

4 **A RESOLUTION determining SUBSTANTIAL**
5 **COMPLIANCE OR NON-COMPLIANCE with Statement**
6 **of Benefits (CF-1) form filing for 2023 for Randall**
7 **Lofts, LP for property at 220 Pearl Street, Fort Wayne,**
8 **IN 46802 under Confirming Resolution R-58-12 with an**
9 **“Economic Revitalization Area” approved under I.C. 6-**
10 **1.1-12.1**

11 **WHEREAS**, Common Council has previously designated and declared by
12 Declaratory Resolution and Confirming Resolution with approved Statement of Benefits
13 (hereinafter “SB-1”) forms, certain property for Randall Lofts, LP as an “Economic
14 Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of
15 Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

16 **WHEREAS**, property owners whose SB-1 form was approved after July 1, 1991
17 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section
18 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance
19 with Statement of Benefits Form (hereinafter “CF-1”) with the City of Fort Wayne and in
20 some cases either the Allen County Auditor, the Allen County Assessor, or both, showing
21 information on the extent to which there has been compliance with the approved SB-1
22 form for the project; and

23 **WHEREAS**, Randall Lofts, LP has filed CF-1 forms with the City of Fort Wayne
24 and the Allen County Auditor; and

25 **WHEREAS**, Randall Lofts, LP’s approved SB-1 form stated that three (3)
26 additional jobs would be created by June 30, 2014; and

27 **WHEREAS**, Randall Lofts, LP’s approved SB-1 form stated \$100,000 in annual
28 payroll would be created for the three (3) additional jobs to be created; and

29 **WHEREAS**, Randall Lofts, LP’s 2023 CF-1 form filing stated that two (2) jobs have
30 been created; and

WHEREAS, Randall Lofts, LP’s 2023 CF-1 form filing stated \$56,269 in annual
payroll for the two (2) 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

1 **WHEREAS**, Common Council has defined substantial compliance under Section
2 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9 **WHEREAS**, meeting 75% of the three (3) additional jobs to be created means
10 creating two (2) jobs; and

11 **WHEREAS**, meeting 75% of the \$100,000 in created annual payroll means
12 \$75,000 in created annual payroll; and

13 **WHEREAS**, Common Council will determine no later than forty-five (45) days after
14 receipt of the CF-1 form that an approved business has either failed to substantially
15 comply or has substantially complied with the original SB-1 form approved by Common
16 Council; and

17 **WHEREAS**, Common Council made a determination on June 27, 2023 that
18 Randall Lofts, LP was not in substantial compliance as a result of its failure to create at
19 least two (2) jobs with at least \$75,000 in created annual payroll; and

20 **WHEREAS**, Council directed the Community Development Division to mail written
21 notice to Randall Lofts, LP explaining the reasons for Council's determination and a date,
22 time, place of a hearing to be conducted by Council for the purpose of further considering
23 Randall Lofts, LP's compliance with Statement of Benefits; and

24 **WHEREAS**, the aforementioned notice was properly prepared and served upon
25 Randall Lofts, LP to appear before Council on August 8, 2023 at 5:30pm in Room 030 at
26 Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

27 **WHEREAS**, Randall Lofts, LP [appeared/failed to appear] before Common
28 Council on August 8, 2023 to provide additional information concerning compliance.

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

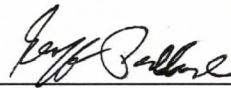
SECTION 1. That, Common Council finds that the CF-1 form filed by Randall
Lofts, LP with an approved Economic Revitalization Area for 2023 is not in substantial
compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the
City of Fort Wayne for failure to create 75% of the \$100,000, or \$75,000 in annual payroll
that was stated that would be generated by the created jobs.

1 ~~SECTION 2a. Randall Lofts, LP failed to appear and otherwise testify, and~~
2 ~~therefore Council confirms its determination of June 27, 2023 that Randall Lofts, LP has~~
3 ~~failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the~~
4 ~~Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore~~
5 ~~finds that Randall Lofts, LP has failed to substantially comply and said failure was not~~
6 ~~caused by factors outside of Randall Lofts, LP's control. As a result of said failure, Randall~~
7 ~~Lofts, LP's deduction/abatement under R-58-12 is hereby terminated.~~

8 **SECTION 2b.** That Randall Lofts, LP appeared and testified at the hearing and
9 from its testimony it was determined that Randall Lofts, LP substantially complied.
10 Therefore, the continuation of Randall Lofts, LP's deduction/abatement under R-58-12 is
11 hereby approved.

12 ~~SECTION 2c. That Randall Lofts, LP appeared and testified at the hearing and~~
13 ~~from its testimony it was determined in addition to Randall Lofts, LP's failure to~~
14 ~~substantially comply as detailed in Section 1 above, that Randall Lofts, LP did not make~~
15 ~~reasonable efforts to substantially comply with the statement of benefits and Randall Lofts,~~
16 ~~LP's failure to substantially comply was not caused by factors beyond the control of~~
17 ~~Randall Lofts, LP. As a result of said failure, Randall Lofts, LP's deduction/abatement~~
18 ~~under R-58-12 is hereby terminated.~~

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

21 

22 _____
23 Member of Council

24 APPROVED AS TO FORM AND LEGALITY

25 _____
26 Malak Heiny, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2023**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Randall Lofts, LP in May 2023 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 (CHAIR & CO-CHAIR): **Geoff Paddock and Jason Arp**

BILL NO. R-23-07-17

REPORT OF COMMITTEE ON FINANCE

August 8, 2023




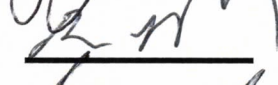


Geoff Paddock Chair

Jason Arp Co-Chair

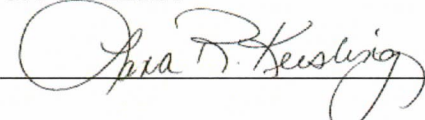
All Council Members

A Resolution determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2023 for Randall Lofts, LP for property at 220 Pearl Street, Fort Wayne, IN 46802 under Confirming Resolution R-58-12 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>
<u>ARP</u>	<u> </u>	<u> </u>	<u> </u>
<u>CHAMBERS</u>	<u> </u>	<u> </u>	<u> </u>
<u>DIDIER</u>	<u> </u>	<u> </u>	<u> </u>
<u>ENSLEY</u>	<u></u>	<u> </u>	<u> </u>
<u>FREISTROFFER</u>	<u></u>	<u> </u>	<u> </u>
<u>HINES</u>	<u></u>	<u> </u>	<u> </u>
<u>JEHL</u>	<u></u>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u></u>	<u> </u>	<u> </u>
<u>TUCKER</u>	<u> </u>	<u> </u>	<u></u>

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

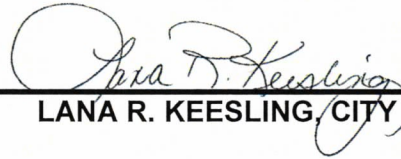
Read the first time in full and on motion by Councilperson Paddock.

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

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

DATED: August 8, 2023



LANA R. KEESLING, CITY CLERK

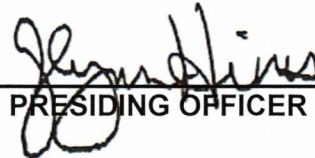
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-23-07-17-AA on the 8th day of August, 2023

ATTEST:



LANA R. KEESLING
CITY CLERK



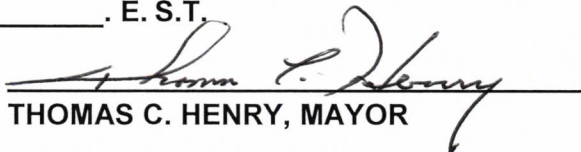
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of August 2023, at the hour of 10:10 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of AUGUST 2023, at the hour of 1:30 o'clock PM E. S.T.



THOMAS C. HENRY, MAYOR

