

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2024 for 2677 Persistence Dr Investors, LLC for property at 2677 Persistence Drive, Fort Wayne, IN 46808 under Confirming Resolution R-14-18 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 2677 Persistence Dr Investors, 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, 2677 Persistence Dr Investors, LLC has filed CF-1 forms with the City of Fort Wayne and the Allen County Auditor; and

WHEREAS, 2677 Persistence Dr Investors, LLC’s approved SB-1 form stated that 120 full-time jobs would be created by May 31, 2020; and

WHEREAS, 2677 Persistence Dr Investors, LLC’s approved SB-1 form stated \$5,179,697 in annual payroll for the 120 full-time created to be created; and

WHEREAS, 2677 Persistence Dr Investors, LLC’s 2024 CF-1 form filing stated that 72 jobs have been created; and

WHEREAS, 2677 Persistence Dr Investors, LLC’s 2024 CF-1 form filing stated \$4,132,267 in annual payroll for the 72 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 120 full-time jobs to be created means creating
10 90 full-time jobs; and

11 **WHEREAS**, meeting 75% of the \$5,179,697 in created annual payroll means
12 \$3,884,772 in retained annual payroll; and

13 **WHEREAS**, Common Council may determine no later than forty-five (45) days
14 after receipt of the CF-1 form that 2677 Persistence Dr Investors, LLC has either failed to
15 substantially comply or has substantially complied with the original SB-1 form approved
16 by Common Council; and

17 **WHEREAS**, Common Council made a determination on June 25, 2024 that 2677
18 Persistence Dr Investors, LLC was not in substantial compliance as a result of its failure
19 to create at least 90 full-time jobs and at least \$3,884,772 in annual payroll, and that the
20 failure to substantially comply was not caused by factors beyond the control of 2677
21 Persistence Dr Investors, LLC; and

22 **WHEREAS**, Council directed the Community Development Division to mail written
23 notice to 2677 Persistence Dr Investors, LLC explaining the reasons for Council's
24 determination and a date, time, place of a hearing to be conducted by Council for the
25 purpose of further considering 2677 Persistence Dr Investors, LLC's compliance with
26 Statement of Benefits; and

27 **WHEREAS**, the aforementioned notice was properly prepared and served upon
28 2677 Persistence Dr Investors, LLC to appear before Council on August 6, 2024 at
29 5:30pm in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

30 **WHEREAS**, 2677 Persistence Dr Investors, LLC [appeared/failed to appear]
before Common Council on August 6, 2024 to provide additional information concerning
compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by 2677
Persistence Dr Investors, LLC with an approved Economic Revitalization Area for 2024 is

1 not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
2 Municipal Code of the City of Fort Wayne for failure to create 75% of the 120 full-time or
3 90 full-time jobs stated and create 75% of the \$5,179,697 in annual payroll or \$3,884,772
4 in annual payroll that was stated that would be generated by the created jobs.

5 ~~SECTION 2a. 2677 Persistence Dr Investors, LLC failed to appear and otherwise
6 testify and therefore Council confirms its determination of June 25, 2024 that 2677
7 Persistence Dr Investors, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1
8 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section
9 1 above. Council therefore finds that 2677 Persistence Dr Investors, LLC has failed to
10 substantially comply and said failure was not caused by factors outside of 2677
11 Persistence Dr Investors, LLC's control. As a result of said failure, 2677 Persistence Dr
12 Investors, LLC's deduction/abatement under R-14-18 is hereby terminated.~~

13 **SECTION 2b.** That 2677 Persistence Dr Investors, LLC appeared and testified at
14 the hearing and from its testimony it was determined that notwithstanding 2677
15 Persistence Dr Investors, LLC's failure to substantially comply as detailed in Section 1
16 above that 2677 Persistence Dr Investors, LLC did make reasonable efforts to
17 substantially comply with the statement of benefits and 2677 Persistence Dr Investors,
18 LLC's failure to substantially comply was caused by factors beyond the control of 2677
19 Persistence Dr Investors, LLC Therefore, the continuation of 2677 Persistence Dr
20 Investors, LLC's deduction/abatement under R-14-18 is hereby approved.

21 ~~SECTION 2c. That 2677 Persistence Dr Investors, LLC appeared and testified at
22 the hearing and from its testimony it was determined in addition to 2677 Persistence Dr
23 Investors, LLC's failure to substantially comply as detailed in Section 1 above, that 2677
24 Persistence Dr Investors, LLC did not make reasonable efforts to substantially comply
25 with the statement of benefits and 2677 Persistence Dr Investors, LLC's failure to
26 substantially comply was not caused by factors beyond the control of 2677 Persistence
27 Dr Investors, LLC As a result of said failure, 2677 Persistence Dr Investors, LLC's
28 deduction/abatement under R-14-18 is hereby terminated.~~

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

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4 
5 Member of Council

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7 APPROVED AS TO FORM A LEGALITY

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9 
10 Malak Heiny, City Attorney

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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2024**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by 2677 Persistence Dr Investors, LLC in May 2024 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): **Martin Bender and Rohli Booker**

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

RESOLUTION NO. R-24-07-08

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 6, 2024, AT 5:30 P.M., IN ROOM 035 – COUNCIL COURTROOM – GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; DETERMINING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE WITH STATEMENT OF BENEFITS (CF-1) APPROVED UNDER R-14-18 FOR A PROPERTY COMMONLY KNOWN AS:

**2677 Persistence Drive, Fort Wayne, IN 46808 (2677 Persistence Dr
Investors)**

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 PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

*LANA R. KEESLING
CITY CLERK*



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Journal Gazette**.

Notice ID: LYPIA44QD6xRUdwkm4N | **Proof Updated: Jul. 24, 2024 at 09:04am EDT**
Notice Name: R-24-07-08

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Iliana Phillips
iliana.phillips@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

07/26/2024: Government Notice 23.04

Subtotal	\$23.04
Tax %	0
Processing Fee	\$0.00
Total	\$23.04

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LANA R. KEESLING
CITY CLERK
7--26 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: LYPIA44QD6xRUdvwkm4N

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

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 45

COMPUTATION OF CHARGES

45 lines, 1 column(s) wide equal:
45 equivalent lines at \$ 0.5120 cents per line \$23.04

Additional charges for notices containing rule or tabular work
(50 percent of above amount) \$ _____

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$23.04

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 1

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.

The dates of publication being as follows:

7/26/24 _____ _____
_____ _____ _____

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

Date: 7/26/2024


Legal Clerk

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LANA R. KEESLING
CITY CLERK

7--26 hspaxlp

BILL NO. R-24-07-08

REPORT OF COMMITTEE ON FINANCE

August 6, 2024

***Marty Bender* Chair**

***Rohli Booker* Co-Chair**

All Council Members

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2024 for 2677 Persistence Dr Investors, LLC for property at 2677 Persistence Drive, Fort Wayne, IN 46808 under Confirming Resolution R-14-18 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

2B.

COMMITTEE ON FINANCE 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>BENDER</u>	<i>Marty Bender</i>		
<u>BOOKER</u>	<i>Rohli Booker</i>		
<u>CHAMBERS</u>	<i>[Signature]</i>		
<u>ENSLEY</u>	<i>[Signature]</i>		
<u>FREISTROFFER</u>			
<u>HARTMAN</u>	<i>[Signature]</i>		
<u>JEHL</u>	<i>[Signature]</i>		
<u>MYERS</u>	<i>[Signature]</i>		
<u>PADDOCK</u>	<i>[Signature]</i>		

**LANA R. KEESLING
CITY CLERK**

Lana R. Keesling

Public Hearing Date: 08/06/2024

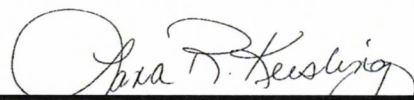
Read the first time in full and on motion by Councilperson Bender.

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

Read the third time in full and on motion by Councilperson Bender, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
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"/>
HARTMAN	<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"/>
MYERS	<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"/>

DATED: August 13, 2024



LANA R. KEESLING, CITY CLERK

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

Resolution No. R-24-07-08 on the 13th day of August, 2024

ATTEST:


LANA R. KEESLING
CITY CLERK
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of August 2024, at the hour of 2:10 o'clock P.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of August 2024, at the hour of 11:45 o'clock A.M. E.S.T.


SHARON TUCKER, MAYOR