

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2015 for 1100 Airport North Partnership, LLC (now filed under Silverado Properties, 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 (now filed under Silverado Properties, 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 (now filed under Silverado Properties, LLC) 2015 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/or
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 shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

WHEREAS, 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) **appeared/failed to appear** before council to provide additional information on its compliance with statement of benefits.

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

SECTION 1. That, Common Council finds that the Compliance with Statement of Benefits Form (CF-1) filed by 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) with an approved economic revitalization area for 2015 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 for failure to create 75% of the 95 jobs or 71 jobs that were stated that would be created.

SECTION 2a. 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC)'s failure to substantially comply by its failure to create 71 jobs or more, that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) did make reasonable efforts to substantially comply with the statement of benefits and 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC)'s failure to substantially comply was caused by factors beyond the control of 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC). Therefore, the continuation of 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC)'s deduction/abatement under R-47-07 is hereby approved.

OR

1 **SECTION 2b.** That 1100 Airport North Partnership, LLC (now filed under Silverado
2 Properties, LLC) failed to appear and otherwise provide additional information on its
3 compliance with statement of benefits and has caused Council to conclude and find that
4 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) is not in
5 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code
6 of the City of Fort Wayne on their 2015 filing. Council therefore directs the Community
7 Development Division to mail written notice to 1100 Airport North Partnership, LLC (now filed
8 under Silverado Properties, LLC) explaining the reasons for Council's determination and a
9 date, time, place of a hearing to be conducted by Council for the purpose of further
10 considering 1100 Airport North Partnership, LLC (now filed under Silverado Properties,
11 LLC)'s 2015 compliance with statement of benefits.

12 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
13 its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

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 1100 Airport North Partnership, LLC (now filed under Silverado Properties, 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