

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE
OR NON-COMPLIANCE with Statement of Benefits (CF-1)
form filing for 2019 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 job would be retained and **34** full-time jobs would be created by **2019**; 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 2019** CF-1 form filing stated that **one** job was retained and **eight** jobs were created; and

WHEREAS, **Coram USA, LLC/JD Summit Associates 2019** CF-1 form filing stated **\$120,000** in annual payroll for the **one** job retained and **\$436,042** in annual payroll for the **eight** jobs created; 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 the City of Fort Wayne; and

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

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

4 2. Meeting 75% or more of the total payroll stated to be created or retained as
5 delineated in the original Statement of Benefits Form (SB-1) approved by Common
6 Council; and

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

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

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

12 **WHEREAS**, meeting 75% of the **\$1,113,225** in annual payroll to be created means
13 **\$834,918** in created annual payroll; and

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

18 **WHEREAS**, Common Council made a determination on **June 25, 2019** that **Coram**
19 **USA, LLC/JD Summit Associates** was not in substantial compliance as a result of its failure to
20 create least **25** jobs and at least **\$834,918** in annual payroll created, and that the failure to
21 substantially comply was not caused by factors beyond the control of **Coram USA, LLC/JD**
22 **Summit Associates**; and

23 **WHEREAS**, Council directed the Community Development Division to mail written notice
24 to **Coram USA, LLC/JD Summit Associates** explaining the reasons for Council's determination
25 and a date, time, place of a hearing to be conducted by Council for the purpose of further
26 considering **Coram USA, LLC/JD Summit Associates** compliance with Statement of Benefits;
27 and

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

30 **WHEREAS**, **Coram USA, LLC/JD Summit Associates** [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:

SECTION 1. That, Common Council finds that the CF-1 form filed by **Coram USA,**
LLC/JD Summit Associates with an approved Economic Revitalization Area for **2019** are not in
substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of
the City of Fort Wayne for failure to create 75% of the **34** full-time jobs or **25** jobs that were stated
that would be created and create 75% of the **\$1,113,225** in annual payroll or **\$834,918** that was
stated that would be generated by the created jobs.

1 **SECTION 2a. Coram USA, LLC/JD Summit Associates** failed to appear and
2 otherwise testify and therefore Council confirms its determination of **June 25, 2019** that **Coram**
3 **USA, LLC/JD Summit Associates** has failed to substantially comply pursuant to IC 6-1.1-12.1
4 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1
5 above. Council therefore finds that **Coram/JD Summit Associates** has failed to substantially
6 comply and said failure was not caused by factors outside of **Coram/JD Summit Associates**
7 control. As a result of said failure, **Coram/JD Summit Associates** deduction/abatement under
8 **R-98-13** is hereby terminated

9 **SECTION 2b.** That **Coram USA, LLC/JD Summit Associates** appeared and testified at
10 the hearing and from its testimony it was determined that notwithstanding **Coram USA, LLC/JD**
11 **Summit Associates** failure to substantially comply as detailed in Section 1 above that **Coram**
12 **USA, LLC/JD Summit Associates** did make reasonable efforts to substantially comply with the
13 statement of benefits and **Coram USA, LLC/JD Summit Associates** failure to substantially
14 comply was caused by factors beyond the control of **Coram USA, LLC/JD Summit Associates**.
15 Therefore, the continuation of **Coram USA, LLC/JD Summit Associates** deduction/abatement
16 under **R-98-13** is hereby approved.

17 **SECTION 2c.** That **Coram USA, LLC/JD Summit Associates** appeared and testified
18 at the hearing and from its testimony it was determined in addition to **Coram USA, LLC/JD**
19 **Summit Associates** failure to substantially comply as detailed in Section 1 above, that **Coram**
20 **USA, LLC/JD Summit Associates** did not make reasonable efforts to substantially comply with
21 the statement of benefits and **Coram USA, LLC/JD Summit Associates** failure to substantially
22 comply was not caused by factors beyond the control of **Coram USA, LLC/JD Summit**
23 **Associates** As a result of said failure, **Coram USA, LLC/JD Summit Associates**
24 deduction/abatement under **R-98-13** is hereby terminated.

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

27 _____
28 Member of Council

29 APPROVED AS TO FORM A LEGALITY

30 _____
Carol Helton, City Attorney

Admn. Appr. _____

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 Coram USA, LLC/JD Summit Associates in April 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