LLC/JD Summit Associates 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**, Coram USA, LLC/JD Summit Associates has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office, the Allen County Auditor's Office and the City of Fort Wayne; and

**WHEREAS**, Coram USA, LLC/JD Summit Associates' approved Statement of Benefits (SB-1) form stated that **one** full-time job would be retained and **34** full-time jobs would be created by December 2016; and

**WHEREAS**, Coram USA, LLC/JD Summit Associates' approved Statement of Benefits (SB-1) form stated **\$120,000** in annual payroll for the **one** full-time retained job and **\$1,113,225** in annual payroll would be generated by the **34** full-time jobs to be created; and

**WHEREAS**, Coram USA, LLC/JD Summit Associates' 2017 Compliance with Statement of Benefits (CF-1) form filing stated that **seven** jobs were retained and **two** jobs were created; and

**WHEREAS**, Coram USA, LLC/JD Summit Associates' 2017 Compliance with Statement of Benefits (CF-1) form filing stated **\$374,756** in annual payroll for the **seven** jobs retained and **\$107,073** in annual payroll for the **two** 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 **one** full-time jobs retained means retaining **one** job; and

5           **WHEREAS**, meeting 75% of the **34** full-time jobs to be created means creating **25** full-  
6 time jobs; and

7           **WHEREAS**, meeting 75% of the **\$120,000** in retained annual payroll means **\$90,000** in  
8 annual payroll; and

9           **WHEREAS**, meeting 75% of the **\$1,113,225** in annual payroll to be created means  
10 **\$834,918**; 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 Coram USA, LLC/JD Summit  
13 Associates has substantially complied with the original Statement of Benefits Form (SB-1)  
14 approved by Common Council; and

15           **WHEREAS**, Coram USA, LLC/JD Summit Associates **failed to appear** before council to  
16 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 Coram USA, LLC/JD Summit Associates 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 34 full-time jobs or 25 jobs that were stated that would be created and create 75% of the  
24 \$1,113,225 in annual payroll or \$834,918 that was stated that would be generated by the created  
25 jobs.

26           ~~**SECTION 2a.**— Coram USA, LLC/JD Summit Associates appeared before council and  
27 provided additional information on its compliance with statement of benefits and from this  
28 information it was determined that notwithstanding, Coram USA, LLC/JD Summit Associates'  
29 failure to substantially comply by its failure to create 25 jobs or more and \$834,918 in annual  
30 payroll or more from the jobs created, that Coram USA, LLC/JD Summit Associates did make  
reasonable efforts to substantially comply with the statement of benefits and Coram USA, LLC/JD  
Summit Associates failure to substantially comply was caused by factors beyond the control of  
Coram USA, LLC/JD Summit Associates. Therefore, the continuation of Coram USA, LLC/JD  
Summit Associates deduction/abatement under R-98-13 is hereby approved.~~

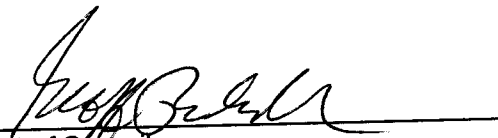
31           ~~**SECTION 2b.**— That Coram USA, LLC/JD Summit Associates appeared and provided  
32 additional information on its compliance with statement of benefits and from this information it was  
33 determined that notwithstanding Coram USA, LLC/JD Summit Associates' failure to substantially  
34 comply by its failure to create 25 jobs or more and \$834,918 or more in annual payroll from the  
35 jobs created, that Coram USA, LLC/JD Summit Associates did not make reasonable efforts to  
36 substantially comply with the statement of benefits and Coram USA, LLC/JD Summit Associates'  
37 failure to substantially comply was not caused by factors beyond the control of Coram USA,  
38 LLC/JD Summit Associates. Council therefore directs the Community Development Division to  
39 mail written notice to Coram USA, LLC/JD Summit Associates explaining the reasons for  
40 Council's determination and a date, time, place of a hearing to be conducted by Council for the  
purpose of further considering Coram USA, LLC/JD Summit Associates 2017 compliance with  
statement of benefits.~~

41           **SECTION 2c.** That Coram USA, LLC/JD Summit Associates failed to appear and  
42 otherwise provide additional information on its compliance with statement of benefits and has  
43 caused Council to conclude and find that Coram USA, LLC/JD Summit Associates is not in


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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 Coram USA, LLC/JD Summit Associates 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 Coram USA, LLC/JD Summit Associates' 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.

  
Member of Council

APPROVED AS TO FORM A LEGALITY

  
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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 Coram USA, LLC 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-17-06-16**

**REPORT OF COMMITTEE ON FINANCE**

**June 20, 2017**

2C

**Geoff Paddock Chair**

**Jason Arp Co-Chair**

**All Council Members**

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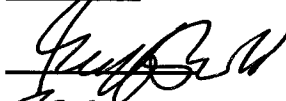
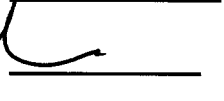



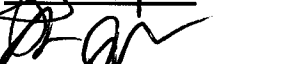





**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

**LANA R. KEESLING  
CITY CLERK**



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-17-06-16 AA on the 27th day of June, 2017  
Voted Motion 2c – Failure to Appear/Non-Compliance

ATTEST:

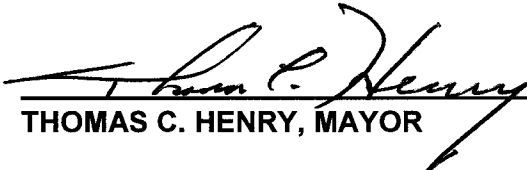
  
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 LANA R. KEESLING  
 CITY CLERK

  
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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