

A RESOLUTION determining substantial non-compliance with a Statement of Benefits (SB-1) 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

1 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
2 receipt of the Compliance of Statement of Benefits Form (CF-1) that BioPoly, LLC has
3 substantially complied with the original Statement of Benefits Form (SB-1) approved by
4 Common Council; and

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

7 **SECTION 1.** That, the Compliance with Statement of Benefits Forms (CF-1) filed
8 by BioPoly, LLC with an approved economic revitalization area for 2014 is in not in
9 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code
10 of the City of Fort Wayne.

11 **SECTION 2.** That, the failure to substantially comply was not caused by factors
12 beyond the control of BioPoly, LLC

13 **SECTION 3.** That, Council directs the Community Development Division to mail
14 written notice to BioPoly, LLC explaining the reasons for Council's determination and a date,
15 time, place of a hearing to be conducted by Council for the purpose of further considering the
16 BioPoly, LLC 'scompliance with Statement of Benefits.

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

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20
21 _____
22 Member of Council

23
24 APPROVED AS TO FORM A LEGALITY

25
26 _____
27 Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial non-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 not in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Provides notice to BioPoly, LLC that it has been found to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential loss of economic revitalization area deduction (property tax abatement/phase-in)

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

ASSIGNED TO COMMITTEE (PRESIDENT):