

4 A RESOLUTION determining SUBSTANTIAL
5 COMPLIANCE Statement of Benefits (CF-1) form filing
6 for 2025 for Indiana Oxygen Company, Inc./Fort Brant
7 Limited Partnership for property at 3806 Option Pass,
8 Fort Wayne, IN 46818 under Confirming Resolution R-
9 49-16 with an "Economic Revitalization Area"
10 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 Indiana Oxygen Company, Inc./Fort Brant
14 Limited Partnership as an "Economic Revitalization Area" under Sections 153.13-153.24
15 of the Municipal Code of 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, Indiana Oxygen Company, Inc./Fort Brant Limited Partnership has
24 filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen
25 County Assessor; and

26 WHEREAS, Indiana Oxygen Company, Inc./Fort Brant Limited Partnership's
27 approved SB-1 form stated that six full-time jobs would be created by December 31,
28 2018; and

29 WHEREAS, Indiana Oxygen Company, Inc./Fort Brant Limited Partnership's
30 approved SB-1 form stated \$368,160 in annual payroll would be created for the six full-
time jobs to be created; and

WHEREAS, Indiana Oxygen Company, Inc./Fort Brant Limited Partnership's
2025 CF-1 form filing stated that five jobs were created; and

WHEREAS, Indiana Oxygen Company, Inc./Fort Brant Limited Partnership's
2025 CF-1 form filing stated \$442,753 in annual payroll for the five jobs created; and

1 **WHEREAS**, Common Council designated the City of Fort Wayne Community
2 Development Division as the entity for the administration, application, processing and
3 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal
4 Code of the City of Fort Wayne; and

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13 **WHEREAS**, meeting 75% of the six jobs to be created means creating four full-
14 time jobs; and

15 **WHEREAS**, meeting 75% of the \$368,160 in annual payroll to be created means
16 \$276,120 in created annual payroll; and

17 **WHEREAS**, Common Council shall determine not later than forty-five (45) days
18 after receipt of the CF-1 form that an approved business has either failed to substantially
19 comply or has substantially complied with the original SB-1 form approved by Common
20 Council; and

21 **WHEREAS**, Common Council made a determination on June 24, 2025 that
22 Indiana Oxygen Company, Inc./Fort Brant Limited Partnership was not in substantial
23 compliance; and

24 **WHEREAS**, Council directed the Community Development Division to mail
25 written notice to Indiana Oxygen Company, Inc./Fort Brant Limited Partnership
26 explaining the reasons for Council's determination and a date, time, place of a hearing
27 to be conducted by Council for the purpose of further considering Indiana Oxygen
28 Company, Inc./Fort Brant Limited Partnership's compliance with Statement of Benefits;
29 and

30 **WHEREAS**, Community Development staff, in preparing documents for the
abovementioned hearing, discovered that Indiana Oxygen Company, Inc./Fort Brant
Limited Partnership had incorrectly completed their 2025 CF-1 filings indicating that per
the approved SB-1, eight jobs were to be created instead of six jobs being created; and

WHEREAS, Community Development staff has notified Common Council and
Indiana Oxygen Company, Inc./Fort Brant Limited Partnership and of this error and that

1 Indiana Oxygen Company, Inc./Fort Brant Limited Partnership is in fact compliant with
2 statement of benefits; and

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

5 **SECTION 1.** That, Common Council finds that the CF-1 form filed by Indiana
6 Oxygen Company, Inc./Fort Brant Limited Partnership with an approved Economic
7 Revitalization Area for 2025 are in substantial compliance pursuant to I.C. 6-1.1-12.1
8 and Section 153.21 of the Municipal Code of the City of Fort Wayne.

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

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12 _____
13 Member of Council

14 APPROVED AS TO FORM A LEGALITY

15 
16 _____
17 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 Indiana Oxygen Company, Inc. 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 Harman & Geoff Paddock**

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

RESOLUTION NO. R-25-08-18

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 STATEMENT OF BENEFITS (CF-1) FORM FILING UNDER R-49-16 FOR A PROPERTY COMMONLY KNOWN AS:

**3806 Option Pass, Fort Wayne, IN 46818
(Indiana Oxygen Company, Inc./Fort Brant Limited Partnership)**

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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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: H4NpSEQLcXTI6ukWxSDj

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 49

COMPUTATION OF CHARGES

49 lines, 1 column(s) wide equal:
49 equivalent lines at \$ 0.5260 cents per line \$25.77

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$25.77

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

Blinda McAure
 Legal Clerk

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LANA R. KEESLING
CITY CLERK
8--15 hspaxlp

BILL NO. R-25-08-18

REPORT OF COMMITTEE ON FINANCE

August 26, 2025

29





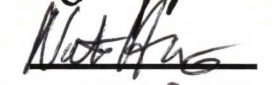


Nathan Hartman Chair

Geoff Paddock Co-Chair

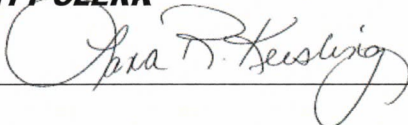
All Council Members

A Resolution determining Substantial Compliance Statement of Benefits (CF-1) form filing for 2025 for Indiana Oxygen Company, Inc. /Fort Brant Limited Partnership for property at 3806 Option Pass, Fort Wayne, IN 46818 under Confirming Resolution R-49-16 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>
BENDER			
BOOKER			
CHAMBERS			
ENSLEY			
FREISTROFFER			
HARTMAN			
JEHL			
MYERS			
PADDOCK			

**LANA R. KEESLING
CITY CLERK**



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-25-08-18 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 8:43 o'clock A.M. E.S.T.

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



 SHARON TUCKER, MAYOR