

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for those entities listed in Exhibit 1 under various Confirming Resolutions 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 those entities listed in Exhibit 1, as "Economic Revitalization Areas" 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 Fort Wayne Code of Ordinances, must file a Compliance with Statement of Benefits Form (hereinafter "CF-1") with the City of Fort Wayne, and in some cases also with either the Allen County Auditor or the Allen County Assessor or both, showing information on the extent to which there has been compliance with the approved SB-1 for the applicant's project; and

WHEREAS, those entities listed in Exhibit 1 have filed CF-1 forms at the appropriate offices; and

WHEREAS, all of those entities listed on Exhibit 1 have, as part of the Phase-In approval process, filed and had approved SB-1 forms wherein each of the applicant's specified that it would obtain a certain number of full-time and part-time jobs, create a certain number of full-time and/or part-time jobs by a specifically identifiable date and specified certain levels of payroll that would either be retained or created as a result of the jobs retained and/or created; and

WHEREAS, each year by and through the filing of their respective CF-1 forms, each entity listed on Exhibit 1 provides information necessary to determine whether or not they are in compliance with their approved SB-1; 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 City of Fort Wayne; and

WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Fort Wayne Code of Ordinances 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

- 1 2. Meeting 75% or more of the total payroll stated to be created or retained as
2 delineated in the original Statement of Benefits Form (SB-1) approved by
3 Common Council, and

4 **WHEREAS**, each of the entities listed in Exhibit 1, by and through the evidence provided
5 in their respective CF-1 forms have failed to substantially comply with their originally filed and
6 approved SB-1 forms within the parameters of the definition of substantial compliance; and

7 **WHEREAS**, Common Council may determine, not later than 45 days after receipt of the
8 CF-1 forms, that those entities whose properties are designated as an Economic Revitalization
9 Area have failed to substantially comply with their original SB-1 forms previously approved by
10 Common Council; and

11 **WHEREAS**, if Common Council takes no action within the 45 days specified then the
12 entities listed on Exhibit 1 shall be deemed to have substantially complied; and

13 **WHEREAS**, Common Council desires at this time to make a finding that all of those
14 entities listed on Exhibit 1 have failed to substantially comply with their respective SB-1 forms
15 previously approved by Common Council.

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

18 **SECTION 1.** Common Council, by and through the Community Development Division of
19 the City of Fort Wayne, having reviewed the individual and detailed information as provided on
20 the Compliance with Statement of Benefits Form (CF-1) filed by each of those entities listed on
21 Exhibit 1, all of whom are within an approved Economic Revitalization area for 2020, finds that
22 each of the entities listed on Exhibit 1 have failed to substantially comply pursuant to I.C. 6-1.1-
23 12.1 and Section 153.21 of the Fort Wayne Code of Ordinances as a result of their failure to
24 create 75% or more of the full and or part-time jobs stated to be created or retained as delineated
25 in their respective original Statement of Benefits form (SB-1) and/or have failed to create 75% or
26 more of the payroll stated to be generated by the created or retained jobs as delineated in their
27 respective original Statement of Benefits forms (SB-1).

28 **SECTION 2.** As a result of this finding, Common Council directs the Community
29 Development Division of the City of Fort Wayne to mail a written notice to each of the entities
30 identified on Exhibit 1. Said written notice shall include a copy of this Resolution and shall
provide an explanation of the reason(s) for Common Council's determination in detail, identifying
those specific areas of the entity's failure to comply, and further specifying the date, time, and
place of a hearing to be conducted by Common Council for the purpose of further considering
Compliance with Statement of Benefits for those property owners listed on Exhibit 1.

Common Council further directs that any hearing set pursuant to this Resolution may not
be set more than 30 days after the date on which the notice to the property owner is mailed.

Common Council further directs that the notices shall be sent such that the subsequent
hearing(s) referenced on each and every one of these matters shall be heard before Council on
either August 18th 2020 or August 25th 2020.

EXHIBIT 1
2020 NON-COMPLIANT WITH STATEMENT OF BENEFITS

CF-1 RE	CF-1 PP	Company Name	Resolution Type		Designation Address
4/13/2020		817 S. Calhoun LLC	34-12	R	817 S. Calhoun St.
5/14/2020	5/14/2020	CK Products, LLC	35-11	B	6230 Innovation Boulevard
4/29/2020		Conestoga, LLC	44-12	+ Vaca	3404 Conestoga Drive
	6/8/2020	Craftline Graphics, Inc.	4-11	B	3522 West Ferguson Road
	5/1/2020	David M. Allen D.D.S. & Associates, P.C. dba Afd	78-11	P	4041 Parnell Avenue
6/15/2020	EXPIRED	Edy's Grand Ice Cream, Inc.	53-07	B	3426 North Wells Street
	6/15/2020	Edy's Dreyer's Grand Ice Cream	14-09	P	3426 North Wells Street
6/15/2020	6/15/2020	Edy's Nestle Dreyers Grand Ice Cream	38-12	B	3426 Wells Street
6/15/2020	6/15/2020	Edy's Nestle Dreyer's Grand Ice Cream	75-14	B	3426 Wells Street
	5/1/2020	Elringklinger	15-18	P	2677 Persistence Drive
5/27/2020		GLC Skyline LLC	26-16	R	221 W. Berry Street
	6/12/2020	Hightech Signs	R-5-16	P	6321 Hugonard Road
5/1/2020	5/1/2020	Indiana Oxygen Company, Inc.	R-49-16	B	3806 Option Pass
6/1/2020	6/1/2020	LH Carbide Corporation (Real Estate filed under	21-14	B	4420 Clubview Drive
4/30/2020		Live Wire - Fort Wayne, LLC	R-34-16	R,V	7601 S. Anthony Blvd
5/18/2020	5/18/2020	Marquis ID Systems/Thales Group	35-13	B	2914 Independence Drive
5/18/2020	5/18/2020	Revenue Cycle Service Center, LLC/Magnaway,	20-15	B	1700 Magnavox Way
5/15/2020	5/15/2020	Transformations by Wieland Inc. (Real property	33-15	B	310 Racquet Drive
	6/11/2020	Tuthill Corporation	41-12	P	8825 Aviation Drive
5/14/2020		WC Holdings II/Klink/Elring Klinger	14-18	R	2677 Persistence Drive
	6/15/2020	Ward Corporation	33-11	P	642 Growth Avenue
	6/15/2020	Ward Corporation	33-16	P	7603 Opportunity Drive