

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2025 for Home Reserve, LLC for property at 3015 Cannongate Drive, Fort Wayne, IN 46808 under Confirming Resolution R-96-18 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 Home Reserve, 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, Home Reserve, LLC has filed CF-1 forms with the City of Fort Wayne the Allen County Auditor and the Allen County Assessor; and

WHEREAS, Home Reserve, LLC's approved SB-1 form stated that 41 full-time jobs would be retained and 16 full-time jobs created by December 31, 2021; and

WHEREAS, Home Reserve, LLC's approved SB-1 form stated \$1,169,180 in annual payroll would be retained for the 41 full-time jobs and \$366,080 in annual payroll created for the 16 full-time jobs to be created; and

WHEREAS, Home Reserve, LLC's 2025 CF-1 form filing stated that 26 full-time jobs have been retained and no (0) full-time jobs have been created; and

WHEREAS, Home Reserve, LLC's 2025 CF-1 form filing stated \$1,825,341 in annual payroll for the 26 full-time jobs retained and \$0 in annual payroll for the 0 full-time 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 41 full-time jobs to be retained and 16 full-time
10 jobs to be created means retaining 31 full-time jobs and creating 12 full-time jobs; and

11 **WHEREAS**, meeting 75% of the \$1,169,180 in retained annual payroll means
12 \$876,885 in retained annual payroll and 75% of the \$366,080 in created annual payroll
13 means \$274,560 in created annual payroll; and

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

18 **WHEREAS**, Common Council made a determination on June 24, 2025 that
19 Home Reserve, LLC was not in substantial compliance as a result of its failure to retain
20 at least 31 full-time jobs with a retained annual payroll of at least \$876,885 and create at
21 least 12 new full-time jobs with at least \$274,560 in created annual payroll; and

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

26 **WHEREAS**, the aforementioned notice was properly prepared and served upon
27 Home Reserve, LLC to appear before Council on August 26, 2025 at 5:30pm in Room
28 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

29 **WHEREAS**, Home Reserve, LLC [appeared/failed to appear] before Common
30 Council on August 26, 2025 to provide additional information concerning compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by Home
Reserve, LLC with an approved Economic Revitalization Area for 2025 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 retain 75% of the 41 full-time jobs, or 31 full-

1 time jobs, to be retained with \$1,169,180, or \$876,885 in retained, annual payroll and
2 create 75% of the \$ 366,080, or 274,560, in annual payroll that was stated that would be
3 generated by the 16 created jobs, or 12 created jobs, that were to be created.

4 **SECTION 2a.** Home Reserve, LLC failed to appear and otherwise testify and
5 therefore Council confirms its determination of June 24, 2025 that Home Reserve, LLC
6 has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the
7 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council
8 therefore finds that Home Reserve, LLC has failed to substantially comply and said
9 failure was not caused by factors outside of Home Reserve, LLC's control. As a result of
said failure, Home Reserve, LLC's deduction/abatement under R-96-18 is hereby
terminated.

10 **SECTION 2b.** That Home Reserve, LLC appeared and testified at the hearing
11 and from its testimony it was determined that notwithstanding Home Reserve, LLC's
12 failure to substantially comply as detailed in Section 1 above that Home Reserve, LLC
13 did make reasonable efforts to substantially comply with the statement of benefits and
14 Home Reserve, LLC's failure to substantially comply was caused by factors beyond the
control of Home Reserve, LLC therefore, the continuation of Home Reserve, LLC's
deduction/abatement under R-96-18 is hereby approved.

15 **SECTION 2c.** That Home Reserve, LLC appeared and testified at the hearing
16 and from its testimony it was determined in addition to Home Reserve, LLC's failure to
17 substantially comply as detailed in Section 1 above, that Home Reserve, LLC did not
18 make reasonable efforts to substantially comply with the statement of benefits and
19 Home Reserve, LLC's failure to substantially comply was not caused by factors beyond
20 the control of Home Reserve, LLC as a result of said failure, Home Reserve, LLC's
deduction/abatement under R-96-18 is hereby terminated.

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

23
24 _____
Member of Council

25
26 APPROVED AS TO FORM A LEGALITY

27
28 _____
Malak Heiny, City Attorney
29
30

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2025

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Home Reserve, LLC in May 2025 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): Nathan Hartman & Geoff Paddock