

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for PR Investments, LLC/Regan Presser Corporation for Summit Dental Group for property at 9121 Illinois Road, Fort Wayne, IN 46804 under Confirming Resolution R-101-15 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 PR Investments, LLC/Regan Presser Corporation for Summit Dental Group 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, PR Investments, LLC/Regan Presser Corporation for Summit Dental Group 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**, PR Investments, LLC/Regan Presser Corporation for Summit Dental
2 Group **appeared/failed to appear** before council to provide additional information on its
3 compliance with the approved 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 PR Investments, LLC/Regan Presser Corporation for Summit
8 Dental Group for an approved economic revitalization area for 2017 is not in substantial
9 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City
10 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.

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

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

1 explaining the reasons for Council's determination and a date, time, place of a hearing to be
2 conducted by Council for the purpose of further considering PR Investments, LLC/Regan
3 Presser Corporation for Summit Dental Group's 2017 compliance with statement of benefits.

4 **SECTION 2c.** That PR Investments, LLC/Regan Presser Corporation for Summit
5 Dental Group failed to appear and otherwise provide additional information on its compliance
6 with statement of benefits and has caused Council to conclude and find that PR Investments,
7 LLC/Regan Presser Corporation for Summit Dental Group is not in substantial compliance
8 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
9 Wayne on their 2017 filing. Council therefore directs the Community Development Division
10 to mail written notice to PR Investments, LLC/Regan Presser Corporation for Summit Dental
11 Group explaining the reasons for Council's determination and a date, time, place of a hearing
12 to be conducted by Council for the purpose of further considering PR Investments,
13 LLC/Regan Presser Corporation for Summit Dental Group's 2017 compliance with statement
14 of benefits.

15 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
16 its passage and any and all necessary approval by the Mayor.
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19 _____
20 Member of Council
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22 APPROVED AS TO FORM A LEGALITY
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25 _____
26 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 PR Investments, LLC/Regan Presser Corporation for Summit Dental Group 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