

A RESOLUTION CONFIRMING 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 made a determination on June 23, 2015 that
18 Trelleborg Sealing Solutions, Inc. was not in substantial compliance as a result of its failure to
19 create at least 35 jobs and that the failure to substantially comply was not caused by factors
20 beyond the control of Trelleborg Sealing Solutions, Inc.; and

21 **WHEREAS**, Council directed the Community Development Division to mail written
22 notice to Trelleborg Sealing Solutions, Inc. explaining the reasons for Council's determination
23 and a date, time, place of a hearing to be conducted by Council for the purpose of further
24 considering Trelleborg Sealing Solutions, Inc.'s compliance with Statement of Benefits; and

25 **WHEREAS**, the aforementioned notice was properly prepared and served upon
26 Trelleborg Sealing Solutions, Inc. on July 6, 2015; and

27 **WHEREAS**, Council conducted a hearing on July 21, 2015 for the purpose of further
28 considering Trelleborg Sealing Solutions, Inc.'s compliance with statement of benefits; and

29 **WHEREAS**, Trelleborg Sealing Solutions, Inc. **appeared/failed to appear** at the
30 hearing.

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

SECTION 1a. Trelleborg Sealing Solutions, Inc. failed to appear and otherwise
testify and therefore Council confirms its determination of June 23, 2015 that Trelleborg
Sealing Solutions, Inc. 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 for failure to create 75% of
the 46 jobs or 35 jobs that were stated that would be created. Council therefore finds that

1 Trelleborg Sealing Solutions, Inc. has failed to substantially comply and said failure was not
2 caused by factors outside of Trelleborg Sealing Solutions, Inc.'s control. As a result of said
3 failure, Trelleborg Sealing Solutions, Inc.'s deduction/abatement under R-32-10 is hereby
4 terminated.

5 **SECTION 1b.** That Trelleborg Sealing Solutions, Inc. appeared and testified at the
6 hearing and from its testimony it was determined that notwithstanding Trelleborg Sealing
7 Solutions, Inc.'s failure to substantially comply by its failure to create 75% of the 46 jobs or 35
8 jobs that were stated that would be created, that Trelleborg Sealing Solutions, Inc. did make
9 reasonable efforts to substantially comply with the statement of benefits and Trelleborg
10 Sealing Solutions, Inc.'s failure to substantially comply was caused by factors beyond the
11 control of Trelleborg Sealing Solutions, Inc. Therefore the continuation of Trelleborg Sealing
12 Solutions, Inc.'s deduction/abatement under R-32-10 is hereby approved.

13 **SECTION 1c.** That Trelleborg Sealing Solutions, Inc. appeared and testified at the
14 hearing and from its testimony it was determined that notwithstanding Trelleborg Sealing
15 Solutions, Inc.'s failure to substantially comply by its failure to create 75% of the 46 jobs or 35
16 jobs that were stated that would be created, that Trelleborg Sealing Solutions, Inc. did not
17 make reasonable efforts to substantially comply with the statement of benefits and Trelleborg
18 Sealing Solutions, Inc.'s failure to substantially comply was not caused by factors beyond the
19 control of Trelleborg Sealing Solutions, Inc. As a result of said failure, Trelleborg Sealing
20 Solutions, Inc.'s deduction/abatement under R-32-10 is hereby terminated.

21 **SECTION 2.** That, this Resolution shall be in full force and effect from and after
22 its passage and any and all necessary approval by the Mayor.

23 _____
24 Member of Council

25 APPROVED AS TO FORM A LEGALITY

26 _____
27 Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2015

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that 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 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 (PRESIDENT): Tom Didier and Russ Jehl