

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for Ash Brokerage Corporation for property at 888 Harrison Street, Fort Wayne, IN 46802 under Confirming Resolution R-19-15 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 Ash Brokerage Corporation 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, Ash Brokerage Corporation has filed CF-1 forms with the City of Fort Wayne, Allen County Auditor and the Allen County Assessor; and

WHEREAS, Ash Brokerage Corporation's approved SB-1 form stated that 239 full-time jobs would be retained and 51 full-time jobs created by December 31, 2018; and

WHEREAS, Ash Brokerage Corporation's approved SB-1 form stated \$13,500,522 in annual payroll would be retained for the 239 full-time retained jobs and \$1,272,250 in annual payroll created for the 51 full-time jobs to be created; and

WHEREAS, Ash Brokerage Corporation's 2026 CF-1 form filing stated that 200 full-time jobs have been retained and zero (0) full-time jobs have been created; and

WHEREAS, Ash Brokerage Corporation's 2026 CF-1 form filing stated \$14,381,057 in annual payroll for the 200 full-time jobs retained and zero (\$0) in annual payroll for the zero (\$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

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

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

WHEREAS, meeting 75% of the 239 full-time jobs to be retained and 51 full-time jobs to be created means retaining 179 full-time jobs and creating 38 full-time jobs; and

WHEREAS, meeting 75% of the \$13,500,522 in retained annual payroll means \$10,125,391 in retained annual payroll and 75% of \$1,272,250 in the created annual

1 payroll means \$954,187 in created annual payroll; and

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

6 **WHEREAS**, Common Council made a determination on June 23, 2026 that Ash
7 Brokerage Corporation was not in substantial compliance as a result of its failure to
8 create at least 38 full-time jobs with at least \$954,187 in created annual payroll; and

9 **WHEREAS**, Council directed the Community Development Division to mail
10 written notice to Ash Brokerage Corporation explaining the reasons for Council's
11 determination and a date, time, place of a hearing to be conducted by Council for the
12 purpose of further considering Ash Brokerage Corporation's compliance with Statement
13 of Benefits; and

14 **WHEREAS**, the aforementioned notice was properly prepared and served upon
15 Ash Brokerage Corporation to appear before Council on August 25, 2026 at 5:30pm in
16 Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

17 **WHEREAS**, Ash Brokerage Corporation [appeared/failed to appear] before
18 Common Council on August 25, 2026 to provide additional information concerning
19 compliance.

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

22 **SECTION 1.** That, Common Council finds that the CF-1 forms filed by Ash
23 Brokerage Corporation with an approved Economic Revitalization Area for 2026 are not
24 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
25 Municipal Code of the City of Fort Wayne for failure to create 75% of the 51 full-time
26 jobs, or 38 full-time jobs, as stated and create 75% of the \$1,272,250, or \$954,187 in
27 annual payroll that was stated that would be generated by the created jobs.

28 **SECTION 2a.** Ash Brokerage Corporation failed to appear and otherwise testify
29 and therefore Council confirms its determination of June 23, 2026 that Ash Brokerage
30 Corporation has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section
153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above.
Council therefore finds that Ash Brokerage Corporation has failed to substantially
comply and said failure was not caused by factors outside of Ash Brokerage
Corporation's control. As a result of said failure, Ash Brokerage Corporation's
deduction/abatement under R-19-15 is hereby terminated

SECTION 2b. That Ash Brokerage Corporation appeared and testified at the
hearing and from its testimony it was determined that notwithstanding Ash Brokerage
Corporation's failure to substantially comply as detailed in Section 1 above that Ash
Brokerage Corporation did make reasonable efforts to substantially comply with the
statement of benefits and Ash Brokerage Corporation's failure to substantially comply
was caused by factors beyond the control of Ash Brokerage Corporation Therefore, the
continuation of Ash Brokerage Corporation's deduction/abatement under R-19-15 is
hereby approved.

SECTION 2c. That Ash Brokerage Corporation appeared and testified at the
hearing and from its testimony it was determined in addition to Ash Brokerage
Corporation's failure to substantially comply as detailed in Section 1 above, that Ash
Brokerage Corporation did not make reasonable efforts to substantially comply with the
statement of benefits and Ash Brokerage Corporation's failure to substantially comply
was not caused by factors beyond the control of Ash Brokerage Corporation As a result
of said failure, Ash Brokerage Corporation's deduction/abatement under R-19-15 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