

**A RESOLUTION determining SUBSTANTIAL
COMPLIANCE OR NON-COMPLIANCE with Statement of
Benefits (CF-1) form filing for 2017 for Whitcraft
Enterprises, Inc. for property at 4323 Merchant Road,
Fort Wayne, IN under Confirming Resolution R-65-12
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 Whitcraft Enterprises, 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, Whitcraft Enterprises, 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**, Whitcraft Enterprises, Inc. **appeared/failed to appear** before council to
2 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 Whitcraft Enterprises, 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
the jobs that were stated to be created and/or 75% of the annual payroll stated to be
generated by the created jobs on the approved Statement of Benefits form.

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

15 **SECTION 2b.** That Whitcraft Enterprises, Inc. appeared and provided additional
16 information on its compliance with the approved Statement of Benefits and from this
17 information it was determined that notwithstanding Whitcraft Enterprises, Inc. failure to
18 substantially comply by its failure to create the requisite number of jobs and/or the amount of
19 annual payroll stated to be created from those jobs, that Whitcraft Enterprises, Inc. did not
20 make reasonable efforts to substantially comply with the statement of benefits and Whitcraft
21 Enterprises, Inc. failure to substantially comply was not caused by factors beyond the control
22 of Whitcraft Enterprises, Inc. Council therefore directs the Community Development Division
23 to mail written notice to Whitcraft Enterprises, 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 Whitcraft Enterprises, Inc. 2017 compliance with statement of
benefits.

24 **SECTION 2c.** That Whitcraft Enterprises, Inc. failed to appear and otherwise
25 provide additional information on its compliance with statement of benefits and has caused
26 Council to conclude and find that Whitcraft Enterprises, Inc. is not in substantial compliance
27 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
28 Wayne on their 2017 filing. Council therefore directs the Community Development Division
29 to mail written notice to Whitcraft Enterprises, Inc. explaining the reasons for Council's
30

1 determination and a date, time, place of a hearing to be conducted by Council for the
2 purpose of further considering Whitcraft Enterprises, Inc. 2017 compliance with statement of
3 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.
6
7
8

9 _____
10 Member of Council

11 APPROVED AS TO FORM A LEGALITY
12

13 _____
14 Carol Helton, City Attorney
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30