

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for Markar Properties II, LLC for property at 2488 Persistence Drive, Fort Wayne, IN 46808 under Confirming Resolution R-72-23 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 Markar Properties II, 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, Markar Properties II, LLC has filed CF-1 forms with the City of Fort Wayne and the Allen County Auditor; and

WHEREAS, Markar Properties II, LLC's approved SB-1 form stated that 83 full-time jobs would be retained and 10 full-time jobs created by December 31, 2024; and

WHEREAS, Markar Properties II, LLC's approved SB-1 form stated \$5,148,228 in annual payroll would be retained for the 83 full-time retained jobs and \$624,200 in annual payroll created for the 10 full-time jobs to be created; and

WHEREAS, Markar Properties II, LLC's 2026 CF-1 form filing stated that 62 full-time jobs have been retained and five full-time jobs have been created; and

WHEREAS, Markar Properties II, LLC's 2026 CF-1 form filing stated \$4,531,435 in annual payroll for the 62 full-time jobs retained and \$485,640 in annual payroll for the five 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 83 full-time jobs to be retained and 10 full-time jobs to be created means retaining 62 full-time jobs and creating seven full-time jobs; and

WHEREAS, meeting 75% of the \$5,148,228 retained annual payroll means \$3,861,171 in retained annual payroll and 75% of the \$624,200 in created annual payroll

means \$468,150 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 Markar Properties II, LLC was not in substantial compliance as a result of its failure to retain at least 62 full-time jobs with a retained annual payroll of at least \$3,861,171 and create at least seven new full-time jobs with at least \$468,150 in created annual payroll; and

WHEREAS, Council directed the Community Development Division to mail written notice to Markar Properties II, LLC 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 Markar Properties II, LLC's compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon Markar Properties II, LLC 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, Markar Properties II, LLC [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 Markar Properties II, LLC 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 retain 75% of the 83 full-time, or 62 full-time jobs, as stated and create 75% of the 10 full-time jobs, or seven full-time jobs, as stated and retain 75% of the \$5,148,228, or \$3,861,171, in annual payroll or create 75% of the \$624,200, or \$468,150 in annual payroll that was stated that would be generated by the created jobs.

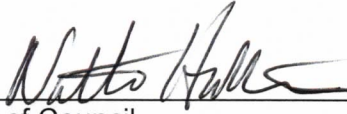
~~**SECTION 2a.** Markar Properties II, LLC failed to appear and otherwise testify and therefore Council confirms its determination of June 23, 2026 that Markar Properties II, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that Markar Properties II, LLC has failed to substantially comply and said failure was not caused by factors outside of Markar Properties II, LLC control. As a result of said failure, Markar Properties II, LLC deduction/abatement under R-72-23 is hereby terminated.~~

SECTION 2b. That Markar Properties II, LLC appeared and testified at the hearing and from its testimony it was determined that notwithstanding Markar Properties II, LLC failure to substantially comply as detailed in Section 1 above that Markar Properties II, LLC did make reasonable efforts to substantially comply with the statement of benefits and Markar Properties II, LLC failure to substantially comply was caused by factors beyond the control of Markar Properties II, LLC Therefore, the continuation of Markar Properties II, LLC deduction/abatement under R-72-23 is hereby approved.

~~**SECTION 2c.** That Markar Properties II, LLC appeared and testified at the hearing and from its testimony it was determined in addition to Markar Properties II, LLC failure to substantially comply as detailed in Section 1 above, that Markar Properties II, LLC did not make reasonable efforts to substantially comply with the statement of~~

1 ~~benefits and Markar Properties II, LLC failure to substantially comply was not caused by~~
2 ~~factors beyond the control of Markar Properties II, LLC As a result of said failure, Markar~~
3 ~~Properties II, LLC deduction/abatement under B 72-23 is hereby 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 _____
8 Member of Council

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: YHW2MB2GBxrzY8PD4ahP | **Proof Updated: Aug. 12, 2026 at 08:49am EDT**
Notice Name: R-26-08-22

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-26-08-22**

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-72-23 FOR A PROPERTY COMMONLY KNOWN AS:

**2488 Persistence Drive, Fort Wayne,
IN 46808
Markar Properties II, LLC.**

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 NameGov: Fort Wayne City Clerk's Office

Notice ID: YHW2MB2GBxrzY8PD4ahP

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 CHARGES**47 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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JOHN D. MCGAULEY
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8--14 hspaxlp

BILL NO. R-26-08-22

REPORT OF COMMITTEE ON FINANCE

August 25, 2026

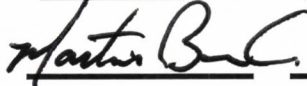
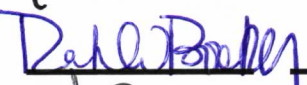
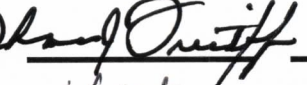
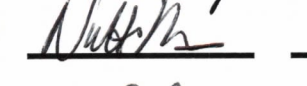
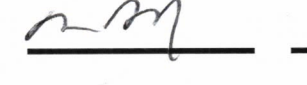
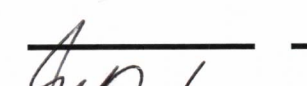
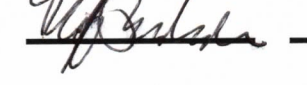
Nathan Hartman Chair

Geoff Paddock Co-Chair

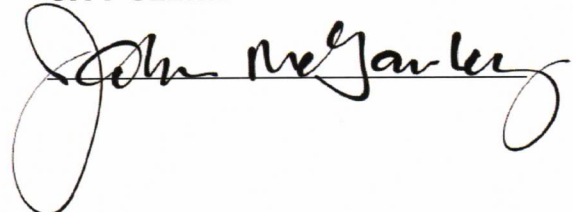
All Council Members

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2026 for Markar Properties II, LLC for property at 2488 Persistence Drive, Fort Wayne, IN 46808 under Confirming Resolution R-72-23 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>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**JOHN D. MCGAULEY
CITY CLERK**



Public Hearing Date: 8-25-2026

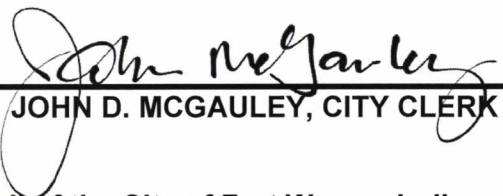
Read the first time in full and on motion by Councilperson Hartman.

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	☒	☐	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☒	☐	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☒	☐	☐	☐
HARTMAN	☒	☐	☐	☐
JEHL	☒	☐	☐	☐
MYERS	☐	☐	☐	☒
PADDOCK	☒	☐	☐	☐

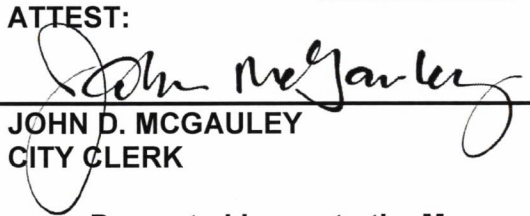
DATED: August 25, 2026


JOHN D. MCGAULEY, CITY CLERK

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

Resolution No. R-26-08-22 on the 25th day of August, 2026

ATTEST:

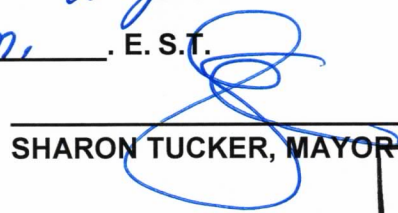

JOHN D. MCGAULEY
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th of August 2026, at the hour of 11:55 o'clock A.M. E.S.T.


JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 25th day of August 2026, at the hour of 3:30 o'clock p.m. E. S.T.


SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk

AUG 26 2026

RECEIVED