

A RESOLUTION determining SUBSTANTIAL COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc. for property at 3426 North Wells Street, Fort Wayne, IN 46808 under Confirming Resolution R-24-09 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 **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** 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, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Assessor**; and

WHEREAS, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** approved SB-1 form stated that **502 full-time** jobs would be retained; and

WHEREAS, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** approved SB-1 form stated **\$23,235,395** in annual payroll would be retained for the **502** retained full-time jobs; and

WHEREAS, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** **2020** CF-1 form filing stated that **401** jobs were retained; and

WHEREAS, **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** **2020** CF-1 form filing stated **\$19,777,337** in retained annual payroll for the **401** jobs retained; and

1 **WHEREAS**, Common Council designated the City of Fort Wayne Community
2 Development Division as the entity for the administration, application, processing and
3 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal
4 Code of the City of Fort Wayne; and

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13 **WHEREAS**, meeting 75% of the **502** full-time jobs retained means retaining **376**
14 jobs; and

15 **WHEREAS**, meeting 75% of the **\$23,235,395** in retained annual payroll means
16 **\$17,426,546** in retained annual payroll; and

17 **WHEREAS**, Common Council may determine not later than forty-five (45) days
18 after receipt of the CF-1 form that **Edy's Grand Ice Cream, Inc./Dreyer's Grand Ice**
19 **Cream, Inc.** has either failed to substantially comply or has substantially complied with
20 the original SB-1 form approved by Common Council; and

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

23 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Edy's**
24 **Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.** with an approved Economic
25 Revitalization Area for **2020** are in substantial compliance pursuant to I.C. 6-1.1-12.1
26 and Section 153.21 of the Municipal Code of the City of Fort Wayne and did retain **502**
27 jobs or **376** jobs stated and retain 75% of the **\$23,235,395** in retained annual payroll or
28 **\$17,426,546** in retained annual payroll stated. Therefore, the continuation of **Edy's**
29 **Grand Ice Cream, Inc./Dreyer's Grand Ice Cream, Inc.'s** deduction/abatement under
30 **R-24-09** is hereby approved.

SECTION 2. That, this Resolution shall be in full force and effect from and after
its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney