

BILL NO. R-18-07-15

RESOLUTION NO. R-_____

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for Precision Die Technology, Inc. for property at 4716 Speedway Drive Fort Wayne, IN 46825 under Confirming Resolution R-4-12 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 **Precision Die Technology, 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, **Precision Die Technology, Inc.** has filed CF-1 forms with the **City of Fort Wayne and the Allen County Auditor**, and

WHEREAS, **Precision Die Technology, Inc.** approved SB-1 form stated that **65** full-time and **two** part-time jobs would be retained by **June 30, 2012**; and

WHEREAS, **Precision Die Technology, Inc.'s 2018** approved SB-1 form stated **\$2,104,178** in annual payroll for the **65** full-time and **two** part-time retained jobs; and

WHEREAS, **Precision Die Technology, Inc.'s 2018** CF-1 form filing stated that **42** jobs were retained; and

WHEREAS, **Precision Die Technology, Inc.'s 2018** CF-1 form filing stated **\$1,840,479** in annual payroll for the **42** jobs retained; and

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

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

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

13 **WHEREAS**, meeting 75% of the **65** full-time and **two** part-time jobs retained
14 means retaining **48** full-time jobs and **one** part-time job; and

15 **WHEREAS**, meeting 75% of the **\$2,104,178** in retained annual payroll
16 means **\$1,568,773** in retained annual payroll; and

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

21 **WHEREAS**, Common Council made a determination on **June 26, 2018** that
22 **Precision Die Technologies, Inc.** was not in substantial compliance as a result of
23 its failure to retain at least **48** jobs with at least **\$1,578,133** in annual payroll and
24 that the failure to substantially comply was not caused by factors beyond the control
25 of **Precision Die Technologies, Inc.**; and

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

WHEREAS, the aforementioned notice was properly prepared and served
upon **Precision Die Technologies, Inc.**; and

1 WHEREAS, **Precision Die Technologies, Inc.** [appeared/failed to
2 **appear]** before Common Council to provide additional information concerning
3 compliance.

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

6 **SECTION 1.** That, Common Council finds that the CF-1 form filed by
7 **Precision Die Technologies, Inc.** with an approved Economic Revitalization Area
8 for **2018** are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section
9 153.21 of the Municipal Code of the City of Fort Wayne for failure to retain 75% of
10 the **65** full-time jobs or **48** jobs that were stated that would be retained and retain
11 75% of the **\$2,104,178** in annual payroll or **\$1,578,133** that was stated that would
12 be generated by the retained jobs.

13 **SECTION 2a. Precision Die Technologies, Inc.** failed to appear and
14 otherwise testify and therefore Council confirms its determination of **June 26, 2018**
15 that **Precision Die Technologies, Inc.** has failed to substantially comply pursuant
16 to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
17 Wayne as detailed in Section 1 above. Council therefore finds that **Precision Die**
18 **Technologies, Inc.** has failed to substantially comply and said failure was not
19 caused by factors outside of **Precision Die Technologies, Inc.**'s control. As a
20 result of said failure, **Precision Die Technologies, Inc.**'s deduction/abatement
21 under **R-4-12** is hereby terminated

22 **SECTION 2b.** That **Precision Die Technologies, Inc.** appeared and
23 testified at the hearing and from its testimony it was determined that
24 notwithstanding **Precision Die Technologies, Inc.**'s failure to substantially comply
25 as detailed in Section 1 above that **Precision Die Technologies, Inc.** did make
26 reasonable efforts to substantially comply with the statement of benefits and
27 **Precision Die Technologies, Inc.**'s failure to substantially comply was caused by
28 factors beyond the control of **Precision Die Technologies, Inc.**. Therefore, the
29 continuation of **Precision Die Technologies, Inc.**'s deduction/abatement under **R-**
30 **4-12** is hereby approved.

SECTION 2c. That **Precision Die Technologies, Inc.** appeared and
testified at the hearing and from its testimony it was determined in addition to
Precision Die Technologies, Inc.'s failure to substantially comply as detailed in

1 Section 1 above, that **Precision Die Technologies, Inc.** did not make reasonable
2 efforts to substantially comply with the statement of benefits and **Precision Die**
3 **Technologies, Inc.**'s failure to substantially comply was not caused by factors
4 beyond the control of **Precision Die Technologies, Inc.** As a result of said failure,
5 **Precision Die Technologies, Inc.**'s deduction/abatement under **R-4-12** is hereby
6 terminated.

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

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10 _____
Member of Council

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12 APPROVED AS TO FORM A LEGALITY

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Joseph G. Bonahoom, Attorney for Common Council
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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 Precision Die Technologies, 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