

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON-COMPLIANCE with a Statement of
Benefits (SB-1) for 2014 for Ward Corporation for
property at 642 Growth Avenue under Confirming
Resolution R-33-11 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 Ward Corporation 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, Ward Corporation has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Ward Corporation's approved Statement of Benefits (SB-1) form stated that **one** part-time and **233** full-time jobs would be retained and **three** jobs would be created by December 2013; and

WHEREAS, Ward Corporation's approved Statement of Benefits (SB-1) form stated **\$8,309,251** in annual payroll for retained jobs and **\$74,880** in annual payroll would be generated by the created jobs; and

WHEREAS, Ward Corporation's 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **184** jobs were retained; and

WHEREAS, Ward Corporation's 2014 Compliance with Statement of Benefits (CF-1) form filing stated that **\$6,785,817** in annual payroll for the 184 jobs retained; 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
3. Common Council; and

WHEREAS, meeting 75% of the 234 retained jobs means retaining **176** jobs; and

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

WHEREAS, meeting 75% of the \$8,309,251 in retained annual payroll means **\$6,231,938** in annual payroll retained; and

WHEREAS, meeting 75% of the \$74,880 in annual payroll to be created means \$56,160 in annual payroll created; and

WHEREAS, Common Council made a determination on June 24, 2014 that Ward Corporation was not in substantial compliance as a result of its failure to generate the three jobs and at least \$56,160 in annual payroll created, and that the failure to substantially comply was not caused by factors beyond the control of Ward Corporation; and

WHEREAS, Council directed the Community Development Division to mail written notice to Ward Corporation 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 Ward Corporation's compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon Ward Corporation July 7, 2014; and

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

WHEREAS, Company **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. Company failed to appear and otherwise testify and therefore Council confirms its determination of June 24, 2014 that Ward Corporation 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 three jobs and for failure to create 75% of the \$74,880.00 annual payroll or \$56,160 in that Ward Corporation created zero jobs and payroll in the amount of \$0. Council therefore finds that Ward Corporation has failed to substantially comply and said failure was not caused by factors outside of Ward Corporation's control. As a result of said failure, Ward Corporation's deduction/abatement under R-33-11 is hereby terminated.

Or

SECTION 1. That Ward Corporation appeared and testified at the hearing and from its testimony it was determined that notwithstanding Ward Corporation's failure to substantially comply by its failure to create three jobs and annual payroll of \$56,160 or more, that Ward Corporation did make reasonable efforts to substantially comply with the statement of benefits and Ward Corporation's failure to substantially comply was caused by factors beyond the control of Company. Therefore the continuation of Ward Corporation's deduction/abatement under R-33-11 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