

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for Smith Brothers of Berne, Inc. for property at 6710 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-23-22 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 Smith Brothers of Berne, Inc. 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, Smith Brothers of Berne, Inc. has filed CF-1 forms with the City of Fort Wayne, Allen County Assessor; and

WHEREAS, Smith Brothers of Berne, Inc.'s approved SB-1 form stated that 20 full-time jobs would be retained and 70 full-time jobs would be created by December 31, 2027; and

WHEREAS, Smith Brothers of Berne, Inc.'s approved SB-1 form stated \$809,266 in annual payroll would be retained for the 20 full-time retained jobs and \$3,304,050 in annual payroll created for the 70 full-time jobs to be created; and

WHEREAS, Smith Brothers of Berne, Inc.'s 2026 CF-1 form filing stated that 20 full-time jobs have been retained and 23 full-time jobs have been created; and

WHEREAS, Smith Brothers of Berne, Inc.'s 2026 CF-1 form filing stated \$877,011 in annual payroll for the 20 full-time jobs retained and \$1,125,381 in annual payroll for the 23 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 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

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

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

WHEREAS, meeting 75% of the 20 full-time jobs to be retained and 70 full-time jobs to be created means retaining 15 full-time jobs and creating 52 full-time job; and

WHEREAS, meeting 75% of the \$809,266 retained annual payroll means \$606,949 in retained annual payroll and 75% of the \$3,304,050 in created annual payroll

means \$2,478,037 in created annual payroll; and

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

WHEREAS, Common Council made a determination on June 23, 2026 that Smith Brothers of Berne, Inc. was not in substantial compliance as a result of its failure to retain at least 15 full-time jobs with a retained annual payroll of at least \$606,949 and create at least 52 new full-time jobs with at least \$2,478,037 in created annual payroll; and

WHEREAS, Council directed the Community Development Division to mail written notice to Smith Brothers of Berne, Inc. explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering Smith Brothers of Berne, Inc.'s compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon Smith Brothers of Berne, Inc. to appear before Council on August 25, 2026 at 5:30pm in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

WHEREAS, Smith Brothers of Berne, Inc. [appeared/failed to appear] before Common Council on August 25, 2026 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 forms filed by Smith Brothers of Berne, Inc. with an approved Economic Revitalization Area for 2026 are 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 70 full-time jobs, or 52 full-time jobs, as stated and create 75% of the \$3,304,050, or \$2,478,037 in annual payroll that was stated that would be generated by the created jobs.

SECTION 2a. Smith Brothers of Berne, Inc. failed to appear and otherwise testify and therefore Council confirms its determination of June 23, 2026 that Smith Brothers of Berne, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that Smith Brothers of Berne, Inc. has failed to substantially comply and said failure was not caused by factors outside of Smith Brothers of Berne, Inc.'s control. As a result of said failure, Smith Brothers of Berne, Inc.'s deduction/abatement under R-23-22 is hereby terminated

SECTION 2b. That Smith Brothers of Berne, Inc. appeared and testified at the hearing and from its testimony it was determined that notwithstanding Smith Brothers of Berne, Inc.'s failure to substantially comply as detailed in Section 1 above that Smith Brothers of Berne, Inc. did make reasonable efforts to substantially comply with the statement of benefits and Smith Brothers of Berne, Inc.'s failure to substantially comply was caused by factors beyond the control of Smith Brothers of Berne, Inc. Therefore, the continuation of Smith Brothers of Berne, Inc.'s deduction/abatement under R-23-22 is hereby approved.

SECTION 2c. That Smith Brothers of Berne, Inc. appeared and testified at the hearing and from its testimony it was determined in addition to Smith Brothers of Berne, Inc.'s failure to substantially comply as detailed in Section 1 above, that Smith Brothers of Berne, Inc. did not make reasonable efforts to substantially comply with the statement of benefits and Smith Brothers of Berne, Inc.'s failure to substantially comply was not

1 caused by factors beyond the control of Smith Brothers of Berne, Inc. As a result of said
2 failure, Smith Brothers of Berne, Inc.'s deduction/abatement under R-23-22 is hereby
3 terminated.

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

6 _____
7 Member of Council

8
9 APPROVED AS TO FORM A LEGALITY

10 
11 _____
12 Malak Heiny, City Attorney



INTERIM AD DRAFT

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

Notice ID: RFsHFfKtQehEGUGzchkD | **Proof Updated: Aug. 12, 2026 at 08:46am EDT**
Notice Name: R-26-08-20

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

Anne Barton
anne.barton@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

08/14/2026: Government Notice 25.38

Subtotal	\$25.38
Tax %	0
Processing Fee	\$0.00
Total	\$25.38

See Proof on Next Page

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

RESOLUTION NO. R-26-08-20

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 25, 2026, 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-23-22 FOR A PROPERTY COMMONLY KNOWN AS:

**6710 Innovation Boulevard, Fort Wayne,
IN 46818
Smith Brothers of Berne, Inc.**

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.

JOHN D. MCGAULEY
CITY CLERK
8-14 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name

Gov: Fort Wayne City Clerk's Office

Notice ID: RFsHFfKtQehEGUGzchkD

PUBLISHER'S CLAIM**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

47

COMPUTATION OF CHARGES47 lines, 1 column(s) wide equal:47 equivalent lines at \$ 0.5400 cents per line

\$25.38

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

\$

Electronic processing fee

\$0.00

TOTAL AMOUNT OF CLAIM

\$ 25.38

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:

8/14/26

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:

8/14/26



Legal Clerk

ATTACH COPY OF ADVERTISEMENT

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BILL NO. R-26-08-20

REPORT OF COMMITTEE ON FINANCE

August 25, 2026

Nathan Hartman Chair

Geoff Paddock Co-Chair

All Council Members

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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> </u>	<u> </u>	<u> </u>
<u>BOOKER</u>	<u> </u>	<u> </u>	<u> </u>
<u>CHAMBERS</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>HARTMAN</u>	<u> </u>	<u> </u>	<u> </u>
<u>JEHL</u>	<u> </u>	<u> </u>	<u> </u>
<u>MYERS</u>	<u> </u>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u> </u>	<u> </u>	<u> </u>

**JOHN D. MCGAULEY
CITY CLERK**

