

**A RESOLUTION "APPROVING" Compliance with
Statement of Benefits (CF-1) form filings for 2013 for
properties with approved "Economic Revitalization
Areas" 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 (SB-1) forms property for the following property owners as "Economic Revitalization Areas" under Sections 153.13-153.24 of the Fort Wayne Code of Ordinances and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, property owners whose Statement of Benefits (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 Fort Wayne Code of Ordinances, must file a Compliance with Statement of Benefits Form (CF-1/Real Property or CF-1/PP) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information to the extent there has been, at a minimum, substantial compliance with the approved Statement of Benefits for the project; and

WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Fort Wayne Code of Ordinances 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, 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 Fort Wayne Code of Ordinances; and

WHEREAS, the City of Fort Wayne Community Development Division has previously provided Common Council an annual report on property owners that filed, filed untimely, or failed to file their Compliance with Statement of Benefits Forms (CF-1/Real Property or CF-1/PP) and their substantial compliance or failure to substantially comply; and

WHEREAS, property owners listed on Exhibit A filed to verify their Compliance by filing Statement of Benefit Forms (CF-1/Real Property or CF-1/PP) but according to the

1 information within the Statement of Benefits it could be determined that they are not in
2 substantial compliance under Section 153.21 of the Fort Wayne Code of Ordinances; and

3 **WHEREAS**, Common Council is required by the Fort Wayne Code of Ordinances,
4 Section 153.21(D), to determine, not later than forty-five (45) days after receipt of the
5 Compliance of Statement of Benefits Form (CF-1/Real Property or CF-1/PP) that the
6 property owner has substantially complied with the original Statement of Benefits Form (SB-
7 1) approved by Common Council; and

8 **WHEREAS**, more than 45 days has passed since the receipt by Council of the
9 Compliance with Statement of Benefits Forms (CF-1/Real Property or CF-1/PP) from the
10 property owners identified in Exhibit "A"; and

11 **WHEREAS**, Common Council is in no way acquiescing in and/or approving of any of
12 the property owners' failure to substantially comply under the approved Statement of Benefits
13 for each respective property owner. Common Council, however, failed to take action and
14 make a determination with regard to the Statement of Benefits Forms filed by the property
15 owners listed on Exhibit A within 45 days of the receipt of the compliance with Statement of
16 Benefits Forms; and

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

19 **SECTION 1.** The property owners listed on Exhibit A, having filed Compliance
20 with Statement of Benefits Forms (CF-1/Real Property or CF-1/PP) with approved economic
21 revitalization areas, while not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
22 Section 153.21 of the Fort Wayne Code of Ordinances, shall continue to receive their
23 abatement as a result of Council's failure to take action within 45 days after the receipt of the
24 Compliance with Statement of Benefits Forms (CF-1/Real Property or CF-1/PP) from the
25 property owners identified in Exhibit A.

26 **SECTION 2.** Nothing contained herein is intended to nor shall be construed to
27 alleviate any of the property owners listed on Exhibit A from properly meeting filing
28 requirements and compliance requirements according to both State and Local law at any
29 time in the future. Further, nothing contained herein is intended to nor shall it be construed to
30 evidence Common Council's acquiescence in or acceptance of any form of non-compliance
as evidenced in any of the Compliance with Statement of Benefits Forms filed by any of the
property owners listed on Exhibit A. Further, any future non-compliance which may be the
same or substantially similar to current issues of non-compliance as noted in the Compliance
with statement of Benefit Forms filed by property owners on Exhibit A, can and will be subject
to Common Council's determination to rescind the abatement in accord with both State and
Local laws.

SECTION 3. That the Fort Wayne Community Development Division is directed to provide a copy of this resolution to each of the property owners/applicants listed on Exhibit A attached hereto.

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Joseph G. Bonahoom, City Council Attorney

Z:\wpdocs\JGB\City Council of Fort Wayne\Abatement\1005.Resolution.approving Compliance.9.9.13.doc

EXHIBIT A

FORT WAYNE ERA DESIGNATIONS 2013 COMPLIANCE WITH STATEMENT OF BENEFITS FILINGS

CF-1 RE RECEIVED	CF-1 PP RECEIVED	CF-1/VBD RECEIVED	COMPANY NAME	RES #	TYPE	DESIGNATION ADDRESS
N/A	X		Brooks Construction Company, Inc.	30-10	P	2711 Banks Avenue
N/A	X		CNC Industries, Inc.	68-08	B	3810 Fourier Drive
N/A	X		Craftline Graphics, Inc.	4-11	B	3522 West Ferguson Road
N/A	X		Lincoln Printing Corporation	27-10	P	3310 Congressional Parkway
X	N/A		Radiology Oncology Associates, LLP	01-08	R	7910 West Jefferson Boulevard
X	X		RMD Resources, LLC	3-12	B	2704 Goshen Road
X	X		Seavac USA	68-04	B	9304 Yeager Lane
N/A	X		SIRVA/NAVL	08-09	B	5001 U.S. Highway 30 West
X	X		Wayne Pipe & Supply, Inc.	78-08	B	6040 Innovation Boulevard
N/A	X		CNC Industries, Inc.	19-12	P	3810 Fourier Drive
N/A	X		Calico Precision Molding LLC	45-12	B	1211 Progress Road
N/A	X		Phoenix America, Inc.	74-12	P	4717 Clubview Drive