

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2016 for Vermeer of Indiana, Inc. (filed under JSC, LLC) for property at 3310 West Coliseum Boulevard under Confirming Resolution R-3-14 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 Vermeer of Indiana, Inc. (filed under JSC, 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**, Vermeer of Indiana, Inc. (filed under JSC, LLC) has filed Compliance with Statement of Benefit Forms with the Allen County Auditor's Office and the City of Fort Wayne; and

**WHEREAS**, Vermeer of Indiana, Inc. (filed under JSC, LLC) approved Statement of Benefits (SB-1) form stated that **six** full-time jobs would be retained and **three** full-time and **one** part-time jobs would be created by March 2015; and

**WHEREAS**, Vermeer of Indiana, Inc. (filed under JSC, LLC) approved Statement of Benefits (SB-1) form stated **\$430,000** in annual payroll for the **six** full-time retained jobs and **\$205,000** in annual payroll would be generated by the **three** full-time and **one** part-time jobs to be created; and

**WHEREAS**, Vermeer of Indiana, Inc.'s (filed under JSC, LLC) 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **six** jobs were retained and **zero** jobs were created; and

**WHEREAS**, Vermeer of Indiana, Inc.'s (filed under JSC, LLC) 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$410,000** in annual payroll for the **six** 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 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 **six** full-time jobs retained means retaining **four** jobs; and

**WHEREAS**, meeting 75% of the **three** full-time and **one** part-time jobs to be created means creating **three** jobs; and

**WHEREAS**, meeting 75% of the **\$430,000** in retained annual payroll means **\$322,500** in annual payroll; and

**WHEREAS**, meeting 75% of the **\$205,000** in annual payroll to be created means **\$153,750**; 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 Vermeer of Indiana, Inc. (filed under JSC, LLC) has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, Vermeer of Indiana, Inc. (filed under JSC, 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 Vermeer of Indiana, Inc. (filed under JSC, LLC) with an approved economic revitalization area for 2016 are 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 three full-time and one part-time jobs or three jobs that were stated that would be created and create 75% of the \$205,000 in annual payroll or \$153,750 that was stated that would be generated by the created jobs.

**SECTION 2a.** Vermeer of Indiana, Inc. (filed under JSC, LLC) appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding, Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply by its failure to create three jobs or more and \$153,750 in annual payroll or more from the jobs created, that Vermeer of Indiana, Inc. (filed under JSC, LLC) did make reasonable efforts to substantially comply with the statement of benefits and Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply was caused by factors beyond the control of Vermeer of Indiana, Inc. (filed under JSC, LLC). Therefore, the continuation of Vermeer of Indiana, Inc.'s (filed under JSC, LLC) deduction/abatement under R-3-14 is hereby approved.

**SECTION 2b.** That Vermeer of Indiana, Inc. (filed under JSC, LLC). appeared and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding, Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply by its failure to create three jobs or more and \$153,750 in annual payroll or more from the jobs created, that Vermeer of Indiana, Inc. (filed under JSC, LLC) did not make reasonable efforts to substantially comply with the statement of benefits and Vermeer of Indiana, Inc.'s (filed under JSC, LLC) failure to substantially comply was not caused by factors beyond the control of Vermeer of Indiana, Inc.'s (filed under JSC, LLC). Council therefore directs the Community Development Division to mail written notice to Vermeer of Indiana, Inc. (filed under JSC, 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 Vermeer of Indiana, Inc.'s (filed under JSC, LLC) 2016 compliance with statement of benefits.

**SECTION 2c.** That Vermeer of Indiana, Inc. (filed under JSC, 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 Vermeer of Indiana, Inc. (filed under JSC, 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 Vermeer of Indiana, Inc. (filed under JSC, 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 Vermeer of Indiana, Inc.'s (filed under JSC, LLC) 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