

A RESOLUTION determining SUBSTANTIAL COMPLIANCE with Statement of Benefits (CF-1) form filing for 2014 for Becky's Die Cutting, Inc. for property at 701 Sherman Blvd. under Confirming Resolution R-80-13 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 Becky's Die Cutting, 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, Becky's Die Cutting, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Becky's Die Cutting, Inc.'s approved Statement of Benefits (SB-1) form stated that three full-time and two part-time jobs would be retained and one full-time job would be created by January 2014; and

WHEREAS, Becky's Die Cutting, Inc.'s approved Statement of Benefits (SB-1) form stated \$180,000 in annual payroll for retained jobs and \$30,000 in annual payroll would be generated by the created job; and

WHEREAS, Becky's Die Cutting, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that five jobs were retained and zero jobs were created; and

WHEREAS, Becky's Die Cutting, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated \$142,732 in annual payroll for the five jobs retained and \$0 in annual payroll 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 five retained jobs means retaining four jobs; and

WHEREAS, meeting 75% of the one job to be created means creating one job; and

WHEREAS, meeting 75% of the \$180,000 in retained annual payroll means \$135,000 in annual payroll retained; and

WHEREAS, meeting 75% of the \$30,000 in annual payroll to be created means \$22,500 in annual payroll created; 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 Becky's Die Cutting, Inc.
3 has 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, Common Council finds that Becky's Die Cutting, Inc.'s
8 Compliance with Statement of Benefits information evidenced that Becky's Die Cutting, Inc.
9 failed to comply in that it did not create 75% of the jobs and payroll that was stated that would
10 be created.

11 **SECTION 2.** Further, Common Council finds Becky's Die Cutting, Inc.'s failure to
12 substantially comply was caused by factors beyond the control of the applicant for the
13 following reasons:

- 14 1. The original new piece of equipment required additional financing as the
15 investment was \$30,000 more than originally estimated.
- 16 2. Instead of financing additional debt, Becky's Die Cutting, Inc. decided to make
17 pay cuts and use cash.
- 18 3. Extensive training was required for the new equipment.
- 19 4. After the delay due to financing and training, Becky's Die Cutting, Inc. is now
20 prepared to hire an additional employee for the open position.

21 **SECTION 3.** In light of the fact that failure to substantially comply was determined
22 to be outside Becky's Die Cutting, Inc.'s control, Common Council finds that Becky's Die
23 Cutting, Inc. is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
24 the Municipal Code of the City of Fort Wayne on their 2014 filing.

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

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29
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Member of Council

APPROVED AS TO FORM A LEGALITY

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 Becky's Die Cutting, Inc. in June 2014 with an approved economic revitalization area is in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners 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):

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman _____

Read the second time by title and referred to the _____

Committee. Read the third time in full and on motion by Councilman _____

_____ placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
BENDER	_____	_____	_____	_____
CRAWFORD	_____	_____	_____	_____
DIDIER	_____	_____	_____	_____
HARPER	_____	_____	_____	_____
HINES	_____	_____	_____	_____
JEHL	_____	_____	_____	_____
PADDOCK	_____	_____	_____	_____
SHOAF	_____	_____	_____	_____
SMITH	_____	_____	_____	_____

DATED: _____


SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. _____ on the _____ day of
_____, 2014

ATTEST:

SANDRA E. KENNEDY,
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day
of _____, 2014, at the hour of _____ o'clock _____ E.S.T.


SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
2014, at the hour of _____ o'clock _____ E.S.T.

THOMAS C. HENRY, MAYOR