

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for PolyMod Technologies, Inc. for property at 4146 Engleton Drive, Fort Wayne, IN 46804 under Confirming Resolution R-62-08 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 PolyMod Technologies, 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, PolyMod Technologies, 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**, PolyMod Technologies, Inc. **appeared/failed to appear** before council
2 to provide additional information on its compliance with the approved Statement of Benefits.

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

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

11 **SECTION 2a.** PolyMod Technologies, Inc. appeared before council and provided
12 additional information on its compliance with the approved Statement of Benefits and from
13 this information it was determined that notwithstanding PolyMod Technologies, Inc. 's failure
14 to substantially comply with its approved Statement of Benefits form, PolyMod Technologies,
15 Inc. did make reasonable efforts to substantially comply with the approved Statement of
16 Benefits and PolyMod Technologies, Inc.'s failure to substantially comply was caused by
17 factors beyond the control of PolyMod Technologies, Inc.. Therefore, the continuation of
18 PolyMod Technologies, Inc.'s deduction/abatement under R-33-16 is hereby approved.

19 **SECTION 2b.** That PolyMod Technologies, Inc. appeared and provided additional
20 information on its compliance with the approved Statement of Benefits and from this
21 information it was determined that notwithstanding PolyMod Technologies, Inc.'s failure to
22 substantially comply by its failure to create the requisite number of jobs and/or the amount of
23 annual payroll stated to be created from those jobs, that PolyMod Technologies, Inc. did not
24 make reasonable efforts to substantially comply with the statement of benefits and PolyMod
25 Technologies, Inc.'s failure to substantially comply was not caused by factors beyond the
26 control of PolyMod Technologies, Inc.. Council therefore directs the Community
27 Development Division to mail written notice to PolyMod Technologies, Inc. explaining the
28 reasons for Council's determination and a date, time, place of a hearing to be conducted by
29 Council for the purpose of further considering PolyMod Technologies, Inc.'s 2017 compliance
30 with statement of benefits.

SECTION 2c. That PolyMod Technologies, 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 PolyMod Technologies, Inc. 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 2017 filing. Council therefore directs the Community Development Division
to mail written notice to PolyMod Technologies, Inc. explaining the reasons for Council's

1 determination and a date, time, place of a hearing to be conducted by Council for the
2 purpose of further considering PolyMod Technologies, Inc.'s 2017 compliance with statement
3 of benefits.

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

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10 Member of Council

11 APPROVED AS TO FORM A LEGALITY

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14 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 PolyMod Technologies, Inc. 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