

A RESOLUTION determining substantial compliance with Statement of Benefits (CF-1) form filing for 2014 for BioPoly, LLC for property at 3201 Stellhorn Road under Confirming Resolution R-86-12 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 (SB-1) forms property for BioPoly, 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, 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 Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, BioPoly, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; 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, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that BioPoly, LLC has

1 substantially complied with the original Statement of Benefits Form (SB-1) approved by
2 Common Council; 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 company's Compliance with
6 Statement of Benefits information evidenced that the company failed to comply in that failed
7 to create 75% of the three jobs that it stated would be created as a result of the project.

8 **SECTION 2.** Further, Common Council finds BioPoly, LLC's failure to
9 substantially was caused by factors beyond the control of the applicant. (specific information
10 from the company)

11 **SECTION 3.** In light of the fact that failure to substantially comply was determined
12 to be outside BioPoly, LLC control, Common Council finds that BioPoly, LLC is in substantial
13 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City
14 of Fort Wayne on their 2014 filing.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2014

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution affirms that Compliance with Statement of Benefits (CF-1) Form filing made by BioPoly, LLC in May 2014 with an approved economic revitalization area is in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow BioPoly, LLC with an existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit

EFFECT OF NON-PASSAGE:

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT):