

A RESOLUTION Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-28-14 for 613 High Street, Fort Wayne, Indiana 46808 (CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2980 E. Coliseum Boulevard for CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC (Confirming Resolution R-101-13) 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, The original Statement of Benefits and economic revitalization area designation application submitted by CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC and approved under Confirming Resolution R-28-14 was for \$1,541,500 in real property improvements and \$1,843,000 in personal property improvements; and

WHEREAS, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's 2020 Compliance with Statement of Benefits (Form CF-1/Personal Property) was filed in a timely manner on, or prior to, June 15, 2020 with the City and Allen County Assessor; and

WHEREAS, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's Compliance with Statement of Benefits (Form CF-1/Real Property) was not filed in a timely manner on, or prior to, June 15, 2020 with the Allen County Auditor; and

WHEREAS, the City has given CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) and to submit an application for a waiver of non-compliance for their late filed Statement of Benefits Form CF-1/Real Property; and

WHEREAS, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the Auditor and submitted an application for a waiver of non-compliance for their late filed Compliance with Statement of Benefits Form (CF-1/Real Property) with the City; and

WHEREAS, the Common Council acknowledges that CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5); and

WHEREAS, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC has fulfilled its pledge to complete the project construct a new 4,400 square foot addition to the building. New personal property was also purchased and installed; and

WHEREAS, Based on the CF-1 statement of benefits recently submitted, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC has established that they have substantially complied with its approved statement of benefits; and

1 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as
2 the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

3 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
4 Compliance with Statement of Benefits (Form CF-1/Real Property) then Common Council will
5 also determine substantial compliance or non-compliance with statement of benefits; and

6 **WHEREAS**, a public hearing of the Common Council has been held on the waiver.

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

9 **[OPTION 1]**

10 **SECTION 1.** That, CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's request for a
11 waiver of clerical and technical errors and nonconformities with its Statement of Benefits Form
12 CF-1/Real Property requirements is hereby denied and as such the phase-in granted under
13 Confirming Resolution R-28-14 for real property is terminated.

14 **SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and
15 any and all necessary approved by the Mayor.

16 **[OPTION 2]**

17 **SECTION 1.** That all clerical and technical errors and nonconformities of Intellectual Technology,
18 Inc./2980 Coliseum, LLC's Compliance with Statement of Benefits (Form CF-1/Real Property)
19 requirements that are waivable under State and local law, including without limitation those errors
20 and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

21 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by CPI Card
22 Group, Inc./Didier Limited Partnership & DNG, LLC with an approved Economic Revitalization
23 Area for 2020 is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
24 Municipal Code of the City of Fort Wayne by virtue of retaining 75% of the 123 full-time jobs and
25 two part-time jobs or 92 full-time jobs and one part-time jobs that were stated to be retained and
26 retaining 75% of the \$4,843,859 in annual payroll or \$3,632,894 in annual payroll that was stated
27 that would be generated by the jobs retained and creating 14 full-time jobs or 10 full-time jobs as
28 were stated to be created and creating \$338,000 in annual payroll or \$253,500 in annual payroll
29 that was stated to be created. Therefore, the continuation of CPI Card Group, Inc./Didier Limited
30 Partnership & DNG, LLC's tax phase-in is hereby approved. The Allen County Auditor shall be
supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-
in.

SECTION 2. [OPTION B] That Common Council finds that the CF-1 forms filed by CPI Card
Group, Inc./Didier Limited Partnership & DNG, LLC with an approved Economic Revitalization

Area with an approved Economic Revitalization Area for 2020 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 retain 75% of the 123 full-time jobs and two part-time jobs or 92 full-time jobs and one part-time jobs that were stated to be retained and retaining 75% of the \$4,843,859 in annual payroll or \$3,632,894 in annual payroll that was stated that would be generated by the jobs retained and creating 14 full-time jobs or 10 full-time jobs as were stated to be created and creating \$338,000 in annual payroll or \$253,500 in annual payroll that was stated to be created. CPI Card Group, Inc./Didier Limited Partnership &DNG, LLC did make reasonable efforts to substantially comply with the statement of benefits and CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's failure to substantially comply was caused by factors beyond the control of CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC. Therefore, the continuation of CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's tax phase-in is hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-in.

SECTION 2. [OPTION C] That Common Council finds that the CF-1 form filed by CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC with an approved Economic Revitalization Area for 2020 is 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 retain 75% of the 123 full-time jobs and two part-time jobs or 92 full-time jobs and one part-time jobs that were stated to be retained and retaining 75% of the \$4,843,859 in annual payroll or \$3,632,894 in annual payroll that was stated that would be generated by the jobs retained and creating 14 full-time jobs or 10 full-time jobs as were stated to be created and creating \$338,000 in annual payroll or \$253,500 in annual payroll that was stated to be created. CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC did not make reasonable efforts to substantially comply with the statement of benefits and CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC's failure to substantially comply was not caused by factors beyond the control of CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC. As a result of said failure, the tax phase-in for CPI Card Group, Inc./Didier Limited Partnership & DNG, LLC is hereby terminated by Common Council. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to terminate the abatement for real property improvements.

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.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

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