

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2019 for those entities listed in Exhibit 1 under various Confirming Resolutions 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 those entities listed in Exhibit 1, as "Economic Revitalization Areas" 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 Fort Wayne Code of Ordinances, must file a Compliance with Statement of Benefits Form (hereinafter "CF-1") with the City of Fort Wayne, and in some cases also with either the Allen County Auditor or the Allen County Assessor or both, showing information on the extent to which there has been compliance with the approved SB-1 for the applicant's project; and

WHEREAS, those entities listed in Exhibit 1 have filed CF-1 forms at the appropriate offices; and

WHEREAS, all of those entities listed on Exhibit 1 have, as part of the Phase-In approval process, filed and had approved SB-1 forms wherein each of the applicant's specified that it would obtain a certain number of full-time and part-time jobs, create a certain number of full-time and/or part-time jobs by a specifically identifiable date and specified certain levels of payroll that would either be retained or created as a result of the jobs retained and/or created; and

WHEREAS, each year by and through the filing of their respective CF-1 forms, each entity listed on Exhibit 1 provides information necessary to determine whether or not they are in compliance with their approved SB-1; 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 City of Fort Wayne; and

WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Fort Wayne Code of Ordinances 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

WHEREAS, each of the entities listed in Exhibit 1, by and through the evidence provided in their respective CF-1 forms have failed to substantially comply with their originally filed and approved SB-1 forms within the parameters of the definition of substantial compliance; and

WHEREAS, Common Council may determine, not later than 45 days after receipt of the CF-1 forms, that those entities whose properties are designated as an Economic Revitalization Area have failed to substantially comply with their original SB-1 forms previously approved by Common Council; and

WHEREAS, if Common Council takes no action within the 45 days specified then the entities listed on Exhibit 1 shall be deemed to have substantially complied; and

WHEREAS, Common Council desires at this time to make a finding that all of those entities listed on Exhibit 1 have failed to substantially comply with their respective SB-1 forms previously approved by Common Council.

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

SECTION 1. Common Council, by and through the Community Development Division of the City of Fort Wayne, having reviewed the individual and detailed information as provided on the Compliance with Statement of Benefits Form (CF-1) filed by each of those entities listed on Exhibit 1, all of whom are within an approved Economic Revitalization area for 2017, finds that each of the entities listed on Exhibit 1 have failed to substantially comply pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances as a result of their failure to create 75% or more of the full and or part-time jobs stated to be created or retained as delineated in their respective original Statement of Benefits form (SB-1) and/or have failed to create 75% or more of the payroll stated to be generated by the created or retained jobs as delineated in their respective original Statement of Benefits forms (SB-1).

SECTION 2. As a result of this finding, Common Council directs the Community Development Division of the City of Fort Wayne to mail a written notice to each of the entities identified on Exhibit 1. Said written notice shall include a copy of this Resolution and shall provide an explanation of the reason(s) for Common Council's determination in detail, identifying those specific areas of the entity's failure to comply, and further specifying the

1 date, time, and place of a hearing to be conducted by Common Council for the purpose of
2 further considering Compliance with Statement of Benefits for those property owners listed
3 on Exhibit 1.

4 Common Council further directs that any hearing set pursuant to this Resolution may
5 not be set more than 30 days after the date on which the notice to the property owner is
6 mailed.

7 Common Council further directs that the notices shall be sent such that the
8 subsequent hearing(s) referenced on each and every one of these matters shall be heard
9 before Council on either July 16th or July 23, 2019.

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

15 APPROVED AS TO FORM A LEGALITY
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18 Carol Helton, City Attorney
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EXHIBIT 1 NON-COMPLIANT						
Date Filed	Date Filed	Company Name	Res #	Approved	Type	Designation Address
4/29/2019	4/29/2019	Ash Brokerage Corporation	19-15	2015	B	888 Harrison Street
6/4/2019		BW at Renaissance Pointe	94-17	2017	R	Multiple Addresses
4/24/2019		Delster Concentrator	61-17	2017	R	9205 Avlonics Drive
4/26/2019	4/29/2019	Heritage Food Service Equipment, Inc.	12-10	2010	B	5130 Executive Boulevard
4/29/2019	4/29/2019	CK Products, LLC	35-11	2011	B	6230 Innovation Boulevard
4/29/2019	4/29/2019	Coram USA, LLC (Real estate filed under JD Summit Associate	98-13	2013	B	6911 Innovation Blvd
4/30/2019	4/30/2019	JH Specialty, Inc./Hilltrans, LLC	53-09	2009	B	6030 Huguenard Road
4/29/2019	4/29/2019	PR Investments, LLC/Regan Presser Corporation for Summit C	101-15	2015	B	9121 Illinois Road
4/29/2019		817 S. Calhoun LLC	34-12	2012	R	817 S. Calhoun St.
	5/16/2019	Brooks Construction Company, Inc.	30-10	2010	P	2711 Banks Avenue
5/3/2019		FXI, Inc.	40-11	2011	P	3005 Commercial Road
4/29/2019	4/29/2019	Pyromation, Inc.	39-11	2011	B	5211 Industrial Road
4/29/2019	4/29/2019	Pyromation, Inc.	17-14	2014	B	5211 Industrial Road
	4/29/2019	Tuthill Corporation	41-12	2012	P	8825 Aviation Drive
5/2/2019		Long Term Care Investments III, LLC	71-13	2013	R	7604 Aboite Center Road, 7518 Aboite Center Road, 4127 Rosewood Drive, 4113 Rosewood Drive, 7005 Oriole Circle, 6291 Oriole Circle, 6911 Oriole Circle