

4 **A RESOLUTION determining SUBSTANTIAL**  
5 **COMPLIANCE OR NON-COMPLIANCE with Statement**  
6 **of Benefits (CF-1) form filing for 2019 for Long Term**  
7 **Care Investments III, LLC for property at 4180 Sage**  
8 **Bluff Crossing Fort Wayne, IN 46804 under Confirming**  
9 **Resolution R-71-13 with an "Economic Revitalization**  
10 **Area" approved under I.C. 6-1.1-12.1**

11 **WHEREAS**, Common Council has previously designated and declared by  
12 Declaratory Resolution and Confirming Resolution with approved Statement of Benefits  
13 (hereinafter "SB-1") forms, certain property for **Long Term Care Investments III, LLC**  
14 as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal  
15 Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

16 **WHEREAS**, property owners whose SB-1 form was approved after July 1, 1991  
17 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section  
18 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance  
19 with Statement of Benefits Form (hereinafter "CF-1") with the City of Fort Wayne and in  
20 some cases either the Allen County Auditor, the Allen County Assessor, or both,  
21 showing information on the extent to which there has been compliance with the  
22 approved SB-1 form for the project; and

23 **WHEREAS**, **Long Term Care Investments III, LLC** has filed CF-1 forms with  
24 **the City of Fort Wayne and the Allen County Auditor**; and

25 **WHEREAS**, **Long Term Care Investments III, LLC's** approved SB-1 form  
26 stated that **61** full-time and **34** part-time jobs would be created; and

27 **WHEREAS**, **Long Term Care Investments III, LLC's** approved SB-1 form  
28 stated **\$2,933,450** in annual payroll would be generated by the **61** full-time jobs and **34**  
29 part-time jobs to be created; and

30 **WHEREAS**, **Long Term Care Investments III, LLC's 2019** CF-1 form filing  
stated that **92** jobs were created; and

**WHEREAS**, **Long Term Care Investments III, LLC 's 2019** CF-1 form filing  
stated **\$2,061,516** in annual payroll for the **92** jobs created; and

**WHEREAS**, Common Council designated the City of Fort Wayne Community  
Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal  
2 Code of the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section  
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the **61** full-time and **34** part-time jobs created  
12 means created **45** full-time and **25** part-time jobs; and

13 **WHEREAS**, meeting 75% of the **\$2,933,450** in annual payroll to be created  
14 means **\$2,200,087** in created annual payroll; and

15 **WHEREAS**, Common Council may determine not later than forty-five (45) days  
16 after receipt of the CF-1 form that **Long Term Care Investments III, LLC** has either  
17 failed to substantially comply or has substantially complied with the original SB-1 form  
18 approved by Common Council; and

19 **WHEREAS**, Common Council made a determination on **June 25, 2019** that  
20 **Long Term Care Investments III, LLC** was not in substantial compliance as a result of  
21 its failure to create at least **45** full-time and **25** part-time jobs and at least **\$2,200,087** in  
22 annual payroll, and that the failure to substantially comply was not caused by factors  
23 beyond the control of **Long Term Care Investments III, LLC**; and

24 **WHEREAS**, Council directed the Community Development Division to mail  
25 written notice to **Long Term Care Investments III, LLC** explaining the reasons for  
26 Council's determination and a date, time, place of a hearing to be conducted by Council  
27 for the purpose of further considering **Long Term Care Investments III, LLC** 's  
28 compliance with Statement of Benefits; and

29 **WHEREAS**, the aforementioned notice was properly prepared and served upon  
30 **Long Term Care Investments III, LLC** ; and

**WHEREAS**, **Long Term Care Investments III, LLC** [**appeared/failed to  
appear**] before Common Council to provide additional information concerning  
compliance.

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

1           **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Long**  
2 **Term Care Investments III, LLC** with an approved Economic Revitalization Area for  
3 **2019** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of  
4 the Municipal Code of the City of Fort Wayne for failure to create 75% of the **45** full-time  
5 and **25** part-time jobs that were stated that would be created and create 75% of the  
6 **\$2,933,450** in annual payroll or **\$2,200,087** that was stated that would be generated by  
7 the created jobs.

8           **SECTION 2a. Long Term Care Investments III, LLC** failed to appear and  
9 otherwise testify and therefore Council confirms its determination of **June 25, 2019** that  
10 **Long Term Care Investments III, LLC** has failed to substantially comply pursuant to IC  
11 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as  
12 detailed in Section 1 above. Council therefore finds that **Long Term Care Investments**  
13 **III, LLC** has failed to substantially comply and said failure was not caused by factors  
14 outside of **Long Term Care Investments III, LLC's** control. As a result of said failure,  
15 **Long Term Care Investments III, LLC's** deduction/abatement under **R-71-13** is hereby  
16 terminated

17           **SECTION 2b.** That **Long Term Care Investments III, LLC** appeared and  
18 testified at the hearing and from its testimony it was determined that notwithstanding  
19 **Long Term Care Investments III, LLC's** failure to substantially comply as detailed in  
20 Section 1 above that **Long Term Care Investments III, LLC** did make reasonable  
21 efforts to substantially comply with the statement of benefits and **Long Term Care**  
22 **Investments III, LLC's** failure to substantially comply was caused by factors beyond the  
23 control of **Long Term Care Investments III, LLC** . Therefore, the continuation of **Long**  
24 **Term Care Investments III, LLC's** deduction/abatement under **R-71-13** is hereby  
25 approved.

26           **SECTION 2c.** That **Long Term Care Investments III, LLC** appeared and  
27 testified at the hearing and from its testimony it was determined in addition to **Long**  
28 **Term Care Investments III, LLC's** failure to substantially comply as detailed in Section  
29 1 above, that **Long Term Care Investments III, LLC** did not make reasonable efforts to  
30 substantially comply with the statement of benefits and **Long Term Care Investments**  
**III, LLC's** failure to substantially comply was not caused by factors beyond the control of  
**Long Term Care Investments III, LLC** As a result of said failure, **Long Term Care**  
**Investments III, LLC's** deduction/abatement under **R-71-13** 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2019**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Long Term Care Investments III, LLC in May 2019 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): Russ Jehl and Jason Arp**