

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2025 for Getz Road Apartments GP, LLC/Walnut Hills Development, LLC for property at 2014 Getz Road, Fort Wayne, IN 46804 under Confirming Resolution R-14-18 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 Getz Road Apartments GP, LLC/Walnut Hills Development, 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, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC has filed CF-1 forms with the City of Fort Wayne and the Allen County Auditor; and

WHEREAS, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC’s approved SB-1 form stated that six full-time jobs and two part-time jobs would be created by December 31, 2024; and

WHEREAS, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC’s approved SB-1 form stated \$380,000 in annual payroll for the six full-time and two part-time jobs to be created; and

WHEREAS, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC’s 2025 CF-1 form filing stated that three jobs have been created; and

WHEREAS, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC’s 2025 CF-1 form filing stated \$224,350 in annual payroll for the three 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
4 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
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 six full-time and two part-time jobs to be created
14 means creating four full-time jobs; and

15 **WHEREAS**, meeting 75% of the \$380,000 in created annual payroll means
16 \$285,000 in created annual payroll; and

17 **WHEREAS**, Common Council may determine no later than forty-five (45) days
18 after receipt of the CF-1 form that Getz Road Apartments GP, LLC/Walnut Hills
19 Development, LLC has either failed to substantially comply or has substantially complied
20 with the original SB-1 form approved by Common Council; and

21 **WHEREAS**, Common Council made a determination on June 24, 2025 that Getz
22 Road Apartments GP, LLC/Walnut Hills Development, LLC was not in substantial
23 compliance as a result of its failure to create at least four full-time jobs and at least
24 \$285,000 in annual payroll, and that the failure to substantially comply was not caused
25 by factors beyond the control of 2677 Persistence Dr Investors, LLC; and

26 **WHEREAS**, Council directed the Community Development Division to mail
27 written notice to Getz Road Apartments GP, LLC/Walnut Hills Development, LLC
28 explaining the reasons for Council's determination and a date, time, place of a hearing
29 to be conducted by Council for the purpose of further considering Getz Road
30 Apartments GP, LLC/Walnut Hills Development, LLC's compliance with Statement of
Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon
Getz Road Apartments GP, LLC/Walnut Hills Development, LLC to appear before
Council on August 26, 2025 at 5:30pm in Room 030 at Citizen's Square 200 E. Berry
Street Fort Wayne, IN; and

1 **WHEREAS**, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC
2 [appeared/failed to appear] before Common Council on August 26, 2025 to provide
3 additional information 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 Getz
7 Road Apartments GP, LLC/Walnut Hills Development, LLC with an approved Economic
8 Revitalization Area for 2025 is not in substantial compliance pursuant to I.C. 6-1.1-12.1
9 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create
10 75% of the six full-time, or four full-time, jobs stated and create 75% of the \$380,000 in
11 annual payroll, or \$285,000 in annual payroll, that was stated that would be generated
12 by the created jobs.

13 **SECTION 2a.** Getz Road Apartments GP, LLC/Walnut Hills Development, LLC
14 failed to appear and otherwise testify and therefore Council confirms its determination of
15 June 24, 2025 that Getz Road Apartments GP, LLC/Walnut Hills Development, LLC has
16 failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the
17 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council
18 therefore finds that Getz Road Apartments GP, LLC/Walnut Hills Development, LLC has
19 failed to substantially comply and said failure was not caused by factors outside of Getz
20 Road Apartments GP, LLC/Walnut Hills Development, LLC's control. As a result of said
21 failure, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC's
22 deduction/abatement under R-14-18 is hereby terminated.

23 **SECTION 2b.** That Getz Road Apartments GP, LLC/Walnut Hills Development,
24 LLC appeared and testified at the hearing and from its testimony it was determined that
25 notwithstanding Getz Road Apartments GP, LLC/Walnut Hills Development, LLC's
26 failure to substantially comply as detailed in Section 1 above that Getz Road Apartments
27 GP, LLC/Walnut Hills Development, LLC did make reasonable efforts to substantially
28 comply with the statement of benefits and Getz Road Apartments GP, LLC/Walnut Hills
29 Development, LLC's failure to substantially comply was caused by factors beyond the
30 control of Getz Road Apartments GP, LLC/Walnut Hills Development, LLC Therefore,
the continuation of Getz Road Apartments GP, LLC/Walnut Hills Development, LLC's
deduction/abatement under R-14-18 is hereby approved.

SECTION 2c. That Getz Road Apartments GP, LLC/Walnut Hills Development,
LLC appeared and testified at the hearing and from its testimony it was determined in
addition to Getz Road Apartments GP, LLC/Walnut Hills Development, LLC's failure to
substantially comply as detailed in Section 1 above, that Getz Road Apartments GP,

1 LLC/Walnut Hills Development, LLC did not make reasonable efforts to substantially
2 comply with the statement of benefits and Getz Road Apartments GP, LLC/Walnut Hills
3 Development, LLC's failure to substantially comply was not caused by factors beyond
4 the control of Getz Road Apartments GP, LLC/Walnut Hills Development, LLC As a
5 result of said failure, Getz Road Apartments GP, LLC/Walnut Hills Development, LLC's
deduction/abatement under R-14-18 is hereby terminated.

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

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10 Member of Council

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12 APPROVED AS TO FORM A LEGALITY

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15 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 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 Getz Road Apartments GP, LLC/Walnut Hills Development 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