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4 **A RESOLUTION determining SUBSTANTIAL**
5 **COMPLIANCE OR NON-COMPLIANCE with Statement**
6 **of Benefits (CF-1) form filing for 2025 for 2677**
7 **Persistence Dr Investors, LLC for property at 2677**
8 **Persistence Drive, Fort Wayne, IN 46808 under**
9 **Confirming Resolution R-14-18 with an “Economic**
10 **Revitalization 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 2677 Persistence Dr 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,
21 showing information on the extent to which there has been compliance with the
22 approved SB-1 form for the project; and

23 **WHEREAS**, 2677 Persistence Dr Investors, LLC has filed CF-1 forms with the
24 City of Fort Wayne and the Allen County Auditor; and

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

27 **WHEREAS**, 2677 Persistence Dr Investors, LLC’s approved SB-1 form stated
28 \$5,179,697 in annual payroll for the 120 full-time created to be created; and

29 **WHEREAS**, 2677 Persistence Dr Investors, LLC’s 2025 CF-1 form filing stated
30 that 53 jobs have been created; and

WHEREAS, 2677 Persistence Dr Investors, LLC’s 2025 CF-1 form filing stated
\$3,332,231 in annual payroll for the 53 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 created 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
15 to substantially comply or has substantially complied with the original SB-1 form
16 approved by Common Council; and

17 **WHEREAS**, Common Council made a determination on June 24, 2025 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
23 written 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 26, 2025 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 26, 2025 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 2677
4 Persistence Dr Investors, LLC with an approved Economic Revitalization Area for 2025
5 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
6 Municipal Code of the City of Fort Wayne for failure to create 75% of the 120 full-time, or
7 90 full-time, jobs stated and create 75% of the \$5,179,697 in annual payroll, or
8 \$3,884,772 in annual payroll, that was stated that would be generated by the created
9 jobs.

10 ~~**SECTION 2a.** 2677 Persistence Dr Investors, LLC failed to appear and~~
11 ~~otherwise testify and therefore Council confirms its determination of June 24, 2025 that~~
12 ~~2677 Persistence Dr Investors, LLC has failed to substantially comply pursuant to IC 6-~~
13 ~~1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed~~
14 ~~in Section 1 above. Council therefore finds that 2677 Persistence Dr Investors, LLC has~~
15 ~~failed to substantially comply and said failure was not caused by factors outside of 2677~~
16 ~~Persistence Dr Investors, LLC's control. As a result of said failure, 2677 Persistence Dr~~
17 ~~Investors, LLC's deduction/abatement under R-14-18 is hereby terminated.~~

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

26 **SECTION 2c.** That 2677 Persistence Dr Investors, LLC appeared and testified
27 at the hearing and from its testimony it was determined in addition to 2677 Persistence
28 Dr Investors, LLC's failure to substantially comply as detailed in Section 1 above, that
29 2677 Persistence Dr Investors, LLC did not make reasonable efforts to substantially
30 comply with the statement of benefits and 2677 Persistence Dr Investors, LLC's failure
to substantially comply was not caused by factors beyond the control of 2677
Persistence Dr Investors, LLC As a result of said failure, 2677 Persistence Dr Investors,
LLC's deduction/abatement under R-14-18 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

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8 APPROVED AS TO FORM A LEGALITY

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10 _____
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 2025

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 2025 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): Nathan Hartman & Geoff Paddock

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

RESOLUTION NO. R-25-08-12

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 26, 2025, 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.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY OF FORT WAYNE WILL MAKE REASONABLE ACCOMMODATIONS TO PEOPLE WITH DISABILITIES. ANY PERSON WITH SPECIAL NEEDS SHOULD CONTACT THE ADA COORDINATOR, HEATHER VANWAGNER AT 260-427- 1176 AT LEAST 72 HOURS BEFORE THE SCHEDULED MEETING TO DISCUSS NECESSARY SPECIAL ACCOMMODATIONS.

*LANA R. KEESLING
CITY CLERK*

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FORT WAYNE COMMON COUNCIL
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LANA R. KEESLING
CITY CLERK
8--15 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: UXCRhHPmxTSvQuYOgc8Z

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 48

COMPUTATION OF CHARGES

48 lines, 1 column(s) wide equal:
48 equivalent lines at \$ 0.5260 cents per line \$25.25

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$ 25.25

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:

8/15/25 _____ _____
_____ _____ _____

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: 08/15/2025



Legal Clerk

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LANA R. KEESLING
CITY CLERK
8--15 hspaxlp

BILL NO. R-25-08-12

REPORT OF COMMITTEE ON FINANCE

August 26, 2025

Nathan Hartman Chair

Geoff Paddock Co-Chair

All Council Members

rc

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2025 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

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>Martin Bender</i>		
<u>BOOKER</u>	<i>Dan Booker</i>	<i>Dan Booker</i>	
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>	<i>John Jeff</i>	<i>John Jeff</i>	
<u>HARTMAN</u>	<i>Nathan</i>	<i>Nathan</i>	
<u>JEHL</u>	<i>nm</i>		
<u>MYERS</u>			
<u>PADDOCK</u>	<i>Geoff Paddock</i>		

**LANA R. KEESLING
CITY CLERK**

Lana R. Keesling

Public Hearing Date: 8-26-2025

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

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

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

DATED: August 26, 2025




 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-25-08-12 on the 26th day of August, 2025

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of August 2025, at the hour of 10:40 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 2nd day of September 2025, at the hour of 8:42 o'clock A.M. E.S.T.

FOR FORT WAYNE, INDIANA
RECEIVED
 SEP 02 2025
 LANA R. KEESLING
 CITY CLERK



 SHARON TUCKER, MAYOR