

A RESOLUTION CONFIRMING 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
9 delineated in the original Statement of Benefits Form (SB-1) approved by
10 Common Council; and

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

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

15 **WHEREAS**, meeting 75% of the **\$18,866,000** in retained annual payroll means
16 **\$14,149,500** in annual payroll; and

17 **WHEREAS**, meeting 75% of the **\$8,640,000** in annual payroll to be created means
18 **\$6,480,000**; and

19 **WHEREAS**, Common Council made a determination on June 23, 2015 that North
20 American Van Lines, Inc. was not in substantial compliance as a result of its failure to
21 generate at least 180 jobs and at least \$6,480,000 in annual payroll created, and that the
22 failure to substantially comply was not caused by factors beyond the control of North
23 American Van Lines, Inc.; and

24 **WHEREAS**, Council directed the Community Development Division to mail written
25 notice to North American Van Lines, Inc. explaining the reasons for Council's determination
26 and a date, time, place of a hearing to be conducted by Council for the purpose of further
27 considering North American Van Lines, Inc.'s compliance with Statement of Benefits; and

28 **WHEREAS**, the aforementioned notice was properly prepared and served upon
29 North American Van Lines, Inc. on July 6, 2015; and

30 **WHEREAS**, Council conducted a hearing on July 21, 2015 for the purpose of further
considering North American Van Lines, Inc.'s compliance with statement of benefits; and

WHEREAS, North American Van Lines **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. North American Van Lines, Inc. failed to appear and otherwise testify
and therefore Council confirms its determination of June 23, 2015 that North American Van
Lines, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of

1 the Municipal Code of the City of Fort Wayne for its failure to create 75% of the 240 full-time
2 jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in
3 annual payroll or \$0 that was stated that would be generated by the created jobs. Council
4 therefore finds that North American Van Lines, Inc. has failed to substantially comply and
5 said failure was not caused by factors outside of North American Van Lines, Inc.'s control.
6 As a result of said failure, North American Van Lines, Inc.'s deduction/abatement under R-
08-09 is hereby terminated.

7 **SECTION 1b.** That North American Van Lines, Inc. appeared and testified at the
8 hearing and from its testimony it was determined that notwithstanding North American Van
9 Lines, Inc.'s failure to substantially comply by its failure to create 75% of the 240 full-time
10 jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in
11 annual payroll or \$0 that was stated that would be generated by the created jobs, that North
12 American Van Lines, Inc. did make reasonable efforts to substantially comply with the
13 statement of benefits and North American Van Lines, Inc.'s failure to substantially comply
was caused by factors beyond the control of North American Van Lines, Inc.. Therefore the
continuation of North American Van Lines, Inc.'s deduction/abatement under R-08-09 is
hereby approved.

14 **SECTION 1c.** That North American Van Lines, Inc. appeared and testified at the
15 hearing and from its testimony it was determined that notwithstanding North American Van
16 Lines, Inc.'s failure to substantially comply by its failure to create 75% of the 240 full-time
17 jobs or 180 jobs that were stated that would be created and create 75% of the \$8,640,000 in
18 annual payroll or \$0 that was stated that would be generated by the created jobs, that North
19 American Van Lines, Inc. did not make reasonable efforts to substantially comply with the
20 statement of benefits and North American Van Lines, Inc.'s failure to substantially comply
was not caused by factors beyond the control of North American Van Lines, Inc. As a result
of said failure, North American Van Lines, Inc.'s deduction/abatement under R-08-09 is
hereby terminated.

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 North American Van Lines, Inc. 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