

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with a Statement of Benefits (SB-1) for 2016 for Advanced Machine & Tool Corporation at 3706 Transportation Drive under Confirming Resolution R-56-13 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 Advanced Machine & Tool 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 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, Advanced Machine & Tool Corporation has filed Compliance with Statement of Benefit Forms with the Allen County Assessor’s Office and the City of Fort Wayne; and

WHEREAS, Advanced Machine & Tool Corporation’s approved Statement of Benefits (SB-1) form stated that **68** full-time jobs would be retained and **four** full-time jobs would be created by July 2014; and

WHEREAS, Advanced Machine & Tool Corporation’s approved Statement of Benefits (SB-1) form stated **\$5,216,861** in annual payroll would be generated from the **68** full-time jobs retained and **\$214,000** in annual payroll would be generated by the **four** full-time created jobs; and

WHEREAS, Advanced Machine & Tool Corporation’s 2016 Compliance with Statement of Benefits (CF-1) form filing stated that **64** jobs were retained and **zero** jobs were created; and

WHEREAS, Advanced Machine & Tool Corporation’s 2016 Compliance with Statement of Benefits (CF-1) form filing stated **\$5,046,289** in annual payroll for the **64** jobs retained and **\$0** in annual payroll for the **zero** 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 **68** retained jobs means retaining **51** jobs; and

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

WHEREAS, meeting 75% of the **\$5,216,862** in annual payroll to be retained means **\$3,912,646** in annual payroll retained; and

WHEREAS, meeting 75% of the **\$214,000** in annual payroll to be created means **\$160,500** 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 Advanced Machine & Tool Corporation has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

WHEREAS, Advanced Machine & Tool Corporation **appeared/failed to appear** before council to provide additional information on its compliance with statement of benefits.

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

SECTION 1. That, Common Council finds that the Compliance with Statement of Benefits Forms (CF-1) filed by Advanced Machine & Tool Corporation with an approved economic revitalization area for 2016 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 four jobs or three jobs that were stated that would be created and did not create 75% of the \$214,000 in annual payroll or \$160,500 in annual payroll from the jobs that were stated that would be created.

SECTION 2a. Advanced Machine & Tool Corporation appeared before council and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding Advanced Machine & Tool Corporation 's failure to substantially comply by its failure to create three jobs or more and \$160,500 or

more in annual payroll from the jobs created, that Advanced Machine & Tool Corporation did make reasonable efforts to substantially comply with the statement of benefits and Advanced Machine & Tool Corporation 's failure to substantially comply was caused by factors beyond the control of Advanced Machine & Tool Corporation. Therefore, the continuation of Advanced Machine & Tool Corporation's deduction/abatement under R-56-13 is hereby approved.

SECTION 2b. That Advanced Machine & Tool Corporation appeared and provided additional information on its compliance with statement of benefits and from this information it was determined that notwithstanding Advanced Machine & Tool Corporation's failure to substantially comply by its failure to create three jobs or more and \$160,500 or more in annual payroll from the jobs created, that Advanced Machine & Tool Corporation did not make reasonable efforts to substantially comply with the statement of benefits and Advanced Machine & Tool Corporation's failure to substantially comply was not caused by factors beyond the control of Advanced Machine & Tool Corporation. Council therefore directs the Community Development Division to mail written notice to Advanced Machine & Tool Corporation 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 Advanced Machine & Tool Corporation's 2016 compliance with statement of benefits.

SECTION 2c. That Advanced Machine & Tool Corporation failed to appear and otherwise provide additional information on its compliance with statement of benefits and has caused Council to conclude and find that Advanced Machine & Tool Corporation is 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 on their 2016 filing. Council therefore directs the Community Development Division to mail written notice to Advanced Machine & Tool Corporation 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 Advanced Machine & Tool Corporation's 2016 compliance with statement of benefits.

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

Carol Helton, City Attorney