

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Ash Brokerage Corporation for property at 888 Harrison Street, Fort Wayne, IN 46802 under Confirming Resolution R-19-15 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 Ash Brokerage Corporation 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, Ash Brokerage Corporation 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**, Ash Brokerage Corporation **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 Ash Brokerage Corporation 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
generated by the created jobs on the approved Statement of Benefits form.

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

15 **SECTION 2b.** That Ash Brokerage Corporation 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 Ash Brokerage Corporation's 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 Ash Brokerage Corporation did not
20 make reasonable efforts to substantially comply with the statement of benefits and Ash
21 Brokerage Corporation's failure to substantially comply was not caused by factors beyond the
22 control of Ash Brokerage Corporation. Council therefore directs the Community
23 Development Division to mail written notice to Ash Brokerage Corporation 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 Ash Brokerage Corporation's 2017 compliance
with statement of benefits.

24 **SECTION 2c.** That Ash Brokerage Corporation 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 Ash Brokerage Corporation 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 Ash Brokerage Corporation 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 Ash Brokerage Corporation'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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9 Member of Council
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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 Ash Brokerage Corporation 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