

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE
OR NON-COMPLIANCE with Statement of Benefits (CF-1)
form filing for 2019 for Summit Dental Group/PR
Investments/Regan Presser Corporation for property at
9121 Illinois Road Fort Wayne, IN 46804 under Confirming
Resolution R-101-15 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 **Summit Dental Group/PR Investments/Regan Presser Corporation** 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, **Summit Dental Group/PR Investments/Regan Presser Corporation** has filed CF-1 forms with **the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor**; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** approved SB-1 form stated that **22** full-time and **eight** part-time jobs would be retained and **10** full-time jobs would be created by **June 30, 2016**; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** approved SB-1 form stated **\$1,850,000** in annual payroll for the **22** full-time, **eight** part-time retained jobs and **\$805,200** in annual payroll would be generated by the **10** full-time jobs to be created; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** **2019** CF-1 form filing stated that **30** jobs were retained and **six** jobs were created; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation's** **2019** CF-1 form filing stated **\$1,850,000** in annual payroll for the **30** jobs retained and **\$426,648** in annual payroll for the **six** 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

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

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

9 **WHEREAS**, meeting 75% of the **22** full-time and **eight** part-time jobs retained means
10 retaining **16** full-time and **six** part-time jobs; and

11 **WHEREAS**, meeting 75% of the **10** full-time jobs to be created means creating **seven**
12 full-time jobs; and

13 **WHEREAS**, meeting 75% of the **\$1,850,000** in retained annual payroll means **\$953,700**
14 in retained annual payroll; and

15 **WHEREAS**, meeting 75% of the **\$805,200** in annual payroll to be created means
16 **\$603,900** in created annual payroll; and

17 **WHEREAS**, Common Council may determine not later than forty-five (45) days after
18 receipt of the CF-1 form that **Summit Dental Group/PR Investments/Regan Presser**
19 **Corporation** has either failed to substantially comply or has substantially complied with the
20 original SB-1 form approved by Common Council; and

21 **WHEREAS**, Common Council made a determination on **June 25, 2019** that **Summit**
22 **Dental Group/PR Investments/Regan Presser Corporation** was not in substantial compliance
23 as a result of its failure to retain **22** full-time and **eight** part-time jobs with an annual payroll of
24 **\$1,850,000** and create **10** full-time jobs and with **\$805,200** in annual payroll created, and that the
25 failure to substantially comply was not caused by factors beyond the control of **Summit Dental**
26 **Group/PR Investments/Regan Presser Corporation**; and

27 **WHEREAS**, Council directed the Community Development Division to mail written notice
28 to **Summit Dental Group/PR Investments/Regan Presser Corporation** explaining the reasons
29 for Council's determination and a date, time, place of a hearing to be conducted by Council for
30 the purpose of further considering **Summit Dental Group/PR Investments/Regan Presser**
Corporation's compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon **Summit**
Dental Group/PR Investments/Regan Presser Corporation; and

WHEREAS, **Summit Dental Group/PR Investments/Regan Presser Corporation**
[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 **Summit Dental**
2 **Group/PR Investments/Regan Presser Corporation** with an approved Economic
3 Revitalization Area for **2019** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
4 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the **22**
5 full-time and **eight** part-time jobs or **16** full-time **and six** part-time jobs that were stated that would
6 be created and create 75% of the **\$1,850,000** in annual payroll or **\$953,000** that was stated that
7 would be generated by the created jobs.

8 **SECTION 2a.** **Summit Dental Group/PR Investments/Regan Presser Corporation**
9 failed to appear and otherwise testify and therefore Council confirms its determination of **June**
10 **25, 2019** that **Summit Dental Group/PR Investments/Regan Presser Corporation** has failed
11 to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of
12 the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that **Summit**
13 **Dental Group/PR Investments/Regan Presser Corporation** has failed to substantially comply
14 and said failure was not caused by factors outside of **Summit Dental Group/PR**
15 **Investments/Regan Presser Corporation's** control. As a result of said failure, **Summit Dental**
16 **Group/PR Investments/Regan Presser Corporation's** deduction/abatement under **R-101-15** is
17 hereby terminated

18 **SECTION 2b.** That **Summit Dental Group/PR Investments/Regan Presser**
19 **Corporation** appeared and testified at the hearing and from its testimony it was determined that
20 notwithstanding **Summit Dental Group/PR Investments/Regan Presser Corporation's** failure
21 to substantially comply as detailed in Section 1 above that **Summit Dental Group/PR**
22 **Investments/Regan Presser Corporation** did make reasonable efforts to substantially comply
23 with the statement of benefits and **Summit Dental Group/PR Investments/Regan Presser**
24 **Corporation's** failure to substantially comply was caused by factors beyond the control of
25 **Summit Dental Group/PR Investments/Regan Presser Corporation**. Therefore, the
26 continuation of **Summit Dental Group/PR Investments/Regan Presser Corporation's**
27 deduction/abatement under **R-101-15** is hereby approved.

28 **SECTION 2c.** That **Summit Dental Group/PR Investments/Regan Presser**
29 **Corporation** appeared and testified at the hearing and from its testimony it was determined in
30 addition to **Summit Dental Group/PR Investments/Regan Presser Corporation's** failure to
substantially comply as detailed in Section 1 above, that **Summit Dental Group/PR**
Investments/Regan Presser Corporation did not make reasonable efforts to substantially
comply with the statement of benefits and **Summit Dental Group/PR Investments/Regan**
Presser Corporation's failure to substantially comply was not caused by factors beyond the
control of **Summit Dental Group/PR Investments/Regan Presser Corporation** As a result of
said failure, **Summit Dental Group/PR Investments/Regan Presser Corporation's**
deduction/abatement under **R-101-15** 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

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 Summit Dental/PR Investments, LLC/Regan Presser Corporation 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