

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Hightech Signs/Castleton Village Center, Inc. for property at 6321 Huguenard Road, Fort Wayne, IN 46818 under Confirming Resolution R-5-16 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 **Hightech Signs/Castleton Village Center, 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, **Hightech Signs/Castleton Village Center, Inc.** has filed CF-1 forms with **the City of Fort Wayne and the Allen County Assessor**; and

WHEREAS, **Hightech Signs/Castleton Village Center, Inc.’s** approved SB-1 form stated that **18** full-time jobs and **six** part-time jobs would be retained and **three** full-time jobs and **eight** part-time jobs would be created by **June 30, 2016**; and

WHEREAS, **Hightech Signs/Castleton Village Center, Inc.’s** approved SB-1 form stated **\$667,500** in annual payroll would be retained for the **18** full-time jobs and **six** part-time jobs retained jobs and **\$181,000** in annual payroll would be generated by the **three** full-time jobs and **eight** part-time jobs to be created; and

WHEREAS, **Hightech Signs/Castleton Village Center, Inc.’s 2020** CF-1 form filing stated that **20** jobs were retained and **three** jobs were created; and

WHEREAS, **Hightech Signs/Castleton Village Center, Inc.’s 2020** CF-1 form filing stated **\$688,000** in annual payroll for the **20** jobs retained and **\$84,000** in annual payroll for the **three** jobs created; 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 Code
4 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 **24** jobs retained means retaining **20** jobs; and

14 **WHEREAS**, meeting 75% of the **11** jobs to be created means creating **8** full- jobs;
15 and

16 **WHEREAS**, meeting 75% of the **\$667,500** in retained annual payroll means
17 **\$500,625** in retained annual payroll; and

18 **WHEREAS**, meeting 75% of the **\$181,000** in annual payroll to be created means
19 **\$135,750** in created annual payroll; and

20 **WHEREAS**, Common Council may determine not later than forty-five (45) days
21 after receipt of the CF-1 form that **Hightech Signs/Castleton Village Center, Inc.** has
22 either failed to substantially comply or has substantially complied with the original SB-1
23 form approved by Common Council; and

24 **WHEREAS**, Common Council made a determination on **July 28, 2020** that
25 **Hightech Signs/Castleton Village Center, Inc.** was not in substantial compliance as a
26 result of its failure to create at least **eight** jobs and at least **\$135,750** in annual payroll
27 created, and that the failure to substantially comply was not caused by factors beyond the
28 control of **Hightech Signs/Castleton Village Center, Inc.**; and

29 **WHEREAS**, Council directed the Community Development Division to mail written
30 notice to **Hightech Signs/Castleton Village Center, Inc.** 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 **Hightech Signs/Castleton Village Center, Inc.'s**
compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon
Hightech Signs/Castleton Village Center, Inc.; and

1 **WHEREAS, Hightech Signs/Castleton Village Center, Inc. [appeared/failed to**
2 **appear]** before Common Council to provide additional information concerning
3 compliance.

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

6 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Hightech**
7 **Signs/Castleton Village Center, Inc.** with an approved Economic Revitalization Area for
8 **2020** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
9 the Municipal Code of the City of Fort Wayne for failure to create 75% of the **11** jobs or
10 **eight** jobs that were stated that would be created and create 75% of the **\$181,000** in
11 annual payroll or **\$135,750** that was stated that would be generated by the created jobs.

12 **SECTION 2a. Hightech Signs/Castleton Village Center, Inc.** failed to appear
13 and otherwise testify and therefore Council confirms its determination of **July 28, 2020**
14 that **Hightech Signs/Castleton Village Center, Inc.** has failed to substantially comply
15 pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
16 Wayne as detailed in Section 1 above. Council therefore finds that **Hightech**
17 **Signs/Castleton Village Center, Inc.** has failed to substantially comply and said failure
18 was not caused by factors outside of **Hightech Signs/Castleton Village Center, Inc.'s**
19 control. As a result of said failure, **Hightech Signs/Castleton Village Center, Inc.'s**
20 deduction/abatement under **R-5-16** is hereby terminated

21 **SECTION 2b.** That **Hightech Signs/Castleton Village Center, Inc.** appeared
22 and testified at the hearing and from its testimony it was determined that notwithstanding
23 **Hightech Signs/Castleton Village Center, Inc.'s** failure to substantially comply as
24 detailed in Section 1 above that **Hightech Signs/Castleton Village Center, Inc.** did make
25 reasonable efforts to substantially comply with the statement of benefits and **Hightech**
26 **Signs/Castleton Village Center, Inc.'s** failure to substantially comply was caused by
27 factors beyond the control of **Hightech Signs/Castleton Village Center, Inc.** Therefore,
28 the continuation of **Hightech Signs/Castleton Village Center, Inc.'s**
29 deduction/abatement under **R-5-16** is hereby approved.

30 **SECTION 2c.** That **Hightech Signs/Castleton Village Center, Inc.** appeared
and testified at the hearing and from its testimony it was determined in addition to
Hightech Signs/Castleton Village Center, Inc.'s failure to substantially comply as
detailed in Section 1 above, that **Hightech Signs/Castleton Village Center, Inc.** did not
make reasonable efforts to substantially comply with the statement of benefits and
Hightech Signs/Castleton Village Center, Inc.'s failure to substantially comply was not
caused by factors beyond the control of **Hightech Signs/Castleton Village Center, Inc.**

1 As a result of said failure, **Hightech Signs/Castleton Village Center, Inc.'s**
2 deduction/abatement under **R-5-16** is hereby terminated.

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

5
6 _____
7 Member of Council

8
9 APPROVED AS TO FORM A LEGALITY

10
11 _____
12 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 Hightech Signs/Castleton Village Center, Inc. in June 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