

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2017 for Fort Wayne Newspapers/News Publishing Company, Inc. for property at 600 and 800-824 West Main Street, Fort Wayne, IN 46802 under Confirming Resolution R-50-05 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 Fort Wayne Newspapers/News Publishing Company, 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, Fort Wayne Newspapers/News Publishing Company, 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,** Fort Wayne Newspapers/News Publishing Company, Inc.
2 **appeared/failed to appear** before council to provide additional information on its compliance
3 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 Fort Wayne Newspapers/News Publishing Company, Inc. for
8 an approved economic revitalization area for 2017 is not in substantial compliance pursuant
9 to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for
10 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.** Fort Wayne Newspapers/News Publishing Company, Inc. appeared
12 before council and provided additional information on its compliance with the approved
13 Statement of Benefits and from this information it was determined that notwithstanding Fort
14 Wayne Newspapers/News Publishing Company, Inc. 's failure to substantially comply with its
15 approved Statement of Benefits form, Fort Wayne Newspapers/News Publishing Company,
16 Inc. did make reasonable efforts to substantially comply with the approved Statement of
17 Benefits and Fort Wayne Newspapers/News Publishing Company, Inc.'s failure to
18 substantially comply was caused by factors beyond the control of Fort Wayne
Newspapers/News Publishing Company, Inc.. Therefore, the continuation of Fort Wayne
Newspapers/News Publishing Company, Inc.'s deduction/abatement under R-33-16 is
hereby approved.

19 **SECTION 2b.** That Fort Wayne Newspapers/News Publishing Company, Inc.
20 appeared and provided additional information on its compliance with the approved Statement
21 of Benefits and from this information it was determined that notwithstanding Fort Wayne
22 Newspapers/News Publishing Company, Inc.'s failure to substantially comply by its failure to
23 create the requisite number of jobs and/or the amount of annual payroll stated to be created
24 from those jobs, that Fort Wayne Newspapers/News Publishing Company, Inc. did not make
25 reasonable efforts to substantially comply with the statement of benefits and Fort Wayne
26 Newspapers/News Publishing Company, Inc.'s failure to substantially comply was not caused
27 by factors beyond the control of Fort Wayne Newspapers/News Publishing Company, Inc..
28 Council therefore directs the Community Development Division to mail written notice to Fort
29 Wayne Newspapers/News Publishing Company, Inc. explaining the reasons for Council's
30 determination and a date, time, place of a hearing to be conducted by Council for the

1 purpose of further considering Fort Wayne Newspapers/News Publishing Company, Inc.'s
2 2017 compliance with statement of benefits.

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

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

15 _____
16 Member of Council

17
18 APPROVED AS TO FORM A LEGALITY

19
20 _____
21 Carol Helton, City Attorney

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 Fort Wayne Newspapers (Real Estate filed under News Publishing Company, Inc.) 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