

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC for property at 4041 Parnell Avenue Fort Wayne, IN 46805 under Confirming Resolution R-78-11 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 **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** 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, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** has filed CF-1 forms with **the City of Fort Wayne and the Allen County Assessor**; and

WHEREAS, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** approved SB-1 form stated that **78** full-time and **nine** part-time jobs would be retained and **ten** full-time jobs and two part-time jobs would be created by **October 31, 2013**; and

WHEREAS, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** approved SB-1 form stated **\$3,950,000** in annual payroll for the **78** full-time and **nine** part-time retained jobs and **\$450,000** in annual payroll would be generated by the **65** full-time jobs to be created; and

1 **WHEREAS, David M. Allen D.D.S. and Associates P.C. dba Afdent**
2 **Dental/Affiliated Family Dentists, LLC's 2020 CF-1 form filing stated that 87 jobs were**
3 retained and **four** jobs were created; and

4 **WHEREAS, David M. Allen D.D.S. and Associates P.C. dba Afdent**
5 **Dental/Affiliated Family Dentists, LLC's 2020 CF-1 form filing stated \$3,950,000 in**
6 annual payroll for the **87** jobs retained and **\$1,320,000** in annual payroll for the **four** jobs
7 created; and

8 **WHEREAS,** Common Council designated the City of Fort Wayne Community
9 Development Division as the entity for the administration, application, processing and
10 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code
11 of the City of Fort Wayne; and

12 **WHEREAS,** Common Council has defined substantial compliance under Section
13 153.21 of the Municipal Code of the City of Fort Wayne as:

- 14 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated
15 to be created or retained as delineated in the original Statement of Benefits
16 Form (SB-1) approved by Common Council; and
- 17 2. Meeting 75% or more of the total payroll stated to be created or retained as
18 delineated in the original Statement of Benefits Form (SB-1) approved by
19 Common Council; and

20 **WHEREAS,** meeting 75% of the **78** full-time and **nine** part-time jobs retained
21 means retaining **58** full-time and **seven** part-time jobs; and

22 **WHEREAS,** meeting 75% of the **ten** full-time and two part-time jobs to be created
23 means creating **seven** full-time and **one** part-time job; and

24 **WHEREAS,** meeting 75% of the **\$3,950,000** in retained annual payroll means
25 **\$9,191,250** in retained annual payroll; and

26 **WHEREAS,** meeting 75% of the **\$450,000** in annual payroll to be created means
27 **\$337,500** in created annual payroll; and

28 **WHEREAS,** Common Council may determine not later than forty-five (45) days
29 after receipt of the CF-1 form that **David M. Allen D.D.S. and Associates P.C. dba**
30 **Afdent Dental/Affiliated Family Dentists, LLC** has either failed to substantially comply
or has substantially complied with the original SB-1 form approved by Common Council;
and

WHEREAS, Common Council made a determination on **July 28, 2020** that **David**
M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,
LLC was not in substantial compliance as a result of its failure create at least **nine** jobs
and that the failure to substantially comply was not caused by factors beyond the control

of **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC**; and

WHEREAS, Council directed the Community Development Division to mail written notice to **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC**; and

WHEREAS, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** [**appeared/failed to appear**] before Common Council to provide additional information concerning compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** 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 create 75% of the **12** jobs or **nine** jobs that were stated that would be created.

SECTION 2a. David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC failed to appear and otherwise testify and therefore Council confirms its determination of **July 28, 2020** that **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** 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 **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** has failed to substantially comply and said failure was not caused by factors outside of **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** control. As a result of said failure, **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** deduction/abatement under **R-78-11** is hereby terminated

SECTION 2b. That **David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** appeared and testified at the hearing and from

1 its testimony it was determined that notwithstanding **David M. Allen D.D.S. and**
2 **Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC's** failure to
3 substantially comply as detailed in Section 1 above that **David M. Allen D.D.S. and**
4 **Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC** did make
5 reasonable efforts to substantially comply with the statement of benefits and **David M.**
6 **Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,**
7 **LLC's** failure to substantially comply was caused by factors beyond the control of **David**
8 **M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,**
9 **LLC.** Therefore, the continuation of **David M. Allen D.D.S. and Associates P.C. dba**
10 **Afdent Dental/Affiliated Family Dentists, LLC's** deduction/abatement under **R-78-11** is
11 hereby approved.

12 **SECTION 2c.** That **David M. Allen D.D.S. and Associates P.C. dba Afdent**
13 **Dental/Affiliated Family Dentists, LLC** appeared and testified at the hearing and from
14 its testimony it was determined in addition to **David M. Allen D.D.S. and Associates P.C.**
15 **dba Afdent Dental/Affiliated Family Dentists, LLC's** failure to substantially comply as
16 detailed in Section 1 above, that **David M. Allen D.D.S. and Associates P.C. dba Afdent**
17 **Dental/Affiliated Family Dentists, LLC** did not make reasonable efforts to substantially
18 comply with the statement of benefits and **David M. Allen D.D.S. and Associates P.C.**
19 **dba Afdent Dental/Affiliated Family Dentists, LLC's** failure to substantially comply was
20 not caused by factors beyond the control of **David M. Allen D.D.S. and Associates P.C.**
21 **dba Afdent Dental/Affiliated Family Dentists, LLC.** As a result of said failure, **David M.**
22 **Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists,**
23 **LLC's** deduction/abatement under **R-78-11** is hereby terminated.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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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 2020

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by David M. Allen D.D.S. and Associates P.C. dba Afdent Dental/Affiliated Family Dentists, LLC in May 2020 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): Jason Arp and Sharon Tucker