

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2020 for Ward Corporation for property at 642 Growth Avenue, Fort Wayne, IN 46808 under Confirming Resolution R-33-11 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 **Ward Corporation** 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, **Ward Corporation** has filed CF-1 forms with the **City of Fort Wayne** and the **Allen County Assessor**; and

WHEREAS, **Ward Corporation's** approved SB-1 form stated that **234** jobs would be retained and **three** jobs would be created by December 31, 2013; and

WHEREAS, **Ward Corporation's** approved SB-1 form stated **\$8,309,251** in annual payroll for the **234** retained jobs and **\$74,880** in annual payroll would be generated by the **three** jobs to be created; and

WHEREAS, **Ward Corporation's 2020** CF-1 form filing stated that **140** jobs were retained and **11** jobs were created; and

WHEREAS, **Ward Corporation's 2020** CF-1 form filing stated **\$6,857,976** in annual payroll for the **140** jobs retained and **\$414,062** in annual payroll for the **11** jobs created; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code
2 of the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the **234** jobs retained means retaining **175** jobs; and

12 **WHEREAS**, meeting 75% of the **three** jobs to be created means creating **two**
13 jobs; and

14 **WHEREAS**, meeting 75% of the **\$8,309,251** in retained annual payroll means
15 **\$6,231,938** in retained annual payroll; and

16 **WHEREAS**, meeting 75% of the **\$74,880** in annual payroll to be created means
17 **\$56,160** in created annual payroll; and

18 **WHEREAS**, Common Council may determine not later than forty-five (45) days
19 after receipt of the CF-1 form that **Ward Corporation** has either failed to substantially
20 comply or has substantially complied with the original SB-1 form approved by Common
21 Council; and

22 **WHEREAS**, Common Council made a determination on **July 28, 2020** that **Ward**
23 **Corporation** was not in substantial compliance as a result of its failure to retain at least
24 **175** jobs, and that the failure to substantially comply was not caused by factors beyond
25 the control of **Ward Corporation**; and

26 **WHEREAS**, Council directed the Community Development Division to mail written
27 notice to **Ward Corporation** explaining the reasons for Council's determination and a
28 date, time, place of a hearing to be conducted by Council for the purpose of further
29 considering **Ward Corporation's** compliance with Statement of Benefits; and

30 **WHEREAS**, the aforementioned notice was properly prepared and served upon
Ward Corporation; and

WHEREAS, **Ward Corporation [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:

1 **SECTION 1.** That, Common Council finds that the CF-1 form filed by **Ward**
2 **Corporation** with an approved Economic Revitalization Area for **2020** are not in
3 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
4 Code of the City of Fort Wayne for failure to retain 75% of the **234** jobs stated to be
retained or **175** jobs retained.

5 **SECTION 2a. Ward Corporation** failed to appear and otherwise testify and
6 therefore Council confirms its determination of **July 28, 2020** that **Ward Corporation** has
7 failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the
8 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore
9 finds that **Ward Corporation** has failed to substantially comply and said failure was not
caused by factors outside of **Ward Corporation's** control. As a result of said failure, **Ward**
10 **Corporation's** deduction/abatement under **R-33-11** is hereby terminated

11 **SECTION 2b.** That **Ward Corporation** appeared and testified at the hearing and
12 from its testimony it was determined that notwithstanding **Ward Corporation's** failure to
13 substantially comply as detailed in Section 1 above that **Ward Corporation** did make
14 reasonable efforts to substantially comply with the statement of benefits and **Ward**
15 **Corporation's** failure to substantially comply was caused by factors beyond the control
of **Ward Corporation**. Therefore, the continuation of **Ward Corporation's**
deduction/abatement under **R-33-11** is hereby approved.

16 **SECTION 2c.** That **Ward Corporation** appeared and testified at the hearing and
17 from its testimony it was determined in addition to **Ward Corporation's** failure to
18 substantially comply as detailed in Section 1 above, that **Ward Corporation** did not make
19 reasonable efforts to substantially comply with the statement of benefits and **Ward**
20 **Corporation's** failure to substantially comply was not caused by factors beyond the
control of **Ward Corporation**. As a result of said failure, **Ward Corporation's**
21 deduction/abatement under **R-33-11** is hereby terminated.

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

24
25 _____
Member of Council

26
27
28 APPROVED AS TO FORM A LEGALITY
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 for R-33-11 made by Ward Corporation 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