

**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-22-15 for 2980 E. Coliseum Boulevard, Fort Wayne, Indiana 46805 (Intellectual Technology, Inc./2980 Coliseum, LLC)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2980 E. Coliseum Boulevard for Intellectual Technology, Inc./2980 Coliseum, LLC (Confirming Resolution R-22-15) 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./2980 Coliseum, LLC and approved under Confirming Resolution R-22-15 was for \$1,200,000 in real property improvements and \$450,000 in personal property improvements; and

**WHEREAS**, Intellectual Technology, Inc./2980 Coliseum, LLC's 2020 CF-1 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./2980 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./2980 Coliseum, LLC notice to file their Compliance 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./2980 Coliseum, LLC has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with 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./2980 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./2980 Coliseum, LLC has fulfilled its pledge to complete the project and construct a new 12,000 square foot addition and 1,200 square foot research facility. 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./2980 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 Compliance with Statement of Benefits (Form CF-1/Real Property) then Common Council will  
8 also determine 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./2980 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-22-15 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./2980 Coliseum, LLC's Compliance with Statement of Benefits (Form CF-1/Real Property)  
22 requirements that are waivable under State and local law, including without limitation those errors  
23 and nonconformities 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./2980 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 64 full-time jobs and three part-time  
28 jobs or 48 full-time jobs and two part-time jobs that were stated to be retained and retaining 75%  
29 of the \$3,642,800 in annual payroll or \$2,732,100 in annual payroll that were stated that would be  
30 generated by the jobs retained and creating 10 full-time and three part-time jobs or seven full-  
time and two part-time jobs that were stated to be created and creating \$436,000 in annual  
payroll or \$327,000 in annual payroll that was stated to be created. Therefore, the continuation of

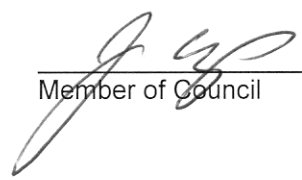
1 Intellectual Technology, Inc./2980 Coliseum, LLC's tax phase-in is hereby approved. The Allen  
2 County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed  
3 to apply the tax phase-in.

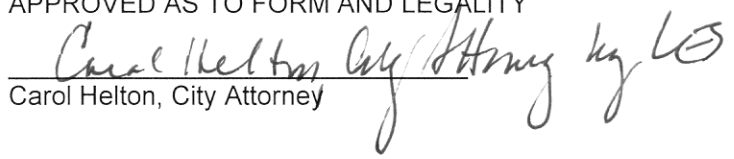
4 ~~SECTION 2. [OPTION B]. That Common Council finds that the CE 1 forms filed by Intellectual  
5 Technology, Inc./2980 Coliseum, LLC with an approved Economic Revitalization Area with an  
6 approved Economic Revitalization Area for 2020 are not in substantial compliance pursuant to  
7 L.C. 6-1-1-12-1 and Section 150.21 of the Municipal Code of the City of Fort Wayne for failure to  
8 retain 75% of the 64 full-time jobs and three part-time jobs or 49 full-time jobs and two part-time  
9 jobs that were stated to be retained and retaining 75% of the \$3,642,000 in annual payroll or  
10 \$2,732,100 in annual payroll that were stated that would be generated by the jobs retained and  
11 creating 10 full-time and three part-time jobs or seven full-time and two part-time jobs that were  
12 stated to be created and creating \$436,000 in annual payroll or \$327,000 in annual payroll that  
13 was stated to be created. Intellectual Technology, Inc./2980 Coliseum, LLC did make reasonable  
14 efforts to substantially comply with the statement of benefits and Intellectual Technology,  
15 Inc./2980 Coliseum, LLC's failure to substantially comply was caused by factors beyond the  
16 control of Intellectual Technology, Inc./2980 Coliseum, LLC. Therefore, the continuation of  
17 Intellectual Technology, Inc./2980 Coliseum, LLC's tax phase-in is hereby approved. The Allen  
18 County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed  
19 to apply the tax phase-in.~~

20 ~~SECTION 2. [OPTION C]. That Common Council finds that the CE 1 form filed by Intellectual  
21 Technology, Inc./2980 Coliseum, LLC with an approved Economic Revitalization Area for 2020 is  
22 not in substantial compliance pursuant to L.C. 6-1-1-12-1 and Section 150.21 of the Municipal  
23 Code of the City of Fort Wayne for failure to retain 75% of the 64 full-time jobs and three part-  
24 time jobs or 49 full-time jobs and two part-time jobs that were stated to be retained and retaining  
25 75% of the \$3,642,800 in annual payroll or \$2,732,100 in annual payroll that was stated that  
26 would be generated by the jobs retained and creating 10 full-time and three part-time jobs or  
27 seven full-time and two part-time jobs that were stated to be created and creating \$436,000 in  
28 annual payroll or \$327,000 in annual payroll that was stated to be created. Intellectual  
29 Technology, Inc./2980 Coliseum, LLC did not make reasonable efforts to substantially comply  
30 with the statement of benefits and Intellectual Technology, Inc./2980 Coliseum, LLC's failure to  
substantially comply was not caused by factors beyond the control of Intellectual Technology,  
Inc./2980 Coliseum, LLC. As a result of said failure, the tax phase-in for Intellectual Technology,  
Inc./2980 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.~~

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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.

  
\_\_\_\_\_  
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-22-15 for property located at 2980 E. Coliseum Boulevard, Fort Wayne, IN 46805 (Intellectual Technology, Inc./2980 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./2980 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./2980 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./2980 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 - 1393190

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-20-09-16)**

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 2980 E. COLISEUM BOULEVARD AND APPROVED UNDER RESOLUTION R-22-15 FOR INTELLECTUAL TECHNOLOGIES, INC./2980 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 1393190 hspaxlp

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**REPORT OF COMMITTEE ON FINANCE**

**September 22, 2020**

**Jason Arp Chair**

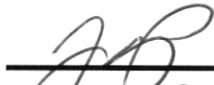

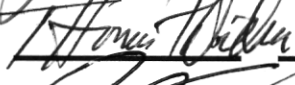


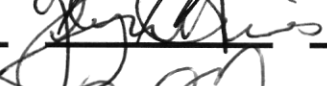
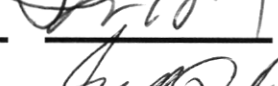
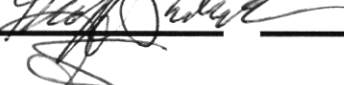

**Sharon Tucker Co-Chair**

**All Council Members**

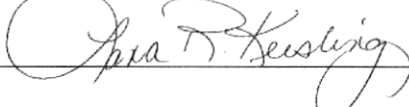
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*Intellectual Technology, Inc./2980 Coliseum, LLC*

**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




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LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-09-16 on the 22nd day of September, 2020

ATTEST:




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LANA R. KEESLING  
CITY CLERK




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PRESIDING OFFICER

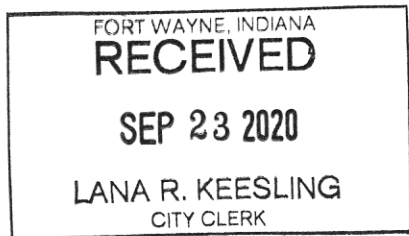
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of September 2020, at the hour of 10:40 o'clock A.M. E.S.T.




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LANA R. KEESLING, CITY CLERK

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





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THOMAS C. HENRY, MAYOR