

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2019 for those entities listed in Exhibit 1 under various Confirming Resolutions 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 those entities listed in Exhibit 1, as “Economic Revitalization Areas” 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 Fort Wayne Code of Ordinances, must file a Compliance with Statement of Benefits Form (hereinafter “CF-1”) with the City of Fort Wayne, and in some cases also with either the Allen County Auditor or the Allen County Assessor or both, showing information on the extent to which there has been compliance with the approved SB-1 for the applicant’s project; and

WHEREAS, those entities listed in Exhibit 1 have filed CF-1 forms at the appropriate offices; and

WHEREAS, all of those entities listed on Exhibit 1 have, as part of the Phase-In approval process, filed and had approved SB-1 forms wherein each of the applicant’s specified that it would obtain a certain number of full-time and part-time jobs, create a certain number of full-time and/or part-time jobs by a specifically identifiable date and specified certain levels of payroll that would either be retained or created as a result of the jobs retained and/or created; and

WHEREAS, each year by and through the filing of their respective CF-1 forms, each entity listed on Exhibit 1 provides information necessary to determine whether or not they are in compliance with their approved SB-1; 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 City of Fort Wayne; and

WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Fort Wayne Code of Ordinances as:

- 1 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated
- 2 to be created or retained as delineated in the original Statement of Benefits
- 3 Form (SB-1) approved by Common Council; and
- 4 2. Meeting 75% or more of the total payroll stated to be created or retained as
- 5 delineated in the original Statement of Benefits Form (SB-1) approved by
- 6 Common Council, and

7 **WHEREAS**, each of the entities listed in **Exhibit 1**, by and through the evidence

8 provided in their respective CF-1 forms have failed to substantially comply with their originally

9 filed and approved SB-1 forms within the parameters of the definition of substantial

10 compliance; and

11 **WHEREAS**, Common Council may determine, not later than 45 days after receipt of

12 the CF-1 forms, that those entities whose properties are designated as an Economic

13 Revitalization Area have failed to substantially comply with their original SB-1 forms

14 previously approved by Common Council; and

15 **WHEREAS**, if Common Council takes no action within the 45 days specified then the

16 entities listed on **Exhibit 1** shall be deemed to have substantially complied; and

17 **WHEREAS**, Common Council desires at this time to make a finding that all of those

18 entities listed on **Exhibit 1** have failed to substantially comply with their respective SB-1

19 forms previously approved by Common Council.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**

21 **CITY OF FORT WAYNE, INDIANA:**

22 **SECTION 1.** Common Council, by and through the Community Development

23 Division of the City of Fort Wayne, having reviewed the individual and detailed information as

24 provided on the Compliance with Statement of Benefits Form (CF-1) filed by each of those

25 entities listed on **Exhibit 1**, all of whom are within an approved Economic Revitalization area

26 for 2017, finds that each of the entities listed on **Exhibit 1** have failed to substantially comply

27 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances as a

28 result of their failure to create 75% or more of the full and or part-time jobs stated to be

29 created or retained as delineated in their respective original Statement of Benefits form (SB-

30 1) and/or have failed to create 75% or more of the payroll stated to be generated by the

 created or retained jobs as delineated in their respective original Statement of Benefits forms

 (SB-1).

SECTION 2. As a result of this finding, Common Council directs the Community

 Development Division of the City of Fort Wayne to mail a written notice to each of the entities

 identified on **Exhibit 1**. Said written notice shall include a copy of this Resolution and shall

 provide an explanation of the reason(s) for Common Council's determination in detail,

 identifying those specific areas of the entity's failure to comply, and further specifying the

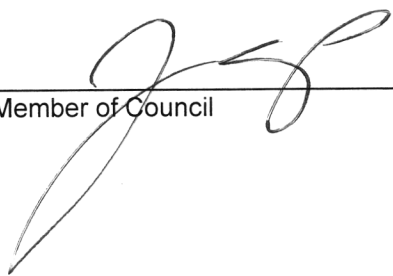
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date, time, and place of a hearing to be conducted by Common Council for the purpose of further considering Compliance with Statement of Benefits for those property owners listed on **Exhibit 1**.

Common Council further directs that any hearing set pursuant to this Resolution may not be set more than 30 days after the date on which the notice to the property owner is mailed.


Common Council further directs that the notices shall be sent such that the subsequent hearing(s) referenced on each and every one of these matters shall be heard before Council on either July 16th or July 23, 2019.

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



Carol Helton, City Attorney

EXHIBIT 1 NON-COMPLIANT						
Date Filed	Date Filed	Company Name	Res #	Approved	Type	Designation Address
4/29/2019	4/29/2019	Ash Brokerage Corporation	19-15	2015	B	888 Harrison Street
6/4/2019		BW at Renaissance Pointe	94-17	2017	R	Multiple Addresses
4/24/2019		Deister Concentrator	61-17	2017	R	9205 Avionics Drive
4/26/2019	4/29/2019	Heritage Food Service Equipment, Inc.	12-10	2010	B	5130 Executive Boulevard
4/29/2019	4/29/2019	CK Products, LLC	35-11	2011	B	6230 Innovation Boulevard
4/29/2019	4/29/2019	Coram USA, LLC (Real estate filed under JD Summit Associate	98-13	2013	B	6911 Innovation Blvd
4/30/2019	4/30/2019	JH Specialty, Inc./Hilltrans, LLC	53-09	2009	B	6030 Huguenard Road
4/29/2019	4/29/2019	PR Investments, LLC/Regan Presser Corporation for Summit C	101-15	2015	B	9121 Illinois Road
4/29/2019		817 S. Calhoun LLC	34-12	2012	R	817 S. Calhoun St.
	5/16/2019	Brooks Construction Company, Inc.	30-10	2010	P	2711 Banks Avenue
5/3/2019		FXI, Inc.	40-11	2011	P	3005 Commercial Road
4/29/2019	4/29/2019	Pyromation, Inc.	39-11	2011	B	5211 Industrial Road
4/29/2019	4/29/2019	Pyromation, Inc.	17-14	2014	B	5211 Industrial Road
	4/29/2019	Tuthill Corporation	41-12	2012	P	8825 Aviation Drive
5/2/2019		Long Term Care Investments III, LLC	71-13	2013	R	7504 Aboite Center Road, 7518 Aboite Center Road, 4127 Rosewood Drive, 4113 Rosewood Drive, 7005 Oriole Circle, 6291 Oriole Circle, 6911 Oriole Circle

EXHIBIT 1 NON-COMPLIANT AS AMENDED 6/25/2019						
Date Filed	Date Filed	Company Name	Res #	Approved	Type	Designation Address
4/29/2019	4/29/2019	Ash Brokerage Corporation	19-15	2015	B	888 Harrison Street
4/24/2019		Deister Concentrator	61-17	2017	R	9205 Avionics Drive
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BILL NO. R-19-06-08

REPORT OF COMMITTEE ON FINANCE

June 25, 2019

Jason Arp Chair

Russ Jehl Co-Chair

All Council Members

A Resolution determining Substantial Non-Compliance with Statement of Benefits (CF-1) form filing for 2019 for those entities listed in Exhibit 1 under various Confirming Resolutions with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

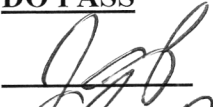

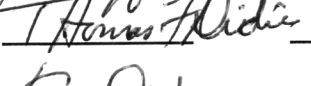
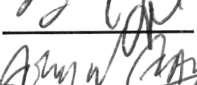
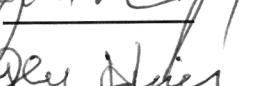


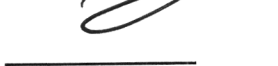
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

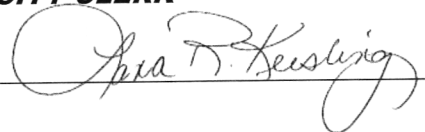
DO NOT PASS

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 Arp.

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

Read the third time in full and on motion by Councilman Arp, 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 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 25, 2019



 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-19-06-08AA on the 25th day of June, 2019




 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th of June 2019, at the hour of 10:30 o'clock A.M. E.S.T.

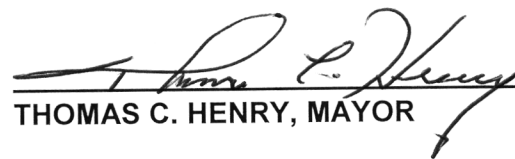


 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 4th day of JULY

2019, at the hour of 11:30 o'clock Am . E.S.T.

FORT WAYNE, INDIANA
RECEIVED
 JUL 05 2019
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR