

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for ABZ Realty/American Sealants, Inc. for property at 9190 Yeager Drive, Fort Wayne, IN 46809 under Confirming Resolution R-30-15 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 ABZ Realty/American Sealants, Inc. 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, ABZ Realty/American Sealants, Inc. has filed its Compliance with Statement of Benefit Forms with the Allen County Assessor's office and the City of Fort Wayne for 2017; 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

1 **WHEREAS**, ABZ Realty/American Sealants, Inc. **appeared/failed to appear** before
2 council to provide additional information on its compliance with the approved Statement of
3 Benefits.

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

6 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
7 Benefits Form (CF-1) filed by ABZ Realty/American Sealants, Inc. for an approved economic
8 revitalization area for 2017 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
9 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
10 the jobs that were stated to be created and/or 75% of the annual payroll stated to be
11 generated by the created jobs on the approved Statement of Benefits form.

12 **SECTION 2a.** ABZ Realty/American Sealants, Inc. appeared before council and
13 provided additional information on its compliance with the approved Statement of Benefits
14 and from this information it was determined that notwithstanding ABZ Realty/American
15 Sealants, Inc.'s failure to substantially comply with its approved Statement of Benefits form,
16 ABZ Realty/American Sealants, Inc. did make reasonable efforts to substantially comply with
17 the approved Statement of Benefits and ABZ Realty/American Sealants, Inc.'s failure to
18 substantially comply was caused by factors beyond the control of ABZ Realty/American
19 Sealants, Inc. Therefore, the continuation of ABZ Realty/American Sealants, Inc.'s
20 deduction/abatement under R-30-15 is hereby approved.

21 **SECTION 2b.** That ABZ Realty/American Sealants, Inc. appeared and provided
22 additional information on its compliance with the approved Statement of Benefits and from
23 this information it was determined that notwithstanding ABZ Realty/American Sealants, Inc.'s
24 failure to substantially comply by its failure to create the requisite number of jobs and/or the
25 amount of annual payroll stated to be created from those jobs, that ABZ Realty/American
26 Sealants, Inc. did not make reasonable efforts to substantially comply with the statement of
27 benefits and ABZ Realty/American Sealants, Inc.'s failure to substantially comply was not
28 caused by factors beyond the control of ABZ Realty/American Sealants, Inc. Council
29 therefore directs the Community Development Division to mail written notice to ABZ
30 Realty/American Sealants, 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 ABZ Realty/American Sealants, Inc.'s 2017 compliance with statement of
benefits.

SECTION 2c. That ABZ Realty/American Sealants, Inc. failed to appear and
otherwise provide additional information on its compliance with statement of benefits and has
caused Council to conclude and find that ABZ Realty/American Sealants, Inc. is not in

1 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code
2 of the City of Fort Wayne on their 2017 filing. Council therefore directs the Community
3 Development Division to mail written notice to ABZ Realty/American Sealants, Inc. explaining
4 the reasons for Council's determination and a date, time, place of a hearing to be conducted
5 by Council for the purpose of further considering ABZ Realty/American Sealants, Inc.'s 2017
6 compliance with statement of benefits.

7 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
8 its passage and any and all necessary approval by the Mayor.
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11 _____
12 Member of Council

13 APPROVED AS TO FORM A LEGALITY
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16 Carol Helton, City Attorney
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2017

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by ABZ Realty/American Sealants in May 2017 with an approved economic revitalization area are in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled

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

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

ASSIGNED TO COMMITTEE (PRESIDENT): Geoff Paddock and Jason Arp