BILL NO. R-19-07-32

RESOLUTION NO. R-_____

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

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1 WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Municipal Code of the City of Fort Wayne as: 3 4 4 5 5 6 6 6 6 6 7 8 8 9 7 8 8 9 7 8 8 9 9 WHEREAS, meeting 75% of the 22 full-line and eight part-line jobs retained as delineated in the original Statement of Benefits Form (SB-1) approved by Common Council; and 7 8 9 WHEREAS, meeting 75% of the 22 full-line and eight part-line jobs retained means retaining 6 full-time and six part-line jobs; and 10 WHEREAS, meeting 75% of the \$10,50,000 in retained annual payroll means \$953,700 in retained annual payroll; and 11 WHEREAS, Common Council may determine not later than forty-five (45) days after for the CF-1 form that Summit Dental Group/PR Investments/Regan Presser Corporation has either failed to substantially complet with the original SE-1 form approved by Common Council; and 15 WHEREAS, Council meate a determination on June 25, 2019 that Summit Dental Group/PR Investments/Regan Presser Corporation was not in substantial compliance at \$1,850,000 and create 10 full-line inde and eight part-line jobs with an annual payroll of \$1,850,000 and create 10 full-line inde		
2 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 7 WHEREAS, meeting 75% of the 22 full-time and eight part-time jobs retained means retaining 16 full-time and six part-time jobs; and 8 WHEREAS, meeting 75% of the 10 full-time jobs to be created means creating seven full-time jobs; and 10 WHEREAS, meeting 75% of the \$1,860,000 in retained annual payroll means \$953,700 in retained annual payroll; and 11 WHEREAS, meeting 75% of the \$10,860,000 in annual payroll to be created means \$603,800 in created annual payroll; and 13 WHEREAS, common Council may determine not later than forty-five (45) days after receipt of the CF-1 form that Summit Dental Group/R Investments/Regan Presser Corporation has either failed to substantially comply or has substantially complied with the original SB-1 form approved by Common Council; and 16 WHEREAS, Common Council made a determination on June 25, 2019 that Summit Dental Group/R Investments/Regan Presser Corporation was not in substantial compliance as a result of its failure to retained 25 full-time jobs and with \$805,200 in annual payroll compliance as a result of its failure to retained 25 full-time jobs and with \$805,200 in annual payroll of \$1,860,000 and created 10 full-time jobs and with \$805,200 in annual payroll of \$1,860,000 and create 10 full-time jobs and with \$805,200 in annual payroll of \$1,860,000 a	1	
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SECTION 1. That, Common Council finds that the CF-1 form filed by **Summit Dental Group/PR Investments/Regan Presser Corporation** 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 **22** full-time and **eight** part-time jobs or **16** full-time **and six** part-time jobs that were stated that would be created and create 75% of the **\$1,850,000** in annual payroll or **\$953,000** that was stated that would be generated by the created jobs.

SECTION 2a. Summit Dental Group/PR Investments/Regan Presser Corporation failed to appear and otherwise testify and therefore Council confirms its determination of June 25, 2019 that Summit Dental Group/PR Investments/Regan Presser Corporation has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that Summit Dental Group/PR Investments/Regan Presser Corporation has failed to substantially comply and said failure was not caused by factors outside of Summit Dental Group/PR Investments/Regan Presser Corporation's control. 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 2b. That Summit Dental Group/PR Investments/Regan Presser Corporation appeared and testified at the hearing and from its testimony it was determined that notwithstanding 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 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 caused by factors beyond the control of Summit Dental Group/PR Investments/Regan Presser Corporation. Therefore, the continuation of Summit Dental Group/PR Investments/Regan Presser Corporation's deduction/abatement under R-101-15 is hereby approved.

SECTION 2c. That Summit Dental Group/PR Investments/Regan Presser Corporation appeared and testified at the hearing and from its testimony it was determined in 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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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