

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE with a Statement of Benefits (CF-1) form filing for 2015 for Heritage Food Service Equipment, Inc. for property at 5130 Executive Boulevard under Confirming Resolution R-12-10 (amended R-48-11) with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1 (Non-Filer)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for Heritage Food Service Equipment, Inc. as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Fort Wayne Code of Ordinances, 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 Fort Wayne Code of Ordinances, Indiana, must file a Compliance with Statement of Benefits Form (CF-1/PP and/or CF-1/Real Property) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing there has been compliance with the approved Statement of Benefits for the project; 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, Heritage Food Service Equipment, Inc. did not file Compliance with Statement of Benefits Form CF-1/Real Property; and

WHEREAS, Common Council made a determination on July 14, 2015 that Heritage Food Service Equipment, Inc. was not in substantial compliance by failing to comply with I.C. 6-1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by **failing to file** their Compliance with Statement of Benefits pertaining to their deductions and subsequently failed to file a Waiver of Non-Compliance pursuant to I.C. 6-1.1-12.1-9.5, or I.C. 6-1.1-12.1-11.3(a)(5); and

WHEREAS, Common Council directed the Community Development Division to mail written notice to Heritage Food Service Equipment, Inc. 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 Heritage Food Service Equipment, Inc.'s Compliance with Statement of Benefits; and

WHEREAS, in said notice to Heritage Food Service Equipment, Inc., Common Council directed Heritage Food Service Equipment, Inc. to apply for and file a Waiver of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable, and request a waiver by Common Council, for said non-compliance, which request and resolutions and forms were to be submitted to Common Council prior to the subsequent hearing that will be afforded to Heritage Food Service Equipment, Inc.; and

WHEREAS, the aforementioned notice was properly prepared and served upon Heritage Food Service Equipment, Inc. on August 5, 2015; and

WHEREAS, subsequent to the aforementioned notice, Community Development Division staff discovered that the missing Compliance with Statement of Benefits Form CF-1/Real Property had been submitted in a timely manner; 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
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, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that the property owner has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council.

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

SECTION 1. That, the Compliance with Statement of Benefits Form CF-1/Real Property for Heritage Food Service Equipment, Inc. is 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.

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 with Statement of Benefits (CF-1) Form filing for 2015 for Heritage Food Service Equipment, Inc.

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution affirms that the Compliance with Statement of Benefits (CF-1) Form filing made by Heritage Food Service Equipment, Inc. with an approved economic revitalization area is in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow Heritage Food Service Equipment, Inc. to continue to receive their tax abatement benefit

EFFECT OF NON-PASSAGE: Potential loss of new development

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

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