

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 with Statement of Benefits Approved Under R-28-14 for 613 High Street, Fort Wayne, Indiana 46808 (CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2980 E. Coliseum Boulevard for CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC (Confirming Resolution R-101-13) 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 CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC and approved under Confirming Resolution R-28-14 was for \$1,541,500 in real property improvements and \$1,843,000 in personal property improvements; and

WHEREAS, CPI Card Group, Inc./Didier Limited Partnership & DNG, 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, CPI Card Group, Inc./Didier Limited Partnership & DNG, 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 CPI Card Group, Inc./Didier Limited Partnership & DNG, 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 Statement of Benefits Form CF-1/Real Property; and

WHEREAS, CPI Card Group, Inc./Didier Limited Partnership & DNG, 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 CPI Card Group, Inc./Didier Limited Partnership & DNG, 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, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC has fulfilled its pledge to complete the project construct a new 4,400 square foot addition to the building. New personal property was also purchased and installed; and

1 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, CPI Card
2 Group, Inc./Didier Limited Partnership & DNG, LLC has established that they have substantially
3 complied with 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, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's request for a
14 waiver of clerical and technical errors and nonconformities with its Statement of Benefits Form
15 CF-1/Real Property requirements is hereby denied and as such the phase-in granted under
16 Confirming Resolution R-28-14 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 CPI Card
25 Group, Inc./Didier Limited Partnership & DNG, LLC with an approved Economic Revitalization
26 Area for 2020 is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
27 Municipal Code of the City of Fort Wayne by virtue of retaining 75% of the 123 full-time jobs and
28 two part-time jobs or 92 full-time jobs and one part-time jobs that were stated to be retained and
29 retaining 75% of the \$4,843,859 in annual payroll or \$3,632,894 in annual payroll that was stated
30 that would be generated by the jobs retained and creating 14 full-time jobs or 10 full-time jobs as
were stated to be created and creating \$338,000 in annual payroll or \$253,500 in annual payroll
that was stated to be created. Therefore, the continuation of CPI Card Group, Inc./Didier Limited

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

4 ~~SECTION 2. [OPTION B] That Common Council finds that the CF-1 forms filed by GPI Card
5 Group, Inc./Didier Limited Partnership & DNG, LLC with an approved Economic Revitalization
6 Area with an approved Economic Revitalization Area for 2020 are not in substantial compliance
7 pursuant to I.C. 6-1-1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne
8 for failure to retain 75% of the 123 full-time jobs and two part-time jobs or 92 full-time jobs and
9 one part-time jobs that were stated to be retained and retaining 75% of the \$4,843,859 in annual
10 payroll or \$3,632,894 in annual payroll that was stated that would be generated by the jobs
11 retained and creating 14 full-time jobs or 10 full-time jobs as were stated to be created and
12 creating \$338,000 in annual payroll or \$253,500 in annual payroll that was stated to be created.
13 GPI Card Group, Inc./Didier Limited Partnership & DNG, LLC did make reasonable efforts to
14 substantially comply with the statement of benefits and GPI Card Group, Inc./Didier Limited
15 Partnership & DNG, LLC's failure to substantially comply was caused by factors beyond the
16 control of GPI Card Group, Inc./Didier Limited Partnership & DNG, LLC. Therefore, the
17 continuation of GPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's tax phase-in is
18 hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution, upon
19 passage, and is instructed to apply the tax phase-in.~~


20 ~~SECTION 2. [OPTION C] That Common Council finds that the CF-1 form filed by GPI Card
21 Group, Inc./Didier Limited Partnership & DNG, LLC with an approved Economic Revitalization
22 Area for 2020 is not in substantial compliance pursuant to I.C. 6-1-1-12.1 and Section 153.21 of
23 the Municipal Code of the City of Fort Wayne for failure to retain 75% of the 123 full-time jobs
24 and two part-time jobs or 92 full-time jobs and one part-time jobs that were stated to be retained
25 and retaining 75% of the \$4,843,859 in annual payroll or \$3,632,894 in annual payroll that was
26 stated that would be generated by the jobs retained and creating 14 full-time jobs or 10 full-time
27 jobs as were stated to be created and creating \$338,000 in annual payroll or \$253,500 in annual
28 payroll that was stated to be created. GPI Card Group, Inc./Didier Limited Partnership & DNG,
29 LLC did not make reasonable efforts to substantially comply with the statement of benefits and
30 GPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's failure to substantially comply was
not caused by factors beyond the control of GPI Card Group, Inc./Didier Limited Partnership &
DNG, LLC. As a result of said failure, the tax phase-in for GPI Card Group, Inc./Didier Limited
Partnership & DNG, 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-28-14 for property located at 613 High Street, Fort Wayne, IN 46808 (CPI Card Group, Inc./Didier Limited Partnership & DNG, 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 CPI Card Group, Inc./Didier Limited Partnership & DNG LLC.

EFFECT OF PASSAGE: Approval of this resolution, granting of a waiver of non-compliance and a determination of substantial compliance will allow CPI Card Group, Inc./Didier Limited Partnership & DNG LLC to retain their real property economic revitalization area tax phase-in.

EFFECT OF NON-PASSAGE: Potential loss of future development by CPI Card Group, Inc./Didier Limited Partnership & DNG 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 - 1393187

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

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	<u>41</u>

COMPUTATION OF CHARGES

<u>41</u> lines, <u>1</u> column(s) wide equals	
<u>41</u> equivalent lines at \$ <u>0.474</u> cents per line	\$ 19.44

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	<u>\$ 19.44</u>
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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

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-20-09-17)**

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 613 HIGH STREET AND APPROVED UNDER RESOLUTION R-28-14 FOR CPI CARD GROUP, INC./DIDIER LIMITED PARTNERSHIP & DNG, 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 1393187 hspaxlp

The Journal Gazette

Account # 1063561 - 1393187

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BILL NO. R-20-09-17

REPORT OF COMMITTEE ON FINANCE

September 22, 2020

Jason Arp Chair


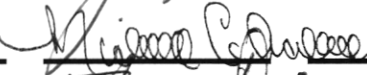







Sharon Tucker Co-Chair

All Council Members

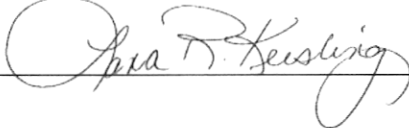
A Resolution considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-28-14 for 613 High Street, Fort Wayne, Indiana 46808

CPI Card Group, Inc./Didier Limited Partnership & DNG, 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-20-09-17 on the 22nd day of September, 2020

ATTEST:



LANA R. KEESLING
CITY CLERK



PRESIDING OFFICER

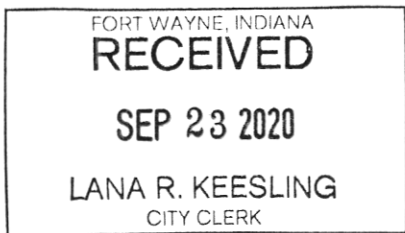
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of September 2020, at the hour of 10:40 o'clock A.M. E.S.T.



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