

**A RESOLUTION determining SUBSTANTIAL
COMPLIANCE OR NON-COMPLIANCE with Statement of
Benefits (CF-1) form filing for 2015 for North American
Van Lines for property at 5001 US Highway 30 West
under Confirming Resolution R-08-09 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 North American Van Lines 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, North American Van Lines has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, North American Van Lines' approved Statement of Benefits (SB-1) form stated that **437** full-time jobs would be retained and **240** full-time jobs would be created by December 2011; and

WHEREAS, North American Van Lines' approved Statement of Benefits (SB-1) form stated **\$18,866,000** in annual payroll for the **437** full-time retained jobs and **\$8,640,000** in annual payroll would be generated by the **240** full-time jobs to be created; and

WHEREAS, North American Van Lines; 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **391** jobs were retained and **zero** jobs were created; and

WHEREAS, North American Van Lines; 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$19,550,431** in annual payroll for the **391** jobs retained and **\$0** in annual payroll for the **zero** jobs created; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
2 the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9 **WHEREAS**, meeting 75% of the **437** full-time jobs retained means retaining **327**
jobs; and

10 **WHEREAS**, meeting 75% of the **240** full-time jobs to be created means creating **180**
full-time jobs; and

11 **WHEREAS**, meeting 75% of the **\$18,866,000** in retained annual payroll means
12 **\$14,149,500** in annual payroll; and

13 **WHEREAS**, meeting 75% of the **\$8,640,000** in annual payroll to be created means
14 **\$6,480,000**; and

15 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
16 receipt of the Compliance of Statement of Benefits Form (CF-1) that North American Van
Lines has substantially complied with the original Statement of Benefits Form (SB-1)
approved by Common Council; and

17 **WHEREAS**, North American Van Lines **appeared/failed to appear** before council to
18 provide additional information on its compliance with statement of benefits.

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

21 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
22 Benefits Forms (CF-1) filed by North American Van Lines with an approved economic
23 revitalization area for 2014 are in not in substantial compliance pursuant to I.C. 6-1.1-12.1
24 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75%
of the 240 full-time jobs or 180 jobs that were stated that would be created and create 75% of
the \$8,640,000 in annual payroll or \$0 that was stated that would be generated by the
created jobs.

25 **SECTION 2a.** North American Van Lines 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 North American Van Lines' failure to substantially
28 comply by its failure to create 180 jobs or more and \$6,480,000 in annual payroll from the

1 jobs created, that North American Van Lines did make reasonable efforts to substantially
2 comply with the statement of benefits and North American Van Lines' failure to substantially
3 comply was caused by factors beyond the control of North American Van Lines. Therefore,
4 the continuation of North American Van Lines' deduction/abatement under R-08-09 is hereby
approved.

5 OR

6 **SECTION 2b.** That North American Van Lines failed to appear and otherwise
7 provide additional information on its compliance with statement of benefits and has caused
8 Council to conclude and find that North American Van Lines is not in substantial compliance
9 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
10 Wayne on their 2015 filing. Council therefore directs the Community Development Division
11 to mail written notice to North American Van Lines 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 North American Van Lines' 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.

14
15
16 _____
Member of Council

17
18 APPROVED AS TO FORM A LEGALITY

19
20 _____
21 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 North American Van Lines 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