

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for AccuGear, Inc. for property at 6710 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-17-09 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 (hereinafter "SB-1") forms, certain property for **AccuGear, 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 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 (hereinafter "CF-1") with the City of Fort Wayne and in some cases either the Allen County Auditor, the Allen County Assessor, or both, showing information on the extent to which there has been compliance with the approved SB-1 form for the project; and

WHEREAS, **AccuGear, Inc.** has filed CF-1 forms with **the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor**; and

WHEREAS, **AccuGear, Inc.** approved SB-1 form stated that **45** full-time jobs would be retained and **72** full-time jobs would be created by **December 31, 2010**; and

WHEREAS, **AccuGear, Inc.** approved SB-1 form stated **\$1,784,200** in annual payroll for the **45** full-time retained jobs and **\$2,663,040** in annual payroll would be generated by the **72** full-time jobs to be created; and

WHEREAS, **AccuGear, Inc.'s** 2018 CF-1 form filing stated that **45** jobs were retained and **41** jobs were created; and

WHEREAS, **AccuGear, Inc.'s** 2018 CF-1 form filing stated **\$1,784,200** in annual payroll for the **45** jobs retained and **\$3,045,810** in annual payroll for the **41** 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

1 **WHEREAS**, Common Council has defined substantial compliance under Section
2 153.21 of the Municipal Code of the City of Fort Wayne as:

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

9 **WHEREAS**, meeting 75% of the **45** full-time and jobs retained means retaining **33**
10 jobs; and

11 **WHEREAS**, meeting 75% of the **72** full-time jobs to be created means creating **54**
12 full-time jobs; and

13 **WHEREAS**, meeting 75% of the **\$1,784,200** in retained annual payroll means
14 **\$1,338,150** in retained annual payroll; and

15 **WHEREAS**, meeting 75% of the **\$2,663,040** in annual payroll to be created means
16 **\$1,338,150** in created annual payroll; and

17 **WHEREAS**, Common Council may determine not later than forty-five (45) days after
18 receipt of the CF-1 form that **AccuGear, Inc.** has either failed to substantially comply or has
19 substantially complied with the original SB-1 form approved by Common Council; and

20 **WHEREAS**, Common Council made a determination on **June 26, 2018** that
21 **AccuGear, Inc.** was not in substantial compliance as a result of its failure to generate at
22 least **54** jobs and at least **\$1,997,280** in annual payroll created, and that the failure to
23 substantially comply was not caused by factors beyond the control of **AccuGear, Inc.**; and

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

28 **WHEREAS**, the aforementioned notice was properly prepared and served upon
29 **AccuGear, Inc.**; and

30 **WHEREAS**, **AccuGear, Inc. [appeared/failed to appear]** before Common Council
to provide additional information concerning compliance.

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

SECTION 1. That, Common Council finds that the CF-1 form filed by **AccuGear, Inc.** with an approved Economic Revitalization Area for **2018** 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 **72** full-time jobs or **54** jobs that were stated

1 that would be created and create 75% of the \$2,663,040 in annual payroll or \$1,997,280 that
2 was stated that would be generated by the created jobs.

3 **SECTION 2a.** **AccuGear, Inc.** failed to appear and otherwise testify and therefore
4 Council confirms its determination of **June 26, 2018** that **AccuGear, Inc.** has failed to
5 substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of
6 the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that
7 **AccuGear, Inc.** has failed to substantially comply and said failure was not caused by factors
8 outside of **AccuGear, Inc.**'s control. As a result of said failure, **AccuGear, Inc.**'s
9 deduction/abatement under **R-17-09** is hereby terminated

10 **SECTION 2b.** That **AccuGear, Inc.** appeared and testified at the hearing and from
11 its testimony it was determined that notwithstanding **AccuGear, Inc.**'s failure to substantially
12 comply as detailed in Section 1 above that **AccuGear, Inc.** did make reasonable efforts to
13 substantially comply with the statement of benefits and **AccuGear, Inc.**'s failure to
14 substantially comply was caused by factors beyond the control of **AccuGear, Inc.**.
15 Therefore, the continuation of **AccuGear, Inc.**'s deduction/abatement under **R-17-09** is
16 hereby approved.

17 **SECTION 2c.** That **AccuGear, Inc.** appeared and testified at the hearing and from
18 its testimony it was determined in addition to **AccuGear, Inc.**'s failure to substantially comply
19 as detailed in Section 1 above, that **AccuGear, Inc.** did not make reasonable efforts to
20 substantially comply with the statement of benefits and **AccuGear, Inc.**'s failure to
21 substantially comply was not caused by factors beyond the control of **AccuGear, Inc.** As a
22 result of said failure, **AccuGear, Inc.**'s deduction/abatement under **R-17-09** is hereby
23 terminated.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

Joseph G. Bonahoom, Attorney for Common Council

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by AccuGear, Inc. in May 2018 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): Geoff Paddock and Jason Arp