

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for WM Acquisitions, LLC dba Wayne Metals, LLC for property at 4202 Piper Drive under Confirming Resolution R-14-11 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 WM Acquisitions, LLC dba Wayne Metals, 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 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, WM Acquisitions, LLC dba Wayne Metals, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, WM Acquisitions, LLC dba Wayne Metals, LLC's approved Statement of Benefits (SB-1) form stated that 20 full-time jobs would be created by March 2012; and

WHEREAS, WM Acquisitions, LLC dba Wayne Metals, LLC's approved Statement of Benefits (SB-1) form stated \$750,000 in annual payroll for the 20 full-time jobs would be generated; and

WHEREAS, WM Acquisitions, LLC dba Wayne Metals, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filing stated that 14 jobs were created; and

WHEREAS, WM Acquisitions, LLC dba Wayne Metals, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filing stated \$506,606 in annual payroll for the 14 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 20 full-time jobs to be created means creating 15 full-time jobs; and

WHEREAS, meeting 75% of the \$750,000 in annual payroll to be created means \$562,500 in annual payroll created; 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 WM Acquisitions, LLC dba Wayne Metals, LLC has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

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

SECTION 1. That, the Compliance with Statement of Benefits Forms (CF-1) filed by WM Acquisitions, LLC dba Wayne Metals, LLC with an approved economic revitalization area for 2014 is in 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 create 75% of the 20 full-time jobs that were stated that would be created and did not create 75% of the \$750,000 in annual payroll that was stated that would be created.

SECTION 2. That, the failure to substantially comply was not caused by factors beyond the control of WM Acquisitions, LLC dba Wayne Metals, LLC.

SECTION 3. That, Council directs the Community Development Division to mail written notice to WM Acquisitions, LLC dba Wayne Metals, 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 WM Acquisitions, LLC dba Wayne Metals, LLC's compliance with Statement of Benefits.

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

Carol Helton, City Attorney