

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) 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, the Compliance with Statement of Benefits Forms (CF-1) filed
8 by Becky's Die Cutting, Inc. with an approved economic revitalization area for 2014 is in not
9 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
10 Code of the City of Fort Wayne for failure to create 75% of the jobs and payroll that was
11 stated that would be created.

12 **SECTION 2.** That, the failure to substantially comply was not caused by factors
13 beyond the control of Becky's Die Cutting, Inc.

14 **SECTION 3.** That, Council directs the Community Development Division to mail
15 written notice to Becky's Die Cutting, Inc. explaining the reasons for Council's determination
16 and a date, time, place of a hearing to be conducted by Council for the purpose of further
17 considering Becky's Die Cutting, Inc.'s compliance with Statement of Benefits.

18 **SECTION 4.** That, this Resolution shall be in full force and effect from and after
19 its passage and any and all necessary approval by the Mayor.
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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 non-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 not in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Provides notice to company that it has been found to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential loss of economic revitalization area deduction (property tax abatement/phase-in)

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT):