

A RESOLUTION determining SUBSTANTIAL NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2014 for GCG Industries, Inc. for property at 4636 Newaygo Drive under Confirming Resolution R-18-09 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 (SB-1) forms property for GCG Industries, Inc. 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 Statement of Benefits (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 (CF-1) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, GCG Industries, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, GCG Industries, Inc. approved Statement of Benefits (SB-1) form stated that 20 full-time jobs would be retained and two jobs would be created by March 2009; and

WHEREAS, GCG Industries, Inc. approved Statement of Benefits (SB-1) form stated \$692,984 in annual payroll for retained jobs and \$41,600 in annual payroll would be generated by the created jobs; and

WHEREAS, GCG Industries, Inc. 2014 Compliance with Statement of Benefits (CF-1) form filing stated that 14 jobs were retained; and

WHEREAS, GCG Industries, Inc. 2014 Compliance with Statement of Benefits (CF-1) form filing stated that \$484,692 in annual payroll for the 14 jobs retained; 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 387 retained jobs means retaining 290 jobs; and

WHEREAS, meeting 75% of the 32 full-time jobs to be created means creating 24 jobs; and

WHEREAS, meeting 75% of the \$5,349,063 in retained annual payroll means \$4,011,797 in annual payroll retained; and

WHEREAS, meeting 75% of the \$960,000 in annual payroll to be created means \$720,000 in annual payroll created; and

WHEREAS, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that GCG Industries, Inc. has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

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

SECTION 1. That, the Compliance with Statement of Benefits Forms (CF-1) filed by GCG Industries, Inc. with an approved economic revitalization area for 2014 is in 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 two full-time jobs that were stated that would be created, for failure to create 75% of the \$41,600 in payroll that was stated that would be created, for failure to retain 75% of the 20 full-time jobs that was stated would be retained, and for failure to retain 75% of the \$692,984 in payroll that was stated that would be retained.

SECTION 2. That, the failure to substantially comply was not caused by factors beyond the control of GCG Industries, Inc.

SECTION 3. That, Council directs the Community Development Division to mail written notice to GCG Industries, Inc. explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering GCG Industries, Inc.'s compliance with Statement of Benefits.

SECTION 4. 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

Carol Helton, City Attorney