

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for Brooks Construction Company, Inc. for property at 2711 Banks Avenue under Confirming Resolution R-30-10 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 Brooks Construction Company, Inc. 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, Brooks Construction Company, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor’s Office and the City of Fort Wayne; and

WHEREAS, Brooks Construction Company, Inc.’s approved Statement of Benefits (SB-1) form stated that six full-time jobs would be created by September 2010; and

WHEREAS, Brooks Construction Company, Inc.’s approved Statement of Benefits (SB-1) form stated \$390,000 in annual payroll would be generated by the created jobs; and

WHEREAS, Brooks Construction Company, Inc.’s 2014 Compliance with Statement of Benefits (CF-1) form stated that four jobs were created; and

WHEREAS, Brooks Construction Company, Inc.’s 2014 Compliance with Statement of Benefits (CF-1) form stated that \$234,210 in annual payroll for the four 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 six jobs to be created means creating four jobs; and

WHEREAS, meeting 75% of the \$390,000 in annual payroll to be created means \$292,500 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 Brooks Construction Company, Inc. 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 Brooks Construction Company, Inc. 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 six full-time jobs that were stated that would be created and create 75% of the \$390,000 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 Brooks Construction Company, Inc.

SECTION 3. That, Council directs the Community Development Division to mail written notice to Brooks Construction Company, Inc. 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 Brooks Construction Company, Inc.'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