

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Old Mill Properties, LLC (Knitting Off Broadway) for property at 1305-1309 Broadway, Fort Wayne, IN 46802 under Confirming Resolution R-67-08 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 Old Mill Properties, LLC (Knitting Off Broadway) 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, Old Mill Properties, LLC (Knitting Off Broadway) 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**, Old Mill Properties, LLC (Knitting Off Broadway) **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 Old Mill Properties, LLC (Knitting Off Broadway) 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 to create 75% of the jobs that were stated to be created and/or 75% of the annual payroll
11 stated to be generated by the created jobs on the approved Statement of Benefits form.

12 **SECTION 2a.** Old Mill Properties, LLC (Knitting Off Broadway) appeared before
13 council and provided additional information on its compliance with the approved Statement of
14 Benefits and from this information it was determined that notwithstanding Old Mill Properties,
15 LLC (Knitting Off Broadway)'s failure to substantially comply with its approved Statement of
16 Benefits form, Old Mill Properties, LLC (Knitting Off Broadway) did make reasonable efforts
17 to substantially comply with the approved Statement of Benefits and Old Mill Properties, LLC
18 (Knitting Off Broadway)'s failure to substantially comply was caused by factors beyond the
19 control of Old Mill Properties, LLC (Knitting Off Broadway). Therefore, the continuation of
20 Old Mill Properties, LLC (Knitting Off Broadway)'s deduction/abatement under R-33-16 is
21 hereby approved.

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

SECTION 2c. That Old Mill Properties, LLC (Knitting Off Broadway) 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 Old Mill Properties, LLC (Knitting
2 Off Broadway) 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 Old Mill Properties, LLC
5 (Knitting Off Broadway) explaining the reasons for Council's determination and a date, time,
6 place of a hearing to be conducted by Council for the purpose of further considering Old Mill
Properties, LLC (Knitting Off Broadway)'s 2017 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
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14 APPROVED AS TO FORM A LEGALITY
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17 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 Old Mill Properties, LLC (Knitting Off Broadway) 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