

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for 817 S. Calhoun LLC for property at 817 S. 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 (hereinafter "SB-1") forms, certain 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 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**, **817 S. Calhoun LLC** has filed CF-1 forms with **the City of Fort Wayne and the Allen County Auditor**; and

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

**WHEREAS**, **817 S. Calhoun LLC's** approved SB-1 form stated **\$160,000** in annual payroll for the **two** full-time jobs and **four** part-time jobs to be created; and

**WHEREAS**, **817 S. Calhoun LLC's 2020** CF-1 form filing stated that **15** jobs were created; and

**WHEREAS**, **817 S. Calhoun LLC's 2020** CF-1 form filing stated **\$100,551** in annual payroll for the **15** 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 delineated  
2 in the original Statement of Benefits Form (SB-1) approved by Common Council; and

3 **WHEREAS**, meeting 75% of the **two** full-time and **four** part-time jobs to be created means  
4 creating **one** full-time job **three** part-time jobs; and

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

7 **WHEREAS**, Common Council may determine not later than forty-five (45) days after  
8 receipt of the CF-1 form that **817 S. Calhoun LLC** has either failed to substantially comply or has  
9 substantially complied with the original SB-1 form approved by Common Council; and

10 **WHEREAS**, Common Council made a determination on **July 28, 2020** that **817 S.**  
11 **Calhoun LLC** was not in substantial compliance as a result of its failure to generate at least **four**  
12 jobs and at least **\$120,000** in annual payroll created, and that the failure to substantially comply  
13 was not caused by factors beyond the control of **817 S. Calhoun LLC**; and

14 **WHEREAS**, Council directed the Community Development Division to mail written notice  
15 to **817 S. Calhoun LLC** explaining the reasons for Council's determination and a date, time, place  
16 of a hearing to be conducted by Council for the purpose of further considering **817 S. Calhoun**  
17 **LLC's** compliance with Statement of Benefits; and

18 **WHEREAS**, the aforementioned notice was properly prepared and served upon **817 S.**  
19 **Calhoun LLC**; and

20 **WHEREAS**, **817 S. Calhoun LLC** [~~appeared/failed to appear~~] before Common Council  
21 to provide additional information concerning compliance.

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

24 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **817 S. Calhoun**  
25 **LLC** with an approved Economic Revitalization Area for **2020** are not in substantial compliance  
26 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for  
27 failure to create 75% of the **\$160,000** in annual payroll or **\$120,000** that was stated that would be  
28 generated by the created jobs.

29 ~~**SECTION 2a.** **817 S. Calhoun LLC** failed to appear and otherwise testify and therefore  
30 Council confirms its determination of **July 28, 2020** that **817 S. Calhoun LLC** has failed to  
substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the  
City of Fort Wayne as detailed in Section 1 above. Council therefore finds that **817 S. Calhoun**  
**LLC** has failed to substantially comply and said failure was not caused by factors outside of **817**  
**S. Calhoun LLC's** control. As a result of said failure, **817 S. Calhoun LLC's** deduction/abatement  
under **K-34-12** is hereby terminated~~

**SECTION 2b.** That **817 S. Calhoun LLC** appeared and testified at the hearing and from  
its testimony it was determined that notwithstanding **817 S. Calhoun LLC's** failure to substantially  
comply as detailed in Section 1 above that **817 S. Calhoun LLC** did make reasonable efforts to  
substantially comply with the statement of benefits and **817 S. Calhoun LLC's** failure to

1 substantially comply was caused by factors beyond the control of 817 S. Calhoun LLC. Therefore,  
2 the continuation of 817 S. Calhoun LLC's deduction/abatement under R-34-12 is hereby  
3 approved.

4 ~~SECTION 2c. That 817 S. Calhoun LLC appeared and testified at the hearing and from  
5 its testimony it was determined in addition to 817 S. Calhoun LLC's failure to substantially comply  
6 as detailed in Section 1 above, that 817 S. Calhoun LLC did not make reasonable efforts to  
7 substantially comply with the statement of benefits and 817 S. Calhoun LLC's failure to  
8 substantially comply was not caused by factors beyond the control of 817 S. Calhoun LLC. As a  
9 result of said failure, 817 S. Calhoun LLC's deduction/abatement under R-34-12 is hereby  
10 terminated.~~

11 SECTION 3. That, this Resolution shall be in full force and effect from and after its  
12 passage and any and all necessary approval by the Mayor.

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14 \_\_\_\_\_  
15 Member of Council

16 APPROVED AS TO FORM A LEGALITY

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18 \_\_\_\_\_  
19 Carol Helton, City Attorney

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<b>Bill #</b>	<b>Company</b>	<b>A Didn't appear &amp; failed</b>	<b>B Appeared &amp; continue</b>	<b>C Appeared &amp; failed</b>
R-20-08-01	817 S Calhoun LLC		X	
R-20-08-02	CK Products LLC			X
R-20-08-03	Conestoga LLC		X	
R-20-08-04	Craftline Graphics, Inc		X	
R-20-08-05	David M Allen DDS & Associates dba Afdent	X		
R-20-08-07	Edy's/Dreyers		X	
R-20-08-08	Edy's/Dreyers		X	
R-20-08-09	Edy's/Dreyers		X	
R-20-08-10	ElringKlinger Manufacturing		X	
R-20-08-11	WC Holdings II ,LLC		X	
R-20-08-12	Hightech Signs/Castleton Village Center Inc		X	
R-20-08-13	Indiana Oxygen Company Inc		X	
R-20-08-14	LH Carbide Corporation		X	

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

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2020**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by 817 S. Calhoun, LLC in April 2020 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.**


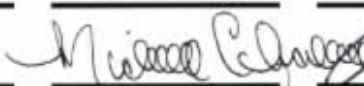
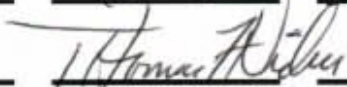

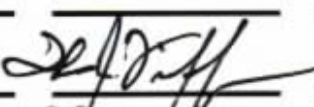
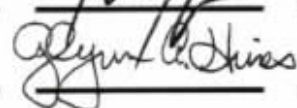
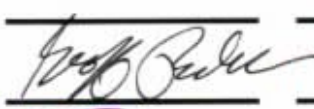
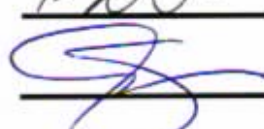
**ASSIGNED TO COMMITTEE (PRESIDENT): Jason Arp and Sharon Tucker**

**REPORT OF COMMITTEE ON FINANCE**  
**August 18, 2020**

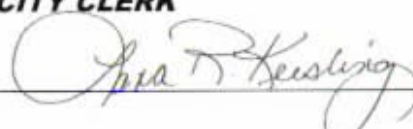
**Jason Arp Chair**  
**Sharon Tucker Co-Chair**  
**All Council Members**

A Resolution determining SUBSTANTIAL COMPLIANCE or NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for 817 S. Calhoun LLC for property at 817 S. Calhoun Street under Confirming Resolution R-34-12 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

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



Public Hearing Date: N/A


Read the first time in full and on motion by Councilperson Arp.

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

Read the third time in full and on motion by Councilperson 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 25, 2020

  
LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-08-01 on the 25th day of August, 2020

ATTEST:

  
LANA R. KEESLING  
CITY CLERK

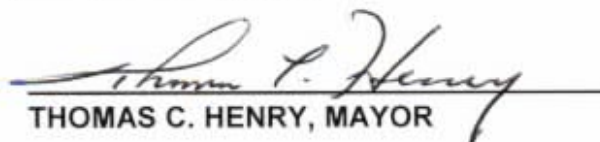
  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of August 2020, at the hour of 11:00 o'clock A.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28<sup>th</sup> day of AUGUST 2020, at the hour of 3:30 o'clock PM E.S.T.



  
THOMAS C. HENRY, MAYOR