

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON-COMPLIANCE with a Statement of
Benefits (SB-1) for 2014 for CRAFTLINE GRAPHICS,
INC. for property at 3522 West Ferguson Road under
Confirming Resolution R-4-11 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 Craftline Graphics, 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, Craftline Graphics, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Craftline Graphics, Inc.'s approved Statement of Benefits (SB-1) forms stated that **137** full-time and **250** part-time jobs for a total of **387** jobs would be retained and **32** full-time jobs would be created by September 2011; and

WHEREAS, Craftline Graphics, Inc.'s approved Statement of Benefits (SB-1) forms stated **\$5,349,063** in annual payroll for the 137 full-time and 250 part-time retained jobs and **\$960,000** in annual payroll would be generated by the 32 full-time jobs to be created; and

WHEREAS, Craftline Graphics, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **352** jobs were retained and **five** jobs were created; and

WHEREAS, Craftline Graphics, Inc.'s 2014 Compliance with Statement of Benefits (CF-1) form filing stated **\$5,870,961** in annual payroll for the 352 jobs retained and **\$219,000** in annual payroll for the five 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 387 retained jobs means retaining **290** jobs; and

WHEREAS, meeting 75% of the 32 full-time jobs to be created means creating **24** jobs; and

WHEREAS, meeting 75% of the \$5,349,063 in retained annual payroll means **\$4,011,797** in annual payroll retained; and

WHEREAS, meeting 75% of the \$960,000 in annual payroll to be created means **\$720,000** in annual payroll created; and

WHEREAS, Common Council made a determination on June 24, 2014 that Craftline Graphics, Inc. was not in substantial compliance as a result of its failure to create **24** full-time jobs that were stated that would be created and create **\$720,000** in annual payroll that was stated that would be created and that the failure to substantially comply was not caused by factors beyond the control of Craftline Graphics, Inc.; and

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

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

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

WHEREAS, Craftline Graphics, Inc. **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. Craftline Graphics, Inc. failed to appear and otherwise testify and therefore Council confirms its determination of June 24, 2014 that Craftline Graphics, Inc. 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 32 full-time jobs

or 24 jobs and create 75% of the \$960,000 in annual payroll or \$720,000 in that Craftline Graphics, Inc. only created five jobs with a created annual payroll in the amount of \$219,000. Council therefore finds that Craftline Graphics, Inc. has failed to substantially comply and said failure was not caused by factors outside of Craftline Graphics, Inc.'s control. As a result of said failure, Craftline Graphics, Inc.'s deduction/abatement under R-4-11 is hereby terminated.

Or

SECTION 1. That Craftline Graphics, Inc. appeared and testified at the hearing and from its testimony it was determined that notwithstanding Craftline Graphics, Inc.'s failure to substantially comply by its failure to create 24 jobs and create an annual payroll of \$720,000 or more, that Craftline Graphics, Inc. did make reasonable efforts to substantially comply with the statement of benefits and Craftline Graphics, Inc.'s failure to substantially comply was caused by factors beyond the control of Craftline Graphics, Inc. Therefore the continuation of Craftline Graphics, Inc.'s deduction/abatement under R-4-11 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