

**A RESOLUTION considering a Waiver of Noncompliance for
a Late-Filed Statement of Benefits Real Estate
Improvements (Form CF-1/Personal Property) for 3810
Fournier Drive, Fort Wayne, Indiana 46818 (CNC Industries,
Inc.)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 3810 Fournier Drive for CNC Industries, Inc. (Confirming Resolution R-24-17) 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, the original Statement of Benefits and economic revitalization area designation application submitted by CNC Industries, Inc. and approved under Confirming Resolution R-19-12 was for \$1,500,000 in personal property improvements; and

WHEREAS, CNC Industries, Inc.'s Statement of Benefits Personal Property Improvements (Form CF-1/Personal Property) for 2019 was not filed in a timely manner with the Allen County Assessor; and

WHEREAS, the City has given CNC Industries, Inc. notice to file their CF-1 and to file a waiver of non-compliance of a late-filed CF-1; and

WHEREAS, CNC Industries, Inc. has filed their CF-1 along with a waiver of non-compliance for failure to file their CF-1 with the City; and

WHEREAS, the Common Council acknowledges that CNC Industries, Inc. has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5; and

WHEREAS, CNC Industries, Inc. has fulfilled its pledge to purchase and install new personal property manufacturing equipment; and

WHEREAS, Based on the CF-1 recently submitted, CNC Industries, Inc. has established that they have substantially complied with its approved statement of benefits ; and

WHEREAS, I.C. 6-1.1-12.1-9.5 permits tax abatement non-compliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

WHEREAS, if Common Council approves the waiver of non-compliance for the late filed CF-1 compliance paperwork, then Common Council will also determine substantial compliance or non-compliance with statement of benefits; and

WHEREAS, a public hearing of the Common Council has been held on the waiver.

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

[OPTION 1]

SECTION 1. That, CNC Industries, Inc.'s request for a waiver of clerical and technical errors and nonconformities with its annual CF-1 tax phase-in compliance filing requirements is hereby denied and as such the phase-in granted under Confirming Resolution R-24-17 for personal property is terminated

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approved by the Mayor.

[OPTION 2]

SECTION 1. That all clerical and technical errors and nonconformities of CNC Industries, Inc.'s annual CF-1 tax phase-in filing requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

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SECTION 2. [OPTION A] That Common Council finds that the CF-1 form filed by CNC Industries, Inc. with an approved Economic Revitalization Area for 2019 is 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 by virtue of retaining 75% of the 34 full-time jobs or 25 full-time jobs that were stated to be retained and creating 75% of the five full-time or three full-time that were stated that would be created and retaining 75% of the \$1,560,000 in annual payroll or \$1,117,000 generated by the retained jobs and creating 75% of the \$1,646,020 in annual payroll or \$77,220, that was stated that would be generated by the created jobs. Therefore, the continuation of CNC Industries Inc.'s abatement is hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-in.

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SECTION 2. [OPTION B]. That Common Council finds that the CF-1 form filed by CNC Industries, Inc. with an approved Economic Revitalization Area for 2019 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 for failure to retain 75% of the 34 full-time jobs or 25 full-time jobs that were stated to be retained and creating 75% of the five full-time jobs or three full-time jobs that were stated that would be created and retaining 75% of the \$1,560,000 in annual payroll or \$1,117,000 generated by the retained jobs and creating 75% of the \$1,646,020 in annual payroll or \$77,220, that was stated that would be generated by the created jobs. CNC Industries, Inc. did make reasonable efforts to substantially comply with the statement of benefits and CNC Industries, Inc.'s failure to substantially comply was caused by factors beyond the control of CNC Industries, Inc. Therefore, the continuation of CNC Industries, Inc.'s abatement is hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-in.

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SECTION 2. [OPTION C] That Common Council finds that the CF-1 form filed by CNC Industries, Inc. with an approved Economic Revitalization Area for 2019 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 for failure to retain 75% of the 34 full-time jobs or 25 full-time jobs that were stated to be retained and creating 75% of the five full-time jobs or three full-time jobs that were stated that would be created and retaining 75% of the \$1,560,000 in annual payroll or \$1,117,000 generated by the retained jobs and creating 75% of the \$1,646,020 in annual payroll or \$77,220, that was stated that would be generated by the created jobs. CNC Industries, Inc. did not make reasonable efforts to substantially comply with the statement of benefits and CNC Industries, Inc.'s failure to substantially comply was not caused by factors beyond the control of CNC Industries, Inc. As a result of said failure, the abatement for CNC Industries, Inc. is hereby terminated by Common Council. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to terminate the abatement for personal property manufacturing equipment.

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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.

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Member of Council

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APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney