

**A RESOLUTION determining substantial compliance  
with Statement of Benefits (CF-1) form filing for 2014 for  
Old Mill Properties, LLC for property at 1305-1309  
Broadway under Confirming Resolution R-67-08 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 Old Mill Properties, 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**, Old Mill Properties, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor'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 Old Mill Properties, LLC

1 has 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 Old Mill Properties, LLC  
6 Compliance with Statement of Benefits information evidenced that the company failed to  
7 comply in that it failed to retain 75% of the six jobs that were stated that would be retained  
8 and 75% of the three jobs that would be retained as a result of the project.

9 **SECTION 2.** Further, Common Council finds Old Mill Properties, LLC failure to  
10 substantially was caused by factors beyond the control of the applicant. (specific information  
11 from the company)

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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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 filings made by Old Mill Properties, 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 Old Mill Properties, LLC with 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):**