

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON-COMPLIANCE with a Statement of
Benefits (SB-1) for 2014 for GTA Enterprises, Inc. for
property at 4422 Airport Expressway, Suite 220 under
Confirming Resolution R-30-09 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 GTA Enterprises, 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, GTA Enterprises, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor’s Office and the City of Fort Wayne; and

WHEREAS, GTA Enterprises, Inc.’s approved Statement of Benefits (SB-1) form stated that **one** part-time and **35** full-time jobs for a total of **36** jobs would be retained and **three** full-time jobs would be created by December 2009; and

WHEREAS, GTA Enterprises, Inc.’s approved Statement of Benefits (SB-1) form stated **\$2,137,361** in annual payroll for retained jobs and **\$180,000** in annual payroll would be generated by the created jobs; and

WHEREAS, GTA Enterprises, Inc.’s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **28** jobs were retained and **two** jobs were created; and

WHEREAS, GTA Enterprises, Inc.’s 2014 Compliance with Statement of Benefits (CF-1) form filing reported **\$1,748,919.78** in annual payroll for the 28 jobs retained and **\$34,620.72** in annual payroll for the two 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 36 retained jobs means retaining **27** jobs; and

WHEREAS, meeting 75% of the three full-time jobs to be created means creating **three** jobs; and

WHEREAS, meeting 75% of the \$2,137,361 in retained annual payroll means **\$1,603,021** in annual payroll retained; and

WHEREAS, meeting 75% of the \$180,000 in annual payroll to be created means **\$135,000** in annual payroll created; and

WHEREAS, Common Council made a determination on June 24, 2014 that GTA Enterprises, Inc. was not in substantial compliance as a result of its failure to generate at least three jobs and \$135,000 in annual payroll created, and that the failure to substantially comply was not caused by factors beyond the control of GTA Enterprises, Inc.; and

WHEREAS, Council directed the Community Development Division to mail written notice to GTA Enterprises, 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 GTA Enterprises, Inc.'s compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon GTA Enterprises, Inc. on July 7, 2014; and

WHEREAS, Council conducted a hearing on August 5, 2014 for the purpose of further considering GTA Enterprises, Inc.'s compliance with statement of benefits; and

WHEREAS, GTA Enterprises, Inc. **appeared** at the hearing.

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

SECTION 1. That GTA Enterprises, Inc. appeared and testified at the hearing and from its testimony it was determined that notwithstanding GTA Enterprises, Inc.'s failure to substantially comply by its failure to create the three jobs or the annual payroll of \$135,000 or more, that GTA Enterprises, Inc. did make reasonable efforts to substantially comply with the

statement of benefits and GTA Enterprises, Inc.'s failure to substantially comply was caused by factors beyond the control of GTA Enterprises, Inc. Therefore the continuation of GTA Enterprises, Inc.'s deduction/abatement under R-30-09 is hereby approved.

SECTION 2. 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