

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2016 for JH Specialty, Inc./Hilltrans, LLC at 6030 Huguenard Road under Confirming Resolution R-53-09 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 JH Specialty, Inc./Hilltrans, 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**, JH Specialty, Inc./Hilltrans, LLC has filed Compliance with Statement of Benefit Forms with the Allen County Assessor’s Office, Allen County Auditor’s Office and the City of Fort Wayne; and

**WHEREAS**, JH Specialty, Inc./Hilltrans, LLC’s approved Statement of Benefits (SB-1) form stated that **19** full-time and **four** part-time jobs would be retained and **30** full-time and **12** part-time jobs would be created; and

**WHEREAS**, JH Specialty, Inc./Hilltrans, LLC’s approved Statement of Benefits (SB-1) form stated **\$1,838,400** in annual payroll would be generated from the **30** full-time and **12** part-time created jobs; and

**WHEREAS**, JH Specialty, Inc./Hilltrans, LLC’s approved Statement of Benefits (SB-1) form stated **\$1,086,800** in annual payroll would be generated from the **19** full-time and **four** part-time retained jobs; and

**WHEREAS**, JH Specialty, Inc./Hilltrans, LLC’s 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **23** jobs were retained and **nine** jobs were created; and

**WHEREAS**, JH Specialty, Inc./Hilltrans, LLC's 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$1,086,800** in annual payroll for the **23** jobs retained and **\$856,887** in annual payroll for the **nine** jobs 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
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 **42** created jobs means creating **31** jobs; and

**WHEREAS**, meeting 75% of the **23** retained jobs means retaining **17** jobs; and

**WHEREAS**, meeting 75% of the **\$1,838,400**, in annual payroll to be created means **\$1,378,800** in annual payroll created; 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 JH Specialty, Inc./Hilltrans, LLC has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, JH Specialty, Inc./Hilltrans, 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 JH Specialty, Inc./Hilltrans, LLC with an approved economic revitalization area for 2016 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 \$1,838,400 or \$1,378,800 in annual payroll from the 42 jobs or 31 jobs that were stated that would be created.

**SECTION 2a.** JH Specialty, Inc./Hilltrans, LLC appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply by its failure to create \$1,378,800 or more in annual payroll from 31

jobs or more created, that JH Specialty, Inc./Hilltrans, LLC did make reasonable efforts to substantially comply with the statement of benefits and JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply was caused by factors beyond the control of JH Specialty, Inc./Hilltrans, LLC. Therefore, the continuation of JH Specialty, Inc./Hilltrans, LLC's deduction/abatement under R-53-09 is hereby approved.

**SECTION 2b.** That JH Specialty, Inc./Hilltrans, LLC appeared and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply by its failure to create \$1,378,800 or more in annual payroll from the 31 or more jobs created, that JH Specialty, Inc./Hilltrans, LLC did not make reasonable efforts to substantially comply with the statement of benefits and JH Specialty, Inc./Hilltrans, LLC's failure to substantially comply was not caused by factors beyond the control of JH Specialty, Inc./Hilltrans, LLC. Council therefore directs the Community Development Division to mail written notice to JH Specialty, Inc./Hilltrans, 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 JH Specialty, Inc./Hilltrans, LLC's 2016 compliance with statement of benefits.

**SECTION 2c.** That JH Specialty, Inc./Hilltrans, LLC failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that JH Specialty, Inc./Hilltrans, LLC 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 on their 2016 filing. Council therefore directs the Community Development Division to mail written notice to JH Specialty, Inc./Hilltrans, 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 JH Specialty, Inc./Hilltrans, LLC's 2016 compliance with statement of benefits.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney