

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON-COMPLIANCE with a Statement of
Benefits (SB-1) for 2014 for 1100 AIRPORT NORTH
PARTNERSHIP, LLC for property at 8414 Clinton Park
Drive under Confirming Resolution R-47-07 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 1100 Airport North Partnership, 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, 1100 Airport North Partnership, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor’s Office and the City of Fort Wayne; and

WHEREAS, 1100 Airport North Partnership, LLC’s approved Statement of Benefits (SB-1) forms stated that **95** full-time jobs would be created by September 2011; and

WHEREAS, 1100 Airport North Partnership, LLC’s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **zero** jobs were 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 95 full-time jobs to be created means creating 71 jobs; and

WHEREAS, Common Council made a determination on June 24, 2014 that 1100 Airport North Partnership, LLC was not in substantial compliance as a result of its failure to create at least 71 jobs, and that the failure to substantially comply was not caused by factors beyond the control of 1100 Airport North Partnership, LLC; and

WHEREAS, Council directed the Community Development Division to mail written notice to 1100 Airport North Partnership, 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 1100 Airport North Partnership, LLC's compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon 1100 Airport North Partnership, LLC on July 7, 2014; and

WHEREAS, Council conducted a hearing on August 5, 2014 for the purpose of further considering 1100 Airport North Partnership, LLC's compliance with statement of benefits; and

WHEREAS, 1100 Airport North Partnership, LLC **appeared/failed to appear** at the hearing.

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

SECTION 1. 1100 Airport North Partnership, LLC failed to appear and otherwise testify and therefore Council confirms its determination of June 24, 2014 that 1100 Airport North Partnership, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for its failure to create 75% of the 95 jobs or 71 jobs in that 1100 Airport North Partnership, LLC did not create any jobs. Council therefore finds that 1100 Airport North Partnership, LLC has failed to substantially comply and said failure was not caused by factors outside of 1100 Airport North Partnership, LLC's control. As a result of said failure, 1100 Airport North Partnership, LLC's deduction/abatement under R-47-07 is hereby terminated.

Or

SECTION 1. That 1100 Airport North Partnership, LLC appeared and testified at the hearing and from its testimony it was determined that notwithstanding 1100 Airport North

Partnership, LLC's failure to substantially comply by its failure to create 71 or more jobs, that 1100 Airport North Partnership, LLC did make reasonable efforts to substantially comply with the statement of benefits and 1100 Airport North Partnership, LLC's failure to substantially comply was caused by factors beyond the control of 1100 Airport North Partnership, LLC. Therefore the continuation of 1100 Airport North Partnership, LLC's deduction/abatement under R-47-07 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