

**A RESOLUTION determining SUBSTANTIAL
COMPLIANCE OR NON-COMPLIANCE with a Statement
of Benefits (SB-1) for 2015 for 817 S. Calhoun, LLC at
817 South Calhoun Street under Confirming Resolution
R-34-12 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 817 S. Calhoun, 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, 817 S. Calhoun, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

WHEREAS, 817 S. Calhoun, LLC's approved Statement of Benefits (SB-1) form stated that **two** full-time and **four** part-time jobs would be created; and

WHEREAS, 817 S. Calhoun, LLC's approved Statement of Benefits (SB-1) form stated **\$160,000** in annual payroll would be generated from the **two** full-time and **four** part-time created jobs; and

WHEREAS, 817 S. Calhoun, LLC's 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **six** jobs were created; and

WHEREAS, 817 S. Calhoun, LLC's 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$90,000** in annual payroll for the **six** 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

1 **WHEREAS**, Common Council has defined substantial compliance under Section
2 153.21 of the Municipal Code of the City of Fort Wayne as:

- 3 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
4 be created or retained as delineated in the original Statement of Benefits Form
5 (SB-1) approved by Common Council; and
6 2. Meeting 75% or more of the total payroll stated to be created or retained as
7 delineated in the original Statement of Benefits Form (SB-1) approved by
8 Common Council; and

9 **WHEREAS**, meeting 75% of the **six** created jobs means creating **four** jobs; and

10 **WHEREAS**, meeting 75% of the **\$160,000** in annual payroll to be created means
11 **\$120,000** in annual payroll created; and

12 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
13 receipt of the Compliance of Statement of Benefits Form (CF-1) that 817 S. Calhoun, LLC
14 has substantially complied with the original Statement of Benefits Form (SB-1) approved by
15 Common Council; and

16 **WHEREAS**, 817 S. Calhoun, LLC **appeared/failed to appear** before council to
17 provide additional information on its compliance with statement of benefits.

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

20 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
21 Benefits Form (CF-1) filed by 817 S. Calhoun, LLC with an approved economic revitalization
22 area for 2015 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21
23 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the \$160,000 or
24 \$120,000 in annual payroll from the six jobs that were stated that would be created.

25 **SECTION 2a.** 817 S. Calhoun, LLC appeared before council and provided
26 additional information on its compliance with statement of benefits and from this information
27 it was determined that notwithstanding 817 S. Calhoun, LLC's failure to substantially comply
28 by its failure to create \$120,000 or more in annual payroll from the six jobs created, that 817
29 S. Calhoun, LLC did make reasonable efforts to substantially comply with the statement of
30 benefits and 817 S. Calhoun, LLC 's failure to substantially comply was caused by factors
beyond the control of 817 S. Calhoun, LLC. Therefore, the continuation of 817 S. Calhoun,
LLC's deduction/abatement under R-34-12 is hereby approved.

OR

SECTION 2b. That 817 S. Calhoun, LLC failed to appear and otherwise provide
additional information on its compliance with statement of benefits and has caused Council to
conclude and find that 817 S. Calhoun, LLC is not in substantial compliance pursuant to I.C.
6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne on their 2015

1 filing. Council therefore directs the Community Development Division to mail written notice to
2 817 S. Calhoun, LLC explaining the reasons for Council's determination and a date, time,
3 place of a hearing to be conducted by Council for the purpose of further considering 817 S.
4 Calhoun, LLC'S 2015 compliance with statement of benefits.

5 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
6 its passage and any and all necessary approval by the Mayor.
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Member of Council

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11 APPROVED AS TO FORM A LEGALITY
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14 Carol Helton, City Attorney
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2015

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by 817 S. Calhoun, LLC in May 2015 with an approved economic revitalization area are in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential retention or 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): Thomas Didier and Russ Jehl