

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for S&W Investments, LLC for Voss Automotive, Inc. for property at 7625 Disalle Boulevard, Fort Wayne, IN under Confirming Resolution R-74-07 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 S&W Investments, LLC for Voss Automotive, 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, S&W Investments, LLC for Voss Automotive, 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**, S&W Investments, LLC for Voss Automotive, Inc. **appeared/failed to**
2 **appear** before council to provide additional information on its compliance with the approved
3 Statement of 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 S&W Investments, LLC for Voss Automotive, Inc. for an
8 approved economic revitalization area for 2017 is not in substantial compliance pursuant to
9 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure
10 stated to be generated by the created jobs on the approved Statement of Benefits form.

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

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

SECTION 2c. That S&W Investments, LLC for Voss Automotive, Inc. failed to
appear and otherwise provide additional information on its compliance with statement of

1 benefits and has caused Council to conclude and find that S&W Investments, LLC for Voss
2 Automotive, Inc. is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
3 153.21 of the Municipal Code of the City of Fort Wayne on their 2017 filing. Council therefore
4 directs the Community Development Division to mail written notice to S&W Investments, LLC
5 for Voss Automotive, Inc. explaining the reasons for Council's determination and a date,
6 time, place of a hearing to be conducted by Council for the purpose of further considering
7 S&W Investments, LLC for Voss Automotive, Inc. 2017 compliance with statement of
8 benefits.

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

15 APPROVED AS TO FORM A LEGALITY

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18 Carol Helton, City Attorney
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