

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for Coram USA, LLC/JD Summit Associates for property at 6911 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-98-13 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 **Coram USA, LLC/JD Summit Associates** 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, **Coram USA, LLC/JD Summit Associates** has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and, the Allen County Assessor.; and

WHEREAS, **Coram USA, LLC/JD Summit Associates** approved SB-1 form stated that **one** full-time part-time jobs would be retained and **34** full-time jobs would be created by **2018**; and

WHEREAS, **Coram USA, LLC/JD Summit Associates** approved SB-1 form stated **\$120,000** in annual payroll for the **one** full-time retained job and **\$1,113,225** in annual payroll would be generated by the **34** full-time jobs to be created; and

WHEREAS, **Coram USA, LLC/JD Summit Associates 2018** CF-1 form filing stated that **one** job was retained and **nine** jobs were created; and

WHEREAS, **Coram USA, LLC/JD Summit Associates 2018** CF-1 form filing stated **[Insert Dollar Amount]** in annual payroll for the **one** jobs retained and **[Insert Dollar Amount]** in annual payroll for the **34** jobs created; and

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

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 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 stated to
8 be created or retained as delineated in the original Statement of Benefits Form
9 (SB-1) approved by Common Council; and
- 10 2. Meeting 75% or more of the total payroll stated to be created or retained as
11 delineated in the original Statement of Benefits Form (SB-1) approved by
12 Common Council; and

13 **WHEREAS**, meeting 75% of the **one** full-time job retained means retaining **one** job;
14 and

15 **WHEREAS**, meeting 75% of the **34** full-time jobs to be created means creating **25**
16 full-time jobs; and

17 **WHEREAS**, meeting 75% of the **\$120,000** in retained annual payroll means **\$90,000**
18 in retained annual payroll; and

19 **WHEREAS**, meeting 75% of the **\$1,113,225** in annual payroll to be created means
20 **\$834,918** in created annual payroll; and

21 **WHEREAS**, Common Council may determine not later than forty-five (45) days after
22 receipt of the CF-1 form that **Coram USA, LLC/JD Summit Associates** has either failed to
23 substantially comply or has substantially complied with the original SB-1 form approved by
24 Common Council; and

25 **WHEREAS**, Common Council made a determination on **June 26, 2018** that
26 **Coram/JD Summit Associates** was not in substantial compliance as a result of its
27 failure to create least **25** jobs and at least **\$834,918** in annual payroll created, and
28 that the failure to substantially comply was not caused by factors beyond the control
29 of **Coram/JD Summit Associates**; and

30 **WHEREAS**, Council directed the Community Development Division to mail
written notice to **Coram/JD Summit Associates** 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 **Coram/JD Summit Associates**
compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served
upon **Coram/JD Summit Associates**; and

1 **WHEREAS, Coram/JD Summit Associates [appeared/failed to appear]**
2 before 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 **Coram/JD Summit Associates** with an approved Economic Revitalization Area for
7 **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
8 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
9 the **34** full-time jobs or **25** jobs that were stated that would be created and create
10 75% of the **\$1,113,225** in annual payroll or **\$834,918** that was stated that would be
generated by the created jobs.

11 **SECTION 2a. Coram/JD Summit Associates** failed to appear and
12 otherwise testify and therefore Council confirms its determination of **June 26, 2018**
13 that **Coram/JD Summit Associates** has failed to substantially comply pursuant to
14 IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne
15 as detailed in Section 1 above. Council therefore finds that **Coram/JD Summit**
16 **Associates** has failed to substantially comply and said failure was not caused by
17 factors outside of **Coram/JD Summit Associates** control. As a result of said
failure, **Coram/JD Summit Associates** deduction/abatement under **R-98-13** is
hereby terminated

18 **SECTION 2b.** That **Coram/JD Summit Associates** appeared and testified
19 at the hearing and from its testimony it was determined that notwithstanding
20 **Coram/JD Summit Associates** failure to substantially comply as detailed in
21 Section 1 above that **Coram/JD Summit Associates** did make reasonable efforts
22 to substantially comply with the statement of benefits and **Coram/JD Summit**
23 **Associates** failure to substantially comply was caused by factors beyond the
24 control of **Coram/JD Summit Associates**. Therefore, the continuation of
25 **Coram/JD Summit Associates** deduction/abatement under **R-98-13** is hereby
approved.

26 **SECTION 2c.** That **Coram/JD Summit Associates** appeared and testified
27 at the hearing and from its testimony it was determined in addition to **Coram/JD**
28 **Summit Associates's** failure to substantially comply as detailed in Section 1 above,
29 that **Coram/JD Summit Associates** did not make reasonable efforts to
30

1 substantially comply with the statement of benefits and **Coram/JD Summit**
2 **Associates's** failure to substantially comply was not caused by factors beyond the
3 control of **Coram/JD Summit Associates** As a result of said failure, **Coram/JD**
4 **Summit Associates's** deduction/abatement under **R-98-13** is hereby terminated.

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

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9 Member of Council

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11 APPROVED AS TO FORM A LEGALITY
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14 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 Coram USA, LLC/JD Summit Associates 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