

**A RESOLUTION determining SUBSTANTIAL
COMPLIANCE OR NON-COMPLIANCE with a Statement
of Benefits (SB-1) for 2015 for Trelleborg Sealing
Solutions, Inc. for property at 5503 Distribution Drive
under Confirming Resolution R-32-10 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 Trelleborg Sealing Solutions, 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, Trelleborg Sealing Solutions, Inc. has filed Compliance with Statement of Benefit Forms with the Allen County Assessor's Office and the City of Fort Wayne; and

WHEREAS, Trelleborg Sealing Solutions, Inc.'s approved Statement of Benefits (SB-1) form stated that **320** full-time jobs would be retained and **46** full-time jobs would be created by December 2013; and

WHEREAS, Trelleborg Sealing Solutions, Inc.'s approved Statement of Benefits (SB-1) form stated **\$15,089,000** in annual payroll for the retained jobs and **\$1,657,000** in annual payroll would be generated by the created jobs; and

WHEREAS, Trelleborg Sealing Solutions, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form filing stated that **320** jobs were retained and **20** jobs were created; and

WHEREAS, Trelleborg Sealing Solutions, Inc.'s 2015 Compliance with Statement of Benefits (CF-1) form filing stated **\$15,089,900** in annual payroll for the **320** jobs retained and **\$2,518,236** in annual payroll for the **20** jobs created; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of
2 the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the **320** retained jobs means retaining **240** jobs; and

12 **WHEREAS**, meeting 75% of the **46** jobs to be created means creating **35** jobs; and

13 **WHEREAS**, meeting 75% of the **\$15,089,900** in retained annual payroll means
14 **\$11,317,425** in annual payroll retained; and

15 **WHEREAS**, meeting 75% of the **\$1,657,000** in annual payroll to be created means
16 **\$1,242,750** in annual payroll created; and

17 **WHEREAS**, Common Council shall determine not later than forty-five (45) days after
18 receipt of the Compliance of Statement of Benefits Form (CF-1) that Trelleborg Sealing
19 Solutions, Inc. has substantially complied with the original Statement of Benefits Form (SB-1)
20 approved by Common Council; and

21 **WHEREAS**, Trelleborg Sealtng Solutions, Inc. **appeared/failed to appear** before
22 council to provide additional information on its compliance with statement of benefits.

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

25 **SECTION 1.** That, Common Council finds that the Compliance with Statement of
26 Benefits Forms (CF-1) filed by Trelleborg Sealing Solutions, Inc. with an approved economic
27 revitalization area for 2015 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and
28 Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75% of
29 the 46 full-time jobs or 35 jobs that were stated that would be created.

30 **SECTION 2a.** Trelleborg Sealing Solutions, Inc. appeared before council and
provided additional information on its compliance with statement of benefits and from this
information it was determined that notwithstanding Trelleborg Sealing Solutions, Inc.'s failure
to substantially comply by its failure to create 35 jobs or more, that Trelleborg Sealing
Solutions, Inc. did make reasonable efforts to substantially comply with the statement of
benefits and Trelleborg Sealing Solutions, Inc.'s failure to substantially comply was caused
by factors beyond the control of Trelleborg Sealing Solutions, Inc. Therefore, the

1 continuation of Trelleborg Sealing Solutions, Inc.'s deduction/abatement under R-32-10 is
2 hereby approved.

3 OR

4 **SECTION 2b.** Trelleborg Sealing Solutions, Inc. failed to appear and otherwise
5 provide additional information on its compliance with statement of benefits and has caused
6 Council to conclude and find that Trelleborg Sealing Solutions, Inc. is not in substantial
7 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City
8 of Fort Wayne on their 2015 filing. Council therefore directs the Community Development
9 Division to mail written notice to Trelleborg Sealing Solutions, Inc. explaining the reasons for
10 Council's determination and a date, time, place of a hearing to be conducted by Council for
11 the purpose of further considering Trelleborg Sealing Solutions, Inc. 's 2015 compliance with
12 statement of benefits.

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

15 _____
16 Member of Council

17 APPROVED AS TO FORM A LEGALITY

18 _____
19 Carol Helton, City Attorney

Admn. Appr. _____

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 Trelleborg Sealing Solutions, Inc. 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