

**A RESOLUTION determining SUBSTANTIAL  
COMPLIANCE OR NON-COMPLIANCE with Statement  
of Benefits (CF-1) form filing for 2023 for Randall  
Lofts, LP for property at 220 Pearl Street, Fort Wayne,  
IN 46802 under Confirming Resolution R-58-12 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 Randall Lofts, LP 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**, Randall Lofts, LP has filed CF-1 forms with the City of Fort Wayne and the Allen County Auditor; and

**WHEREAS**, Randall Lofts, LP’s approved SB-1 form stated that three (3) additional jobs would be created by June 30, 2014; and

**WHEREAS**, Randall Lofts, LP’s approved SB-1 form stated \$100,000 in annual payroll would be created for the three (3) additional jobs to be created; and

**WHEREAS**, Randall Lofts, LP’s 2023 CF-1 form filing stated that two (2) jobs have been created; and

**WHEREAS**, Randall Lofts, LP’s 2023 CF-1 form filing stated \$56,269 in annual payroll for the two (2) jobs created; and

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

1                   **WHEREAS**, Common Council has defined substantial compliance under Section  
2 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9                   **WHEREAS**, meeting 75% of the three (3) additional jobs to be created means  
10 creating two (2) jobs; and

11                   **WHEREAS**, meeting 75% of the \$100,000 in created annual payroll means  
12 \$75,000 in created annual payroll; and

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

17                   **WHEREAS**, Common Council made a determination on June 27, 2023 that  
18 Randall Lofts, LP was not in substantial compliance as a result of its failure to create at  
19 least two (2) jobs with at least \$75,000 in created annual payroll; and

20                   **WHEREAS**, Council directed the Community Development Division to mail written  
21 notice to Randall Lofts, LP explaining the reasons for Council's determination and a date,  
22 time, place of a hearing to be conducted by Council for the purpose of further considering  
23 Randall Lofts, LP's compliance with Statement of Benefits; and

24                   **WHEREAS**, the aforementioned notice was properly prepared and served upon  
25 Randall Lofts, LP to appear before Council on August 8, 2023 at 5:30pm in Room 030 at  
26 Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

27                   **WHEREAS**, Randall Lofts, LP [appeared/failed to appear] before Common  
28 Council on August 8, 2023 to provide additional information concerning compliance.

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

**SECTION 1.** That, Common Council finds that the CF-1 form filed by Randall  
Lofts, LP with an approved Economic Revitalization Area for 2023 is 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 \$100,000, or \$75,000 in annual payroll  
that was stated that would be generated by the created jobs.



1           **SECTION 2a.** Randall Lofts, LP failed to appear and otherwise testify and  
2 therefore Council confirms its determination of June 27, 2023 that Randall Lofts, LP has  
3 failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the  
4 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore  
5 finds that Randall Lofts, LP has failed to substantially comply and said failure was not  
6 caused by factors outside of Randall Lofts, LP's control. As a result of said failure, Randall  
Lofts, LP's deduction/abatement under R-58-12 is hereby terminated

7           **SECTION 2b.** That Randall Lofts, LP appeared and testified at the hearing and  
8 from its testimony it was determined that notwithstanding Randall Lofts, LP's failure to  
9 substantially comply as detailed in Section 1 above that Randall Lofts, LP did make  
10 reasonable efforts to substantially comply with the statement of benefits and Randall Lofts,  
11 LP's failure to substantially comply was caused by factors beyond the control of Randall  
Lofts, LP. Therefore, the continuation of Randall Lofts, LP 's deduction/abatement under  
R-58-12 is hereby approved.

12           **SECTION 2c.** That Randall Lofts, LP appeared and testified at the hearing and  
13 from its testimony it was determined in addition to Randall Lofts, LP's failure to  
14 substantially comply as detailed in Section 1 above, that Randall Lofts, LP did not make  
15 reasonable efforts to substantially comply with the statement of benefits and Randall Lofts,  
16 LP 's failure to substantially comply was not caused by factors beyond the control of  
17 Randall Lofts, LP As a result of said failure, Randall Lofts, LP's deduction/abatement  
under R-58-12 is hereby terminated.

18           **SECTION 3.** That, this Resolution shall be in full force and effect from and after  
19 its passage and any and all necessary approval by the Mayor.  
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21 \_\_\_\_\_  
Member of Council

22  
23  
24 APPROVED AS TO FORM A LEGALITY

25  
26 \_\_\_\_\_  
27 Malak Heiny, City Attorney  
28  
29  
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Admin. 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 Randall Lofts, LP 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**