

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 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 (hereinafter "SB-1") forms, certain 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 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 (hereinafter "CF-1") with the City of Fort Wayne and in some cases either the Allen County Auditor, the Allen County Assessor, or both, showing information on the extent to which there has been compliance with the approved SB-1 form for the project; and

**WHEREAS**, **Coram USA, LLC/JD Summit Associates** has filed CF-1 forms with **the City of Fort Wayne, the Allen County Auditor and, the Allen County Assessor.**; and

**WHEREAS**, **Coram USA, LLC/JD Summit Associates** approved SB-1 form stated that **one** full-time part-time jobs would be retained and **34** full-time jobs would be created by **2018**; and

**WHEREAS**, **Coram USA, LLC/JD Summit Associates** approved 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 2018** CF-1 form filing stated that **one** job was retained and **nine** jobs were created; and

**WHEREAS**, **Coram USA, LLC/JD Summit Associates 2018** CF-1 form filing stated **[Insert Dollar Amount]** in annual payroll for the **one** jobs retained and **[Insert Dollar Amount]** in annual payroll for the **34** jobs created; and

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

5                   **WHEREAS**, Common Council has defined substantial compliance under Section  
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13                   **WHEREAS**, meeting 75% of the **one** full-time job retained means retaining **one** job;  
14 and

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

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

19                   **WHEREAS**, meeting 75% of the **\$1,113,225** in annual payroll to be created means  
20 **\$834,918** in created annual payroll; and

21                   **WHEREAS**, Common Council may determine not later than forty-five (45) days after  
22 receipt of the CF-1 form that **Coram USA, LLC/JD Summit Associates** has either failed to  
23 substantially comply or has substantially complied with the original SB-1 form approved by  
24 Common Council; and

25                   **WHEREAS**, Common Council made a determination on **June 26, 2018** that  
26 **Coram/JD Summit Associates** was not in substantial compliance as a result of its  
27 failure to create least **25** jobs and at least **\$834,918** in annual payroll created, and  
28 that the failure to substantially comply was not caused by factors beyond the control  
29 of **Coram/JD Summit Associates**; and

30                   **WHEREAS**, Council directed the Community Development Division to mail  
written notice to **Coram/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/JD Summit Associates**  
compliance with Statement of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served  
upon **Coram/JD Summit Associates**; and

1                   **WHEREAS, Coram/JD Summit Associates [appeared/failed to appear]**  
2 before Common Council to provide additional information concerning compliance.

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

5                   **SECTION 1.** That, Common Council finds that the CF-1 form filed by  
6 **Coram/JD Summit Associates** with an approved Economic Revitalization Area for  
7 **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section  
8 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of  
9 the **34** full-time jobs or **25** jobs that were stated that would be created and create  
10 75% of the **\$1,113,225** in annual payroll or **\$834,918** that was stated that would be  
generated by the created jobs.

11                   ~~**SECTION 2a. Coram/JD Summit Associates failed to appear and**~~  
12 ~~otherwise testify and therefore Council confirms its determination of June 26, 2018~~  
13 ~~that Coram/JD Summit Associates has failed to substantially comply pursuant to~~  
14 ~~IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne,~~  
15 ~~as detailed in Section 1 above. Council therefore finds that Coram/JD Summit~~  
16 ~~Associates has failed to substantially comply and said failure was not caused by~~  
17 ~~factors outside of Coram/JD Summit Associates control. As a result of said~~  
18 ~~failure, Coram/JD Summit Associates deduction/abatement under R-98-13 is~~  
19 ~~hereby terminated.~~

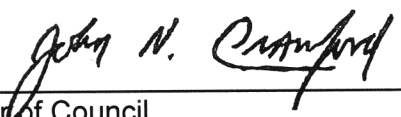
20                   ~~**SECTION 2b.** That Coram/JD Summit Associates appeared and testified~~  
21 ~~at the hearing and from its testimony it was determined that notwithstanding~~  
22 ~~Coram/JD Summit Associates failure to substantially comply as detailed in~~  
23 ~~Section 1 above that Coram/JD Summit Associates did make reasonable efforts~~  
24 ~~to substantially comply with the statement of benefits and Coram/JD Summit~~  
25 ~~Associates failure to substantially comply was caused by factors beyond the~~  
26 ~~control of Coram/JD Summit Associates. Therefore, the continuation of~~  
27 ~~Coram/JD Summit Associates deduction/abatement under R-98-13 is hereby~~  
28 ~~approved.~~

29                   **SECTION 2c.** That **Coram/JD Summit Associates** appeared and testified  
30 at the hearing and from its testimony it was determined in addition to **Coram/JD**  
**Summit Associates's** failure to substantially comply as detailed in Section 1 above,  
that **Coram/JD Summit Associates** did not make reasonable efforts to

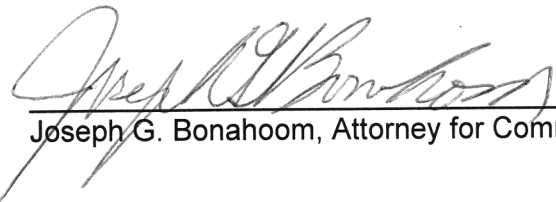
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substantially comply with the statement of benefits and **Coram/JD Summit Associates's** failure to substantially comply was not caused by factors beyond the control of **Coram/JD Summit Associates** As a result of said failure, **Coram/JD Summit Associates's** deduction/abatement under **R-98-13** is hereby terminated.

**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

  
\_\_\_\_\_  
Joseph G. Bonahoom, Attorney for Common Council

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 Coram USA, LLC/JD Summit Associates in May 2018 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): Geoff Paddock and Jason Arp**

**BILL NO. R-18-07-22**

**REPORT OF COMMITTEE ON FINANCE**

**July 17, 2018**

**John Crawford Chair**

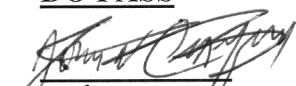
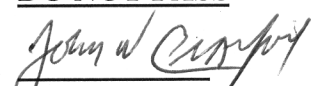

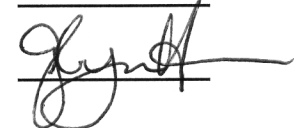
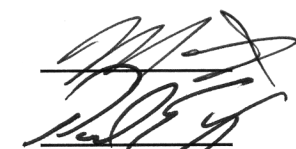
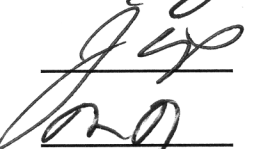

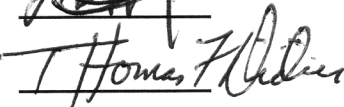
**Jason Arp Co-Chair**

**All Council Members**

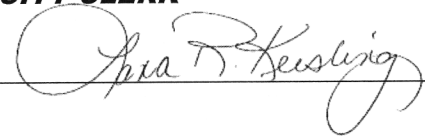
A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2018 for Coram USA, LLC/JD Summit Associates for property at 6911 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-98-13 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

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

*JC*

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
		_____	_____
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**LANA R. KEESLING  
CITY CLERK**



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# Abatement Compliance

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R-18-07-22

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2018 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

Council Discussion 07-17-18

Motion for **SECTION 2c**. That **Coram/JD Summit Associates** appeared and testified at the hearing and from its testimony it was determined in addition to **Coram/JD Summit Associates’s** failure to substantially comply as detailed in Section 1 above, that **Coram/JD Summit Associates** did not make reasonable efforts to substantially comply with the statement of benefits and **Coram/JD Summit Associates’s** failure to substantially comply was not caused by factors beyond the control of **Coram/JD Summit Associates** As a result of said failure, **Coram/JD Summit Associates’s** deduction/abatement under **R-98-13** is hereby terminated.

Committee Result

Of the 8 members present, 5 voted in favor of Section 2c and 3 voted against it.

Regular Session Passage Vote 07-24-18

Of the 8 members present, 4 voted in favor of Section 2c and 4 voted against it.

Final Passage Result

Of the 8 members present, 4 voted in favor of Section 2c and 4 voted against it. The Ordinance was left with No Action which leaves the Abatement in effect

  
City Clerk

7-25-18  
Date of approval

Public Hearing Date: N/A

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

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CRAWFORD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input checked="" 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: July 24, 2018

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

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

Resolution No. R-18-07-22 on the 24th day of July, 2018

ATTEST:

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

  
\_\_\_\_\_  
ALAN J. FREISTOFFER  
PRESIDING OFFICER