

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for Summit Dental Group/PR Investments/Regan Presser Corporation 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 (hereinafter "SB-1") forms, certain property for **Summit Dental Group/PR Investments/Regan Presser 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 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 (hereinafter "CF-1") with the City of Fort Wayne and in some cases either the Allen County Auditor, the Allen County Assessor, or both, showing information on the extent to which there has been compliance with the approved SB-1 form for the project; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation** has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** approved SB-1 form stated that **22** full-time and **eight** part-time jobs would be retained and **10** full-time jobs would be created by **June 30, 2016**; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** approved SB-1 form stated **\$1,850,000** in annual payroll for the **22** full-time, eight part-time retained jobs and **\$805,200** in annual payroll would be generated by the **10** full-time jobs to be created; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** 2018 CF-1 form filing stated that **30** jobs were retained and **four** jobs were created; and

1 **WHEREAS, Summit Dental Group/PR Investments/Regan Presser**
2 **Corporation's 2018 CF-1 form filing stated \$1,850,000 in annual payroll for the 30 jobs**
3 **retained and \$184,835 in annual payroll for the four jobs created; and**

4 **WHEREAS, Common Council designated the City of Fort Wayne Community**
5 **Development Division as the entity for the administration, application, processing and**
6 **monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of**
7 **the City of Fort Wayne; and**

8 **WHEREAS, Common Council has defined substantial compliance under Section**
9 **153.21 of the Municipal Code of the City of Fort Wayne as:**

- 10 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to
11 be created or retained as delineated in the original Statement of Benefits Form
12 (SB-1) approved by Common Council; and
- 13 2. Meeting 75% or more of the total payroll stated to be created or retained as
14 delineated in the original Statement of Benefits Form (SB-1) approved by
15 Common Council; and

16 **WHEREAS, meeting 75% of the 22 full-time and eight part-time jobs retained means**
17 **retaining 16 full-time and six part-time jobs; and**

18 **WHEREAS, meeting 75% of the 10 full-time jobs to be created means creating**
19 **seven full-time jobs; and**

20 **WHEREAS, meeting 75% of the \$1,850,000 in retained annual payroll means**
21 **\$953,700 in retained annual payroll; and**

22 **WHEREAS, meeting 75% of the \$805,200 in annual payroll to be created means**
23 **\$603,900 in created annual payroll; and**

24 **WHEREAS, Common Council may determine not later than forty-five (45) days after**
25 **receipt of the CF-1 form that Summit Dental Group/PR Investments/Regan**
26 **Presser Corporation has either failed to substantially comply or has substantially complied**
27 **with the original SB-1 form approved by Common Council; and**

28 **WHEREAS, Common Council made a determination on June 26, 2018 that Summit**
29 **Dental Group/PR Investments/Regan Presser Corporation was not in substantial**
30 **compliance as a result of its failure to retain 22 full-time and eight part-time jobs with an**
 annual payroll of \$1,850,000 and create 10 full-time jobs and with \$805,200 in annual payroll
 created, and that the failure to substantially comply was not caused by factors beyond the
 control of Summit Dental Group/PR Investments/Regan Presser Corporation; and

WHEREAS, Council directed the Community Development Division to mail written
 notice to **Summit Dental Group/PR Investments/Regan Presser Corporation** explaining
 the reasons for Council's determination and a date, time, place of a hearing to be conducted

1 by Council for the purpose of further considering **Summit Dental Group/PR**
2 **Investments/Regan Presser Corporation's** compliance with Statement of Benefits; and

3 **WHEREAS**, the aforementioned notice was properly prepared and served upon
4 **Summit Dental Group/PR Investments/Regan Presser Corporation**; and

5 **WHEREAS**, **Summit Dental Group/PR Investments/Regan Presser Corporation**
6 **[appeared/failed to appear]** before Common Council to provide additional information
concerning compliance.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
8 **CITY OF FORT WAYNE, INDIANA:**

9 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Summit**
10 **Dental Group/PR Investments/Regan Presser Corporation** with an approved Economic
11 Revitalization Area for **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
12 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
13 the **22** full-time and **eight** part-time jobs or **16** full-time and **six** part-time jobs that were
stated that would be created and create 75% of the **\$1,850,000** in annual payroll or **\$953,000**
that was stated that would be generated by the created jobs.

14 **SECTION 2a. Summit Dental Group/PR Investments/Regan Presser**
15 **Corporation** failed to appear and otherwise testify and therefore Council confirms its
16 determination of **June 26, 2018** that **Summit Dental Group/PR Investments/Regan**
17 **Presser Corporation** has failed to substantially comply pursuant to IC 6-1.1-12.1 and
18 Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1
19 above. Council therefore finds that **Summit Dental Group/PR Investments/Regan Presser**
20 **Corporation** has failed to substantially comply and said failure was not caused by factors
outside of **Summit Dental Group/PR Investments/Regan Presser Corporation's** control.
As a result of said failure, **Summit Dental Group/PR Investments/Regan Presser**
Corporation's deduction/abatement under [Resolution] is hereby terminated

21 **SECTION 2b.** That **Summit Dental Group/PR Investments/Regan Presser**
22 **Corporation** appeared and testified at the hearing and from its testimony it was determined
23 that notwithstanding **Summit Dental Group/PR Investments/Regan Presser**
24 **Corporation's** failure to substantially comply as detailed in Section 1 above that **Summit**
25 **Dental Group/PR Investments/Regan Presser Corporation** did make reasonable efforts to
26 substantially comply with the statement of benefits and **Summit Dental Group/PR**
27 **Investments/Regan Presser Corporation's** failure to substantially comply was caused by
28 factors beyond the control of **Summit Dental Group/PR Investments/Regan Presser**
29 **Corporation**. Therefore, the continuation of **Summit Dental Group/PR Investments/Regan**
30 **Presser Corporation's** deduction/abatement under **R-101-15** is hereby approved.

1 **SECTION 2c.** That **Summit Dental Group/PR Investments/Regan Presser**
2 **Corporation** appeared and testified at the hearing and from its testimony it was determined
3 in addition to **Summit Dental Group/PR Investments/Regan Presser Corporation's** failure
4 to substantially comply as detailed in Section 1 above, that **Summit Dental Group/PR**
5 **Investments/Regan Presser Corporation** did not make reasonable efforts to substantially
6 comply with the statement of benefits and **Summit Dental Group/PR Investments/Regan**
7 **Presser Corporation's** failure to substantially comply was not caused by factors beyond the
8 control of **Summit Dental Group/PR Investments/Regan Presser Corporation** As a result
9 of said failure, **Summit Dental Group/PR Investments/Regan Presser Corporation's**
10 deduction/abatement under **R-101-15** is hereby terminated.

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

13 _____
14 Member of Council

15 APPROVED AS TO FORM A LEGALITY

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17 Joseph G. Bonahoom, Attorney for Common Council
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Summit Dental/PR Investments, LLC/Regan Presser Corporation in May 2018 with an approved economic revitalization area are either in substantial compliance or non-compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in).

EFFECT OF NON-PASSAGE:

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Geoff Paddock and Jason Arp