

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2019 for Ash Brokerage Corporation for property at 888 South Harrison Street Fort Wayne, IN 46802 under Confirming Resolution R-19-15 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 **Ash Brokerage 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, **Ash Brokerage Corporation** has filed CF-1 forms with **the City of Fort Wayne, the Allen County Auditor, and the Allen County Assessor**; and

WHEREAS, **Ash Brokerage Corporation's** approved SB-1 form stated that **239** full-time jobs would be retained and **51** full-time jobs would be created by **December 31, 2018**; and

WHEREAS, **Ash Brokerage Corporation's** approved SB-1 form stated **\$13,500,553** in annual payroll for the **239** full-time retained jobs and **\$1,272,250** in annual payroll would be generated by the **51** full-time jobs to be created; and

WHEREAS, **Ash Brokerage Corporation's 2019** CF-1 form filing stated that **239** jobs were retained and **31** jobs were created; and

WHEREAS, **Ash Brokerage Corporation's 2019** CF-1 form filing stated **\$14,473,186** in annual payroll for the **239** jobs retained and **\$1,673,233** in annual payroll for the **31** 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. 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, meeting 75% of the **239** full-time jobs retained means retaining **179** full-time jobs; and

1 **WHEREAS**, meeting 75% of the **51** full-time jobs to be created means creating
2 **38** full-time jobs; and

3 **WHEREAS**, meeting 75% of the **\$13,500,553** in retained annual payroll means
4 **\$10,125,414** in retained annual payroll; and

5 **WHEREAS**, meeting 75% of the **\$1,272,250** in annual payroll to be created
6 means **\$954,187** in created annual payroll; and

7 **WHEREAS**, Common Council may determine not later than forty-five (45) days
8 after receipt of the CF-1 form that **Ash Brokerage Corporation** has either failed to
9 substantially comply or has substantially complied with the original SB-1 form approved
10 by Common Council; and

11 **WHEREAS**, Common Council made a determination on **June 25, 2019** that **Ash**
12 **Brokerage Corporation** was not in substantial compliance as a result of its failure to
13 retain at least **179** jobs with at least **\$10,125,414** in annual payroll and create at least **38**
14 jobs and at least **\$954,187** in annual payroll, and that the failure to substantially comply
15 was not caused by factors beyond the control of **Ash Brokerage Corporation**; and

16 **WHEREAS**, Council directed the Community Development Division to mail
17 written notice to **Ash Brokerage Corporation** explaining the reasons for Council's
18 determination and a date, time, place of a hearing to be conducted by Council for the
19 purpose of further considering **Ash Brokerage Corporation's** compliance with
20 Statement of Benefits; and

21 **WHEREAS**, the aforementioned notice was properly prepared and served upon
22 **Ash Brokerage Corporation**; and

23 **WHEREAS**, **Ash Brokerage Corporation** later submitted a **revised** CF-1 form
24 to include more accurate information and numbers on the full-time jobs and annual
25 payroll that were created; and

26 **WHEREAS**, **Ash Brokerage Corporation's** 2019 **revised** CF-1 form filing
27 stated that **239** jobs were retained and **39** jobs were created; and

28 **WHEREAS**, **Ash Brokerage Corporation's** 2019 **revised** CF-1 form filing
29 stated **\$14,473,186.57** in annual payroll for the 239 jobs retained and **\$2,085,864.61** in
30 annual payroll for the **39** jobs created; and

31 **WHEREAS**, **Ash Brokerage Corporation** [appeared/failed to appear] before
32 Common Council to provide additional information concerning compliance and the
33 revision of the CF-1.

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

36 **SECTION 1.** That, Common Council finds that the CF-1 and revised CF-1
37 forms filed by **Ash Brokerage Corporation** with an approved Economic Revitalization
38 Area for **2019** demonstrate that **Ash Brokerage Corporation** is in substantial
39 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the
40 City of Fort Wayne by virtue of creating **39** full-time jobs (over 75% of the **51** full-time
41 jobs stated in the original filing) and creating **\$2,085,864.61** in annual payroll for those
42 new jobs (over 75% of the **\$1,272,250** stated in the original filing).

43 **SECTION 2.** That **Ash Brokerage Corporation** appeared and testified at the
44 hearing and from its testimony it was determined that the revised CF-1 demonstrates
45 that **Ash Brokerage Corporation** substantially complied with the requirements as
46 detailed in Section 1 above. Therefore, the continuation of **Ash Brokerage**
47 **Corporation's** deduction/abatement under **R-19-15** is hereby approved.

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

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 Ash Brokerage Corporation in April and July 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