

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2015 for GTA Acquisition, LLC dba GT Automation Group for property at 4422 Airport Expressway under Confirming Resolution R-30-09 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 GT Acquisition, LLC dba GT Automation Group 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, GTA Acquisition, LLC dba GT Automation Group has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group's approved Statement of Benefits (SB-1) form stated that **35** full-time and **one** part-time jobs would be retained and **three** full-time would be created by December 2009; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group's approved Statement of Benefits (SB-1) form stated **\$2,137,361** in annual payroll would be generated from the **35** full-time and **one** part-time jobs retained and **\$180,000** in annual payroll would be generated by the **three** full-time created jobs; and

WHEREAS, GTA Acquisition, LLC dba GT Automation Group's 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **28** jobs were retained and **two** jobs created; and

1 **WHEREAS**, GTA Acquisition, LLC dba GT Automation Group's 2015 Compliance
2 with Statement of Benefits (CF-1) form filing stated **\$1,748,919** in annual payroll for the **28**
3 jobs retained and **\$34,620** in annual payroll for the **two** jobs created; and

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

8 **WHEREAS**, Common Council has defined substantial compliance under Section
9 153.21 of the Municipal Code of the City of Fort Wayne as:

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

16 **WHEREAS**, meeting 75% of the **36** retained jobs means retaining **27** jobs; and

17 **WHEREAS**, meeting 75% of the **three** created jobs means creating **two** jobs; and

18 **WHEREAS**, meeting 75% of the **\$2,137,361** in annual payroll to be retained means
19 **\$1,603,020** in annual payroll retained; and

20 **WHEREAS**, meeting 75% of the **\$180,000** in annual payroll to be created means
21 **\$135,000** in annual payroll created; and

22 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
23 receipt of the Compliance of Statement of Benefits Form (CF-1) that GTA Acquisition, LLC
24 dba GT Automation Group has substantially complied with the original Statement of Benefits
25 Form (SB-1) approved by Common Council; and

26 **WHEREAS**, GT Acquisition, LLC dba GT Automation Group **appeared/failed to**
27 **appear** before council to provide additional information on its compliance with statement of
28 benefits.

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 Compliance with Statement of
Benefits Forms (CF-1) filed by GTA Acquisition, LLC dba GT Automation Group with an
approved economic revitalization area for 2015 are 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 \$180,000 in annual payroll or \$135,000 from the jobs that were stated
that would be created.

1 **SECTION 2a.** GT Acquisition, LLC dba GT Automation Group appeared before
2 council and provided additional information on its compliance with statement of benefits and
3 from this information it was determined that notwithstanding GT Acquisition, LLC dba GT
4 Automation Group's failure to substantially comply by its failure to create \$120,000 in annual
5 payroll from the jobs created, that GT Acquisition, LLC dba GT Automation Group did make
6 reasonable efforts to substantially comply with the statement of benefits and GT Acquisition,
7 LLC dba GT Automation Group's failure to substantially comply was caused by factors
8 beyond the control of GT Acquisition, LLC dba GT Automation Group. Therefore, the
continuation of GT Acquisition, LLC dba GT Automation Group's deduction/abatement under
R-30-09 is hereby approved.

9 OR

10 **SECTION 2b.** That GT Acquisition, LLC dba GT Automation Group failed to appear
11 and otherwise provide additional information on its compliance with statement of benefits and
12 has caused Council to conclude and find GT Acquisition, LLC dba GT Automation Group is
13 not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
14 Code of the City of Fort Wayne on their 2015 filing. Council therefore directs the Community
15 Development Division to mail written notice to GT Acquisition, LLC dba GT Automation
Group 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 GT Acquisition, LLC dba
GT Automation Group 's 2015 compliance with statement of benefits.

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

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21 APPROVED AS TO FORM A LEGALITY

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23 _____
Carol Helton, City Attorney
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DIGEST SHEET

TITLE OF ORDINANCE: Resolution determining substantial compliance with a Statement of Benefits (SB-1) for 2015

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines whether Compliance with Statement of Benefits (CF-1) Form filings made by GTA Acquisition, LLC dba GT Automation Group in May 2015 with an approved economic revitalization area are in substantial compliance pursuant to both Council policy and Indiana law.

EFFECT OF PASSAGE: Will allow property owners with existing economic revitalization area designation to continue to receive their economic revitalization area deduction (property tax abatement/phase-in) benefit if determined to be in substantial compliance or provide notice to company if determined to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in)

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Thomas Didier and Russ Jehl