

A RESOLUTION Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance for with Statement of Benefits Approved Under R-55-17 for 2990 E. Coliseum Boulevard, Fort Wayne, Indiana 46805 (Intellectual Technology, Inc./2990 Coliseum, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2990 E. Coliseum Boulevard for Intellectual Technology, Inc./2990 Coliseum, LLC (Confirming Resolution R-55-17) 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, The original Statement of Benefits and economic revitalization area designation application submitted by Intellectual Technology, Inc./2990 Coliseum, LLC and approved under Confirming Resolution R-55-17 was for \$259,000 in real property improvements and \$590,000 in personal property improvements; and

WHEREAS, Intellectual Technology, Inc./2990 Coliseum, LLC's 2020 Compliance with Statement of Benefits (Form CF-1/Personal Property) was filed in a timely manner on, or prior to, June 15, 2020 with the City and Allen County Assessor; and

WHEREAS, Intellectual Technology, Inc./2990 Coliseum, LLC's Compliance with Statement of Benefits (Form CF-1/Real Property) was not filed in a timely manner on, or prior to, June 15, 2020 with the Allen County Auditor; and

WHEREAS, the City has given Intellectual Technology, Inc./2990 Coliseum, LLC notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) and to submit an application for a waiver of non-compliance for their late filed Compliance with Statement of Benefits (Form CF-1/Real Property); and

WHEREAS, Intellectual Technology, Inc./2990 Coliseum, LLC has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the Auditor and submitted an application for a waiver of non-compliance for their late filed Compliance with Statement of Benefits (Form CF-1/Real Property) with the City; and

WHEREAS, the Common Council acknowledges that Intellectual Technology, Inc./2990 Coliseum, LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5); and

WHEREAS, Intellectual Technology, Inc./2990 Coliseum, LLC has fulfilled its pledge to complete the project and update existing office, commercial, flex space at 2990 E. Coliseum Boulevard for expansion and construct a pedestrian bridge to connect said space with already occupied office, commercial, flex space at 2980 E. Coliseum Boulevard. New personal property was also purchased and installed; and

1 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, Intellectual
2 Technology, Inc./2990 Coliseum, LLC has established that they have substantially complied with
3 its approved statement of benefits; and

4 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as
5 the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

6 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
7 Statement of Benefits Form CF-1/Real Property then Common Council will also determine
8 substantial compliance or non-compliance with statement of benefits; and

9 **WHEREAS**, a public hearing of the Common Council has been held on the waiver.

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

12 **[OPTION 1]**

13 **SECTION 1.** That, Intellectual Technology, Inc./2990 Coliseum, LLC's request for a waiver of
14 clerical and technical errors and nonconformities with its Statement of Benefits Form CF-1/Real
15 Property requirements is hereby denied and as such the phase-in granted under Confirming
16 Resolution R-55-17 for real property is terminated.

17 **SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and
18 any and all necessary approved by the Mayor.

19 **[OPTION 2]**

20 **SECTION 1.** That all clerical and technical errors and nonconformities of Intellectual Technology,
21 Inc./2990 Coliseum, LLC's Statement of Benefits Form CF-1/Real Property requirements that are
22 waivable under State and local law, including without limitation those errors and nonconformities
23 described in I.C. 6-1.1-12.1-9.5 are hereby waived.

24 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by Intellectual
25 Technology, Inc./2990 Coliseum, LLC with an approved Economic Revitalization Area for 2020 is
26 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code
27 of the City of Fort Wayne by virtue of retaining 75% of the 82 full-time jobs and eight part-time
28 jobs or 61 full-time jobs and six part-time jobs that were stated to be retained and retaining 75%
29 of the \$5,382,804 in annual payroll or \$4,037,103 in annual payroll that was stated that would be
30 generated by the jobs retained and creating 15 full-time jobs or 11 full-time jobs that were stated
to be created and creating \$1,010,000 in annual payroll or \$757,500 in annual payroll that was
stated to be created. Therefore, the continuation of Intellectual Technology, Inc./2990 Coliseum,

1 LLC's tax phase-in is hereby approved. The Allen County Auditor shall be supplied with a copy of
2 this Resolution, upon passage, and is instructed to apply the tax phase-in.

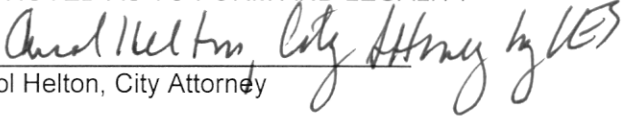
3 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 forms filed by Intellectual
4 Technology, Inc./2990 Coliseum, LLC with an approved Economic Revitalization Area with an
5 approved Economic Revitalization Area for 2020 are not in substantial compliance pursuant to
6 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to
7 retain 75% of the 82 full-time jobs and eight part-time jobs or 61 full-time jobs and six part-time
8 jobs that were stated to be retained and retaining 75% of the \$5,382,004 in annual payroll or
9 \$1,037,103 in annual payroll that was stated that would be generated by the jobs retained and
10 creating 15 full-time jobs or 11 full-time jobs that were stated to be created and creating
11 \$1,010,000 in annual payroll or \$757,500 in annual payroll that was stated to be created.
12 Intellectual Technology, Inc./2990 Coliseum, LLC did make reasonable efforts to substantially
13 comply with the statement of benefits and Intellectual Technology, Inc./2990 Coliseum, LLC's
14 failure to substantially comply was caused by factors beyond the control of Intellectual
15 Technology, Inc./2990 Coliseum, LLC. Therefore, the continuation of Intellectual Technology,
16 Inc./2990 Coliseum, LLC's tax phase-in is hereby approved. The Allen County Auditor shall be
17 supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-
18 in.~~

19 ~~**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 form filed by Intellectual
20 Technology, Inc./2990 Coliseum, LLC with an approved Economic Revitalization Area for 2020
21 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
22 Code of the City of Fort Wayne for failure to retain 75% of the 82 full-time jobs and eight part-time
23 jobs or 61 full-time jobs and six part-time jobs that were stated to be retained and retaining 75%
24 of the \$5,382,004 in annual payroll or \$1,037,103 in annual payroll that was stated that would be
25 generated by the jobs retained and creating 15 full-time jobs or 11 full-time jobs that were stated
26 to be created and creating \$1,010,000 in annual payroll or \$757,500 in annual payroll that was
27 stated to be created. Intellectual Technology, Inc./2990 Coliseum, LLC did not make reasonable
28 efforts to substantially comply with the statement of benefits and Intellectual Technology,
29 Inc./2990 Coliseum, LLC's failure to substantially comply was not caused by factors beyond the
30 control of Intellectual Technology, Inc./2990 Coliseum, LLC. As a result of said failure, the tax
phase-in for Intellectual Technology, Inc./2990 Coliseum, LLC is hereby terminated by Common
Council. The Allen County Auditor shall be supplied with a copy of this Resolution, upon
passage, and is instructed to terminate the abatement for real property improvements.~~

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 AND LEGALITY

Carol Helton, City Attorney

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Considering a Waiver of Non-compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits (Form CF-1/Real Property) Approved Under R-55-17 for property located at 2990 E. Coliseum Boulevard, Fort Wayne, IN 46805 (Intellectual Technology, Inc./2990 Coliseum, LLC)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to consider a waiver of non-compliance for late-filed real property statement of benefits and to determine substantial compliance or non-compliance with statement of benefits for 2020 for Intellectual Technology, Inc./2990 Coliseum, LLC.

EFFECT OF PASSAGE: Approval of this resolution, granting of a waiver of non-compliance and a determination of substantial compliance will allow Intellectual Technology, Inc./2990 Coliseum, LLC to retain their real property economic revitalization area tax phase-in.

EFFECT OF NON-PASSAGE: Potential loss of future development by Intellectual Technology, Inc./2990 Coliseum, LLC.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (CO-CHAIRS): Jason Arp and Sharon Tucker

The Journal Gazette

Account # 1063561 - 1393189

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice **41**

COMPUTATION OF CHARGES

41 lines, 1 column(s) wide equals _____

41 equivalent lines at \$ 0.486 cents per line **\$ 19.93**

Additional charges for notices containing rule or tabular work
(50 per cent of above amount) -

Charge for extra proofs of publication
(\$2.00 for each proof in excess of two) -

TOTAL AMOUNT OF CLAIM \$ 19.93

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 2

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 2 times.

The dates of publication being as follows:

9/11/2020

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Pamela K. Thornton

Pamela K. Thornton
Legal Clerk

Date: September 11, 2020

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-20-09-15)**

ON SEPTEMBER 22, 2020 AT 5:30 P.M., IN THE CONFERENCE ROOM 035, CITIZENS SQUARE, FORT WAYNE, INDIANA, A PUBLIC HEARING WILL BE HELD ON THE MATTER OF A WAIVER OF NONCOMPLIANCE WITH THE PROCEDURAL REQUIREMENTS OF I.C. 6-1.1-12.1, RELATING TO THE REAL PROPERTY DEDUCTION OF PROPERTY AT 2990 E. COLISEUM BOULEVARD AND APPROVED UNDER RESOLUTION R-55-17 FOR INTELLECTUAL TECHNOLOGIES, INC./2990 COLISEUM, LLC.

THE PUBLIC HEARING ON THE WAIVER WILL BE HELD PURSUANT TO I.C. 6-1.1-12.1-9.5 AND I.C. 6-1.1-12.1-11.3.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY THE CITY OF FORT WAYNE PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.
9--11 1393189 hspaxlp

The Journal Gazette

Account # 1063561 - 1393189

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REPORT OF COMMITTEE ON FINANCE

September 22, 2020

Jason Arp Chair

Sharon Tucker Co-Chair



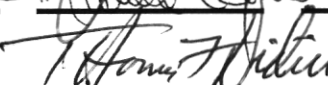



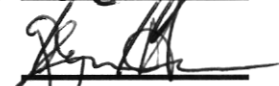
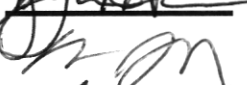
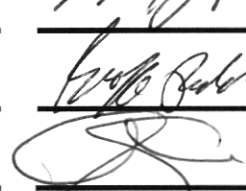
All Council Members

2A

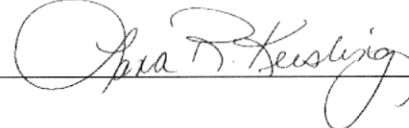
A Resolution considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance for with Statement of Benefits Approved Under R-55-17 for 2990 E. Coliseum Boulevard, Fort Wayne, Indiana 46805

Intellectual Technology, Inc./2990 Coliseum, LLC

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: September 22, 2020

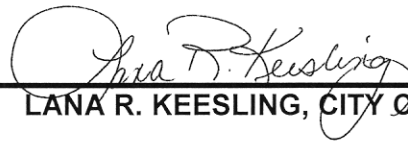
Read the first time in full and on motion by Councilperson Arp.

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 checked="" type="checkbox"/>	<input 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 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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 22, 2020




LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-09-15 on the 22nd day of September, 2020

ATTEST:



LANA R. KEESLING
CITY CLERK



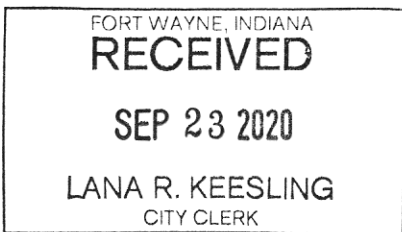

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of September 2020, at the hour of 10:40 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 23RD day of September 2020, at the hour of 11:30 o'clock AM E.S.T.

THOMAS C. HENRY, MAYOR