

4 **A RESOLUTION determining SUBSTANTIAL**  
5 **COMPLIANCE OR NON-COMPLIANCE with Statement**  
6 **of Benefits (CF-1) form filing for 2024 for All America**  
7 **City Investors, LLC for property at 7310 Innovation**  
8 **Boulevard, Fort Wayne, IN 46818 under Confirming**  
9 **Resolution R-117-18 with an “Economic Revitalization**  
10 **Area” approved under I.C. 6-1.1-12.1**

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 All America City Investors, LLC as an  
14 “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of  
15 the City of 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**, All America City Investors, LLC has filed CF-1 forms with the City of  
24 Fort Wayne, Allen County Auditor; and

25 **WHEREAS**, All America City Investors, LLC’s approved SB-1 form stated that 98  
26 full-time jobs would be retained and 156 full-time jobs created by February 28, 2021; and

27 **WHEREAS**, All America City Investors, LLC’s approved SB-1 form stated  
28 \$3,023,216 in annual payroll would be retained for the 98 full-time retained jobs and  
29 \$4,873,560 in annual payroll created for the 156 full-time jobs to be created; and

30 **WHEREAS**, All America City Investors, LLC’s 2024 CF-1 form filing stated that 67  
full-time jobs have been retained and zero full-time jobs have been created; and

**WHEREAS**, All America City Investors, LLC’s 2024 CF-1 form filing stated  
\$3,445,350 in annual payroll for the 67 full-time jobs retained and zero annual payroll for  
the zero full-time jobs created; and

**WHEREAS**, Common Council designated the City of Fort Wayne Community  
Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code  
2 of the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section  
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the 98 full-time jobs to be retained and 156 full-time  
12 jobs to be created means retaining 73 full-time jobs and creating 117 full-time jobs; and

13 **WHEREAS**, meeting 75% of the \$3,023,216 retained annual payroll means  
14 \$2,267,412 in retained annual payroll and 75% of the \$4,873,560 in created annual payroll  
15 means \$3,655,170 in created annual payroll; and

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

20 **WHEREAS**, Common Council made a determination on June 25, 2024 that All  
21 America City Investors, LLC was not in substantial compliance as a result of its failure to  
22 retain at least 73 full-time jobs with a retained annual payroll of at least \$2,267,412 and  
23 create at least 117 new full-time jobs with at least \$3,655,170 in created annual payroll;  
24 and

25 **WHEREAS**, Council directed the Community Development Division to mail written  
26 notice to All America City Investors, LLC explaining the reasons for Council's  
27 determination and a date, time, place of a hearing to be conducted by Council for the  
28 purpose of further considering All America City Investors, LLC's compliance with  
29 Statement of Benefits; and

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

**WHEREAS**, All America City Investors, LLC [appeared/failed to appear] before  
Common Council on August 6, 2024 to provide additional information concerning  
compliance.

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

3                   **SECTION 1.** That, Common Council finds that the CF-1 form filed by All America  
4 City Investors, LLC with an approved Economic Revitalization Area for 2024 is not in  
5 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal  
6 Code of the City of Fort Wayne for failure to retain 75% of the 98 full-time, or 73 full-time  
7 jobs, as stated and create 75% of the 156 full-time jobs, or 117 full-time jobs, as stated  
8 and retain 75% of the \$3,023,216, or \$2,267,412, in annual payroll or create 75% of the  
9 \$4,873,560, or \$3,655,170, in annual payroll that was stated that would be generated by  
10 the created jobs.

11                   ~~**SECTION 2a.** All America City Investors, LLC failed to appear and otherwise  
12 testify and therefore Council confirms its determination of June 25, 2024 that All America  
13 City Investors, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1 and  
14 Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1  
15 above. Council therefore finds that All America City Investors, LLC has failed to  
16 substantially comply and said failure was not caused by factors outside of All America City  
17 Investors, LLC's control. As a result of said failure, All America City Investors, LLC's  
18 deduction/abatement under R-117-18 is hereby terminated.~~

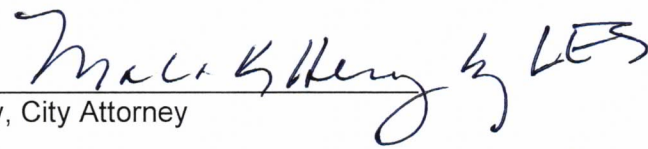
19                   **SECTION 2b.** That All America City Investors, LLC appeared and testified at the  
20 hearing and from its testimony it was determined that notwithstanding All America City  
21 Investors, LLC's failure to substantially comply as detailed in Section 1 above that All  
22 America City Investors, LLC did make reasonable efforts to substantially comply with the  
23 statement of benefits and All America City Investors, LLC's failure to substantially comply  
24 was caused by factors beyond the control of All America City Investors, LLC. Therefore,  
25 the continuation of All America City Investors, LLC's deduction/abatement under R-117-  
26 18 is hereby approved.

27                   ~~**SECTION 2c.** That All America City Investors, LLC appeared and testified at the  
28 hearing and from its testimony it was determined in addition to All America City Investors,  
29 LLC's failure to substantially comply as detailed in Section 1 above, that All America City  
30 Investors, LLC did not make reasonable efforts to substantially comply with the statement  
of benefits and All America City Investors, LLC's failure to substantially comply was not  
caused by factors beyond the control of All America City Investors, LLC as a result of said  
failure, All America City Investors, LLC's deduction/abatement under R-117-18 is hereby  
terminated.~~

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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5 \_\_\_\_\_  
6 Member of Council

7 APPROVED AS TO FORM A LEGALITY

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11 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 All America City 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-24-07-10**

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-117-18 FOR A PROPERTY COMMONLY KNOWN AS:

**7310 Innovation Boulevard, Fort Wayne, IN 46818 (All America City Investors, LLC.)**

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: a0L6fq5tFYTRkyFA5ZQ4 | **Proof Updated: Jul. 24, 2024 at 09:06am EDT**  
Notice Name: R-24-07-10

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.

<b>FILER</b>	<b>FILING FOR</b>
Iliana Phillips	Journal Gazette
iliana.phillips@cityoffortwayne.org	
(260) 427-1221	

<b>Columns Wide:</b> 1	<b>Ad Class:</b> Legals
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07/26/2024: Government Notice	23.04
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Subtotal	\$23.04
Tax %	0
Processing Fee	\$0.00
<b>Total</b>	<b>\$23.04</b>

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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: a0L6fq5tFYTRkyFA5ZQ4

### 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-24-07-10**

**REPORT OF COMMITTEE ON FINANCE**

**August 6, 2024**

***Marty Bender Chair***






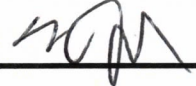
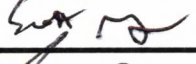

***Rohli Booker Co-Chair***

***All Council Members***

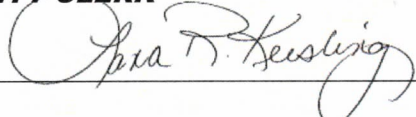
A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2024 for All America City Investors, LLC for property at 7310 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-117- 18 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

**23**

**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>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: 8/6/2024


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"/>

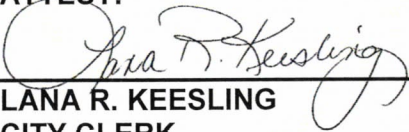
DATED: August 13, 2024

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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


Resolution No. R-24-07-10 on the 13th day of August, 2024

ATTEST:

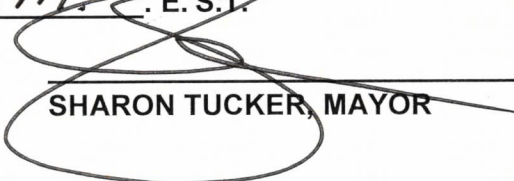
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 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 15<sup>th</sup> day of August 2024, at the hour of 11:44 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 SHARON TUCKER, MAYOR

