

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2015for 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 made a determination on June 23, 2015 that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) was not in substantial compliance as a result of its failure to create 75% of the 95 jobs or 71 jobs that were stated that would be created and that the failure to substantially comply was not caused by factors beyond the control of 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC); and

WHEREAS, Council directed the Community Development Division to mail written notice to 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) 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 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) on July 6, 2015; and

WHEREAS, Council conducted a hearing on July 21, 2015 for the purpose of further considering 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC) compliance with statement of benefits; and

WHEREAS, 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) **appeared/failed to appear** at the hearing.

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

SECTION 1a. 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) failed to appear and otherwise testify and therefore Council confirms its determination of June 23, 2015 that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) 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 failure to create 75% of the 95 jobs or 71 jobs that were stated that would be created. Council therefore finds that 1100 Airport North Partnership, LLC (now filed under Silverado Properties, LLC) has failed to

1 substantially comply and said failure was not caused by factors outside of 1100 Airport North
2 Partnership, LLC's (now filed under Silverado Properties, LLC) control. As a result of said
3 failure, 1100 Airport North Partnership, LLC's (now filed under Silverado Properties, LLC)
4 deduction/abatement under R-47-07 is hereby terminated.

5 **SECTION 1b.** That 1100 Airport North Partnership, LLC (now filed under Silverado
6 Properties, LLC) appeared and testified at the hearing and from its testimony it was
7 determined that notwithstanding 1100 Airport North Partnership, LLC's (now filed under
8 Silverado Properties, LLC) failure to substantially comply by its failure to create 75% of the 95
9 jobs or 71 jobs that were stated that would be created, that 1100 Airport North Partnership,
10 LLC (now filed under Silverado Properties, LLC) did make reasonable efforts to substantially
11 comply with the statement of benefits and 1100 Airport North Partnership, LLC's (now filed
12 under Silverado Properties, LLC) failure to substantially comply was caused by factors
13 beyond the control of 1100 Airport North Partnership, LLC (now filed under Silverado
14 Properties, LLC). Therefore the continuation of 1100 Airport North Partnership, LLC's (now
15 filed under Silverado Properties, LLC) deduction/abatement under R-47-07 is hereby
16 approved.

17 **SECTION 1c.** That 1100 Airport North Partnership, LLC (now filed under Silverado
18 Properties, LLC). appeared and testified at the hearing and from its testimony it was
19 determined that notwithstanding 1100 Airport North Partnership, LLC's (now filed under
20 Silverado Properties, LLC) failure to substantially comply by its failure to create 75% of the 95
21 jobs or 71 jobs that were stated that would be created, that 1100 Airport North Partnership,
22 LLC (now filed under Silverado Properties, LLC) did not make reasonable efforts to
23 substantially comply with the statement of benefits and 1100 Airport North Partnership, LLC's
24 (now filed under Silverado Properties, LLC) failure to substantially comply was not caused by
25 factors beyond the control of 1100 Airport North Partnership, LLC's (now filed under
26 Silverado Properties, LLC). As a result of said failure, 1100 Airport North Partnership, LLC's
27 (now filed under Silverado Properties, LLC) deduction/abatement under R-47-07 is hereby
28 terminated.
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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

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2015

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that 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 either in substantial compliance or non-compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in)

EFFECT OF NON-PASSAGE:

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Tom Didier and Russ Jehl