

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for Seavac USA, LLC for property at 9304 Yeager Lane under Confirming Resolution R-58-04 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 Seavac USA, 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, Seavac USA, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office, the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Seavac USA, LLC's approved Statement of Benefits (SB-1) form stated that 20 full-time and four part-time jobs would be created by December 2007; and

WHEREAS, Seavac USA, LLC's approved Statement of Benefits (SB-1) form stated \$895,000 in annual payroll would be generated by the 20 full-time and four part-time jobs to be created; and

WHEREAS, Seavac USA, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filings stated that eight jobs have been created; and

WHEREAS, Seavac USA, LLC's 2014 Compliance with Statement of Benefits (CF-1) form filings stated \$186,572 in annual payroll for the eight 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/or
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 24 created jobs means creating 18 jobs; and

WHEREAS, meeting 75% of the \$895,000 in annual payroll to be created means \$671,250 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 Seavac USA, 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 Seavac USA, 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 and four part-time jobs that were stated that would be created and create 75% of the \$895,000 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 the Seavac USA, LLC.

SECTION 3. That, Council directs the Community Development Division to mail written notice to Seavac USA, 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 Seavac USA, 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