

BILL NO. R-18-07-12

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for Randall Lofts, LP for property at 220 Pearl Street Fort Wayne, IN 46802 under Confirming Resolution R-58-12 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 **Randall Lofts, LP** 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**, **Randall Lofts, LP** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Auditor**, and

**WHEREAS**, **Randall Lofts, LP** approved SB-1 form stated that **one** full-time and **two** part-time jobs would be created by **June 2014**; and

**WHEREAS**, **Randall Lofts, LP** approved SB-1 form stated **\$100,000** in annual payroll would be generated by the **One** full-time and **two** part-time jobs to be created; and

**WHEREAS**, **Randall Lofts, LP** 2018 CF-1 form filing stated that **six** jobs were created; and

**WHEREAS**, **Randall Lofts, LP** 2018 CF-1 form filing stated **\$55,074** in annual payroll for the **six** jobs created; and

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

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

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

13                  **WHEREAS**, meeting 75% of the **one** full-time job and **two** part-time jobs to  
14 be created means creating **one** full-time job and **one** part-time job; and

15                  **WHEREAS**, meeting 75% of the **\$100,000** in annual payroll to be created  
16 means **\$75,000** in created annual payroll; and

17                  **WHEREAS**, Common Council may determine not later than forty-five (45)  
18 days after receipt of the CF-1 form that **Randall Lofts, LP** has either failed to  
19 substantially comply or has substantially complied with the original SB-1 form  
20 approved by Common Council; and

21                  **WHEREAS**, Common Council made a determination on **June 26, 2018** that  
22 **Randall Lofts, LP** was not in substantial compliance as a result of its failure to  
23 create **three** jobs at **\$100,000** in annual payroll created, and that the failure to  
24 substantially comply was not caused by factors beyond the control of **Randall**  
25 **Lofts, LP**; and

26                  **WHEREAS**, Council directed the Community Development Division to mail  
27 written notice to **Randall Lofts, LP** explaining the reasons for Council's  
28 determination and a date, time, place of a hearing to be conducted by Council for  
29 the purpose of further considering **Randall Lofts, LP's** compliance with Statement  
30 of Benefits; and

**WHEREAS**, the aforementioned notice was properly prepared and served  
upon **Randall Lofts, LP**; and

1           **WHEREAS, Randall Lofts, LP [appeared/failed to appear]** before  
2 Common Council to provide additional information concerning compliance.

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

5           **SECTION 1.** That, Common Council finds that the CF-1 form filed by  
6 **Randall Lofts, LP** with an approved Economic Revitalization Area for **2018** are not  
7 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the  
8 Municipal Code of the City of Fort Wayne for failure to create 75% of the **three** jobs  
9 or **two** jobs that were stated that would be created and create 75% of the **\$100,000**  
10 in annual payroll or **\$75,000** that was stated that would be generated by the created  
11 jobs.

12           **SECTION 2a. Randall Lofts, LP** failed to appear and otherwise testify and  
13 therefore Council confirms its determination of **June 26, 2018** that **Randall Lofts,**  
14 **LP** has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21  
15 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above.  
16 Council therefore finds that **Randall Lofts, LP** has failed to substantially comply  
17 and said failure was not caused by factors outside of **Randall Lofts, LP's** control.  
18 As a result of said failure, **Randall Lofts, LP's** deduction/abatement under **R-58-12**  
19 is hereby terminated

20           **SECTION 2b.** That **Randall Lofts, LP** appeared and testified at the hearing  
21 and from its testimony it was determined that notwithstanding **Randall Lofts, LP's**  
22 failure to substantially comply as detailed in Section 1 above that **Randall Lofts, LP**  
23 did make reasonable efforts to substantially comply with the statement of benefits  
24 and **Randall Lofts, LP's** failure to substantially comply was caused by factors  
25 beyond the control of **Randall Lofts, LP**. Therefore, the continuation of **Randall**  
26 **Lofts, LP's** deduction/abatement under **R-58-12** is hereby approved.

27           **SECTION 2c.** That **Randall Lofts, LP** appeared and testified at the hearing  
28 and from its testimony it was determined in addition to **Randall Lofts, LP's** failure to  
29 substantially comply as detailed in Section 1 above, that **Randall Lofts, LP** did not  
30 make reasonable efforts to substantially comply with the statement of benefits and  
**Randall Lofts, LP's** failure to substantially comply was not caused by factors  
beyond the control of **Randall Lofts, LP** As a result of said failure, **Randall Lofts,**  
**LP's** deduction/abatement under **R-58-12** is hereby terminated.

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

\_\_\_\_\_  
Member of Council

APPROVED AS TO FORM A LEGALITY

\_\_\_\_\_  
Joseph G. Bonahoom, Attorney for Common Council

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 Randall Lofts. LP 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**