

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2022 for Key Millwork, Inc./Jett Property Holdings, LLC for property at 2817 Goshen Road, Fort Wayne, IN 46808 under Confirming Resolution R-2-19 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 Key Millwork, Inc./Jett Property Holdings, 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, Key Millwork, Inc./Jett Property Holdings, LLC has filed CF-1 forms with the City of Fort Wayne and Allen County Assessor; and

WHEREAS, Key Millwork, Inc./Jett Property Holdings, LLC's approved SB-1 form stated that nine full-time jobs would be retained and ten full-time jobs created by December 31, 2022; and

WHEREAS, Key Millwork, Inc./Jett Property Holdings, LLC's approved SB-1 form stated \$374,000 in annual payroll would be retained for the nine full-time retained jobs and \$438,000 in annual payroll would be created for the ten full-time created jobs; and

WHEREAS, Key Millwork, Inc./Jett Property Holdings, LLC's 2022 CF-1 form filing stated that nine full-time jobs have been retained and zero full-time jobs created; and

WHEREAS, Key Millwork, Inc./Jett Property Holdings, LLC's 2022 CF-1 form filing stated \$489,924 in annual payroll for the nine full-time jobs retained and \$0 for the zero full-time 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 nine full-time jobs to be retained means retaining
14 six full-time jobs and meeting 75% of the ten full-time jobs to be created means creating
15 seven full-time jobs; and

16 **WHEREAS**, meeting 75% of the \$374,000 retained annual payroll means
17 \$280,500 in retained annual payroll and meeting 75% of the \$438,000 in annual payroll
18 to be created means \$328,500 in created annual payroll; and

19 **WHEREAS**, Common Council will determine no later than forty-five (45) days after
20 receipt of the CF-1 form that an approved business has either failed to substantially
21 comply or has substantially complied with the original SB-1 form approved by Common
22 Council; and

23 **WHEREAS**, Common Council made a determination on June 28, 2022 that Key
24 Millwork, Inc./Jett Property Holdings, LLC was not in substantial compliance as a result of
25 its failure to retain at least six full-time jobs with a retained annual payroll of at least
26 \$280,500 and create at least seven full-time jobs with at least \$328,500 in created annual
27 payroll; and

28 **WHEREAS**, Council directed the Community Development Division to mail written
29 notice to Key Millwork, Inc./Jett Property Holdings, LLC explaining the reasons for
30 Council's determination and a date, time, place of a hearing to be conducted by Council
for the purpose of further considering Key Millwork, Inc./Jett Property Holdings, LLC's
compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon
Key Millwork, Inc./Jett Property Holdings, LLC to appear before Council on August 9, 2022
at 5:30pm in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

1 **WHEREAS**, Key Millwork, Inc./Jett Property Holdings, LLC [appeared/failed to
2 appear] before Common Council on August 9, 2022 to provide additional information
3 concerning 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 Key
7 Millwork, Inc./Jett Property Holdings, LLC with an approved Economic Revitalization Area
8 for 2022 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21
9 of the Municipal Code of the City of Fort Wayne for failure to create 75% of the ten full-
time, or seven full-time, created jobs and create 75% of the \$438,000, or \$328,500, of the
annual payroll to be created.

10 **SECTION 2a.** Key Millwork, Inc./Jett Property Holdings, LLC failed to appear and
11 otherwise testify and therefore Council confirms its determination of June 28, 2022 that
12 Key Millwork, Inc./Jett Property Holdings, LLC has failed to substantially comply pursuant
13 to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as
14 detailed in Section 1 above. Council therefore finds that Key Millwork, Inc./Jett Property
15 Holdings, LLC has failed to substantially comply and said failure was not caused by factors
16 outside of Key Millwork, Inc./Jett Property Holdings, LLC's control. As a result of said
failure, Key Millwork, Inc./Jett Property Holdings, LLC's deduction/abatement under R-2-
19 is hereby terminated

17 **SECTION 2b.** That Key Millwork, Inc./Jett Property Holdings, LLC appeared and
18 testified at the hearing and from its testimony it was determined that notwithstanding Key
19 Millwork, Inc./Jett Property Holdings, LLC's failure to substantially comply as detailed in
20 Section 1 above that Key Millwork, Inc./Jett Property Holdings, LLC did make reasonable
21 efforts to substantially comply with the statement of benefits and Key Millwork, Inc./Jett
22 Property Holdings, LLC's failure to substantially comply was caused by factors beyond
23 the control of Key Millwork, Inc./Jett Property Holdings, LLC Therefore, the continuation
of Key Millwork, Inc./Jett Property Holdings, LLC's deduction/abatement under R-2-19 is
hereby approved.

24 **SECTION 2c.** That Key Millwork, Inc./Jett Property Holdings, LLC appeared and
25 testified at the hearing and from its testimony it was determined in addition to Key Millwork,
26 Inc./Jett Property Holdings, LLC's failure to substantially comply as detailed in Section 1
27 above, that Key Millwork, Inc./Jett Property Holdings, LLC did not make reasonable efforts
28 to substantially comply with the statement of benefits and Key Millwork, Inc./Jett Property
29 Holdings, LLC's failure to substantially comply was not caused by factors beyond the
30 control of Key Millwork, Inc./Jett Property Holdings, LLC As a result of said failure, Key

1 Millwork, Inc./Jett Property Holdings, LLC's deduction/abatement under R-2-19 is hereby
2 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.

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7 Member of Council
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9 APPROVED AS TO FORM A LEGALITY
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12 Malak Heiny, City Attorney
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2022

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Key Millwork, Inc./Jett Property Holdings, LLC in May 2022 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): Russ Jehl and Sharon Tucker