

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2017 for 817 S. Calhoun, LLC at 817 South Calhoun Street under Confirming Resolution R-34-12 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 817 S. Calhoun, 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**, 817 S. Calhoun, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

**WHEREAS**, 817 S. Calhoun, LLC's approved Statement of Benefits (SB-1) form stated that **two** full-time and **four** part-time jobs would be created; and

**WHEREAS**, 817 S. Calhoun, LLC's approved Statement of Benefits (SB-1) form stated **\$160,000** in annual payroll would be generated from the **two** full-time and **four** part-time created jobs; and

**WHEREAS**, 817 S. Calhoun, LLC's 2017 Compliance with Statement of Benefits (CF-1) form filing stated that **16** jobs were created; and

**WHEREAS**, 817 S. Calhoun, LLC's 2017 Compliance with Statement of Benefits (CF-1) form filing stated **\$91,824** in annual payroll for the **16** 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
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 **six** created jobs means creating **four** jobs; and

1           **WHEREAS**, meeting 75% of the **\$160,000** in annual payroll to be created means  
2 **\$120,000** in annual payroll created; and

3           **WHEREAS**, Common Council shall determine not later than forty-five (45) days after  
4 receipt of the Compliance of Statement of Benefits Form (CF-1) that 817 S. Calhoun, LLC has  
5 substantially complied with the original Statement of Benefits Form (SB-1) approved by Common  
6 Council; and

7           **WHEREAS**, 817 S. Calhoun, LLC **failed to appear** before council to provide additional  
8 information on its compliance with statement of benefits.

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

11           **SECTION 1.** That, Common Council finds that the Compliance with Statement of  
12 Benefits Form (CF-1) filed by 817 S. Calhoun, LLC with an approved economic revitalization area  
13 for 2017 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the  
14 Municipal Code of the City of Fort Wayne for failure to create 75% of the \$160,000 or \$120,000 in  
15 annual payroll from the 16 jobs that were created.

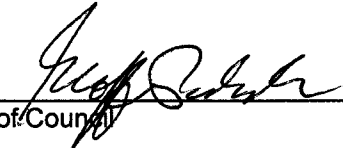
16           ~~**SECTION 2a.** 817 S. Calhoun, LLC appeared before council and provided additional  
17 information on its compliance with statement of benefits and from this information it was  
18 determined that notwithstanding 817 S. Calhoun, LLC's failure to substantially comply by its failure  
19 to create \$120,000 or more in annual payroll from the 16 jobs created, that 817 S. Calhoun, LLC  
20 did make reasonable efforts to substantially comply with the statement of benefits and 817 S.  
21 Calhoun, LLC's failure to substantially comply was caused by factors beyond the control of 817 S.  
22 Calhoun, LLC. Therefore, the continuation of 817 S. Calhoun, LLC's deduction/abatement under  
23 R-34-12 is hereby approved.~~

24           ~~**SECTION 2b.** That 817 S. Calhoun, LLC. appeared and provided additional information  
25 on its compliance with statement of benefits and from this information it was determined that  
26 notwithstanding 817 S. Calhoun, LLC's failure to substantially comply by its failure to create  
27 \$120,000 or more in annual payroll from the 16 jobs created, that 817 S. Calhoun, LLC did not  
28 make reasonable efforts to substantially comply with the statement of benefits and 817 S.  
29 Calhoun, LLC's failure to substantially comply was not caused by factors beyond the control of  
30 817 S. Calhoun, LLC. Council therefore directs the Community Development Division to mail  
written notice to 817 S. Calhoun, 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  
817 S. Calhoun, LLC's 2017 compliance with statement of benefits.~~

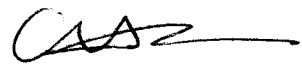
**SECTION 2c.** That 817 S. Calhoun, LLC failed to appear and otherwise provide  
additional information on its compliance with statement of benefits and has caused Council to  
conclude and find that 817 S. Calhoun, LLC is not in substantial compliance pursuant to I.C. 6-  
1.1-12.1 and Section 153.21 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 817 S.  
Calhoun, 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 817 S. Calhoun, LLC'S  
2017 compliance with statement of benefits.

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**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

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

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 817 S. Calhoun, 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-17-06-21**

**REPORT OF COMMITTEE ON FINANCE**

**June 20, 2017**

**Geoff Paddock Chair**

**Jason Arp Co-Chair**

**All Council Members**

A Resolution determining **substantial compliance or non-compliance** with Statement of Benefits (CF-1) form filing for 2017 for **817 S. Calhoun, LLC** for property at 817 S. Calhoun Street, Fort Wayne, IN 46802 under Confirming Resolution R-19-12 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1




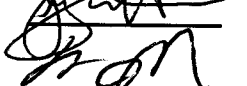
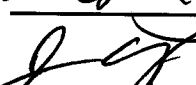



**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS


DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

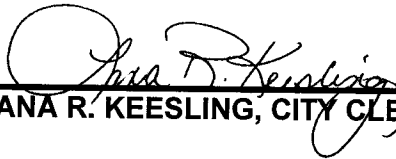
Read the first time in full and on motion by Councilman Paddock.

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

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

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

Ordinance No. R-17-06-21 AA on the 27th day of June, 2017

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

ATTEST:

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

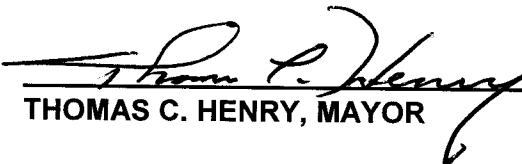
  
 \_\_\_\_\_  
 PRESIDING OFFICER

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