

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2023 for Paul Walters, LLC/Paul A. Walters for property at 4725 Arden Drive, Fort Wayne, IN 46804 under Confirming Resolution R-60-17 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 Paul Walters, LLC/Paul A. Walters 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, Paul Walters, LLC/Paul A. Walters has filed CF-1 forms with the City of Fort Wayne, Allen County Auditor and the Allen County Assessor; and

WHEREAS, Paul Walters, LLC/Paul A. Walters's approved SB-1 form stated that four (4) full-time jobs would be retained, six (6) full-time jobs and one (1) part-time job created by June 30, 2020; and

WHEREAS, Paul Walters, LLC/Paul A. Walters's approved SB-1 form stated \$230,200 in annual payroll would be retained for the four (4) full-time retained jobs and \$174,800 in annual payroll created for the six (6) full-time jobs and one (1) part-time to be created; and

WHEREAS, Paul Walters, LLC/Paul A. Walters's 2023 CF-1 form filing stated that four (4) full-time jobs have been retained and three (3) full-time jobs have been created; and

WHEREAS, Paul Walters, LLC/Paul A. Walters's 2023 CF-1 form filing stated \$260,000 in annual payroll for the four (4) full-time jobs retained and \$14,000 in annual

1 payroll for the three (3) full-time jobs created; and

2 **WHEREAS**, Common Council designated the City of Fort Wayne Community
3 Development Division as the entity for the administration, application, processing and
4 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code
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
Form (SB-1) approved by Common Council; and
- 9 2. Meeting 75% or more of the total payroll stated to be created or retained as
10 delineated in the original Statement of Benefits Form (SB-1) approved by
11 Common Council; and

12 **WHEREAS**, meeting 75% of the four (4) full-time jobs to be retained and seven
13 (7) full-time jobs to be created means retaining three (3) full-time jobs and creating two
(2) full-time jobs; and

14 **WHEREAS**, meeting 75% of the \$230,200 retained annual payroll means
15 \$172,650 in retained annual payroll and 75% of the \$174,800 in created annual payroll
means \$131,100 in created annual payroll; and

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

19 **WHEREAS**, Common Council made a determination on June 27, 2023 that Paul
20 Walters, LLC/Paul A. Walters was not in substantial compliance as a result of its failure to
21 create at least \$131,100 in annual payroll; and

22 **WHEREAS**, Council directed the Community Development Division to mail written
23 notice to Paul Walters, LLC/Paul A. Walters explaining the reasons for Council's
24 determination and a date, time, place of a hearing to be conducted by Council for the
25 purpose of further considering Paul Walters, LLC/Paul A. Walters's compliance with
Statement of Benefits; and

26 **WHEREAS**, the aforementioned notice was properly prepared and served upon
27 Paul Walters, LLC/Paul A. Walters to appear before Council on August 8, 2023 at 5:30pm
28 in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and
29
30

1 **WHEREAS**, Paul Walters, LLC/Paul A. Walters [appeared/failed to appear] before
2 Common Council on August 8, 2023 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 Paul
7 Walters, LLC/Paul A. Walters with an approved Economic Revitalization Area for 2023 is
8 not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
9 Municipal Code of the City of Fort Wayne for failure to create 75% of the \$174,800, or
10 \$131,100, in annual payroll that was stated that would be generated by the created jobs.

11 **SECTION 2a.** Paul Walters, LLC/Paul A. Walters failed to appear and otherwise
12 testify and therefore Council confirms its determination of June 27, 2023 that Paul Walters,
13 LLC/Paul A. Walters has failed to substantially comply pursuant to IC 6-1.1-12.1 and
14 Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1
15 above. Council therefore finds that Paul Walters, LLC/Paul A. Walters has failed to
16 substantially comply and said failure was not caused by factors outside of Paul Walters,
17 LLC/Paul A. Walters's control. As a result of said failure, Paul Walters, LLC/Paul A.
18 Walters's deduction/abatement under R-60-17 is hereby terminated

19 **SECTION 2b.** That Paul Walters, LLC/Paul A. Walters appeared and testified at
20 the hearing and from its testimony it was determined that notwithstanding Paul Walters,
21 LLC/Paul A. Walters's failure to substantially comply as detailed in Section 1 above that
22 Paul Walters, LLC/Paul A. Walters did make reasonable efforts to substantially comply
23 with the statement of benefits and Paul Walters, LLC/Paul A. Walters's failure to
24 substantially comply was caused by factors beyond the control of Paul Walters, LLC/Paul
25 A. Walters Therefore, the continuation of Paul Walters, LLC/Paul A. Walters's
26 deduction/abatement under R-60-17 is hereby approved.

27 **SECTION 2c.** That Paul Walters, LLC/Paul A. Walters appeared and testified at
28 the hearing and from its testimony it was determined in addition to Paul Walters, LLC/Paul
29 A. Walters's failure to substantially comply as detailed in Section 1 above, that Paul
30 Walters, LLC/Paul A. Walters did not make reasonable efforts to substantially comply with
the statement of benefits and Paul Walters, LLC/Paul A. Walters's failure to substantially
comply was not caused by factors beyond the control of Paul Walters, LLC/Paul A.
Walters. As a result of said failure, Paul Walters, LLC/Paul A. Walters's
deduction/abatement under R-60-17 is hereby terminated.

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Malak Heiny, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2023

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Paul Walters, LLC/Quality Engineering in May 2023 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 (CHAIR & CO-CHAIR): Geoff Paddock and Jason Arp