

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2022 for Accutech Mold and Machine, Inc. for property at 2817 Goshen Road, Fort Wayne, IN 46808 under Confirming Resolution R-55-19 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 Accutech Mold & Machine, 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, Accutech Mold & Machine, Inc. has filed CF-1 forms with the City of Fort Wayne and Allen County Assessor; and

WHEREAS, Accutech Mold & Machine, Inc.'s approved SB-1 form stated that 78 full-time jobs would be retained by August 31, 2021; and

WHEREAS, Accutech Mold & Machine, Inc.'s approved SB-1 form stated \$2,754,258 in annual payroll would be retained for the 78 full-time retained jobs; and

WHEREAS, Accutech Mold & Machine, Inc.'s 2022 CF-1 form filing stated that 56 full-time jobs have been retained; and

WHEREAS, Accutech Mold & Machine, Inc.'s 2022 CF-1 form filing stated \$2,540,334 in annual payroll for the 56 full-time jobs retained; 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
4 to be created or retained as delineated in the original Statement of Benefits
5 Form (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 78 full-time jobs to be retained means retaining
10 58 full-time jobs; and

11 **WHEREAS**, meeting 75% of the \$2,754,258 retained annual payroll means
12 \$2,065,693 in retained annual payroll; and

13 **WHEREAS**, Common Council will determine no later than forty-five (45) days after
14 receipt of the CF-1 form that an approved business has either failed to substantially
15 comply or has substantially complied with the original SB-1 form approved by Common
16 Council; and

17 **WHEREAS**, Common Council made a determination on June 28, 2022 that
18 Accutech Mold & Machine, Inc. was not in substantial compliance as a result of its failure
19 to retain at least 58 full-time jobs with a retained annual payroll of at least \$2,065,693; and

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

25 **WHEREAS**, the aforementioned notice was properly prepared and served upon
26 Accutech Mold & Machine, Inc. to appear before Council on August 9, 2022 at 5:30pm in
27 Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

28 **WHEREAS**, Accutech Mold & Machine, Inc. [appeared/failed to appear] before
29 Common Council on August 9, 2022 to provide additional information concerning
30 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 Applied
Metals & Machine Works, Inc. with an approved Economic Revitalization Area for 2022 is
not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the

1 Municipal Code of the City of Fort Wayne for failure to retain 75% of the 78 full-time, or 58
2 full-time jobs, as stated would be retained.

3 **SECTION 2a.** Accutech Mold & Machine, Inc. failed to appear and otherwise
4 testify and therefore Council confirms its determination of June 28, 2022 that Accutech
5 Mold & Machine, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and
6 Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1
7 above. Council therefore finds that Accutech Mold & Machine, Inc. has failed to
8 substantially comply and said failure was not caused by factors outside of Accutech Mold
& Machine, Inc.'s control. As a result of said failure, Accutech Mold & Machine, Inc.'s
deduction/abatement under R-55-19 is hereby terminated

9 **SECTION 2b.** That Accutech Mold & Machine, Inc. appeared and testified at the
10 hearing and from its testimony it was determined that notwithstanding Accutech Mold &
11 Machine, Inc.'s failure to substantially comply as detailed in Section 1 above that Accutech
12 Mold & Machine, Inc. did make reasonable efforts to substantially comply with the
13 statement of benefits and Accutech Mold & Machine, Inc.'s failure to substantially comply
14 was caused by factors beyond the control of Accutech Mold & Machine, Inc. Therefore,
the continuation of Accutech Mold & Machine, Inc.'s deduction/abatement under R-55-19
is hereby approved.

15 **SECTION 2c.** That Accutech Mold & Machine, Inc. appeared and testified at the
16 hearing and from its testimony it was determined in addition to Accutech Mold & Machine,
17 Inc.'s failure to substantially comply as detailed in Section 1 above, that Accutech Mold &
18 Machine, Inc. did not make reasonable efforts to substantially comply with the statement
19 of benefits and Accutech Mold & Machine, Inc.'s failure to substantially comply was not
20 caused by factors beyond the control of Accutech Mold & Machine, Inc. As a result of said
21 failure, Accutech Mold & Machine, Inc.'s deduction/abatement under R-55-19 is hereby
terminated.

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

24
25 _____
Member of Council

26 APPROVED AS TO FORM A LEGALITY

27
28 _____
29 Malak Heiny, City Attorney
30

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2022

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Accutech Mold & Machine, Inc. in May 2022 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): Russ Jehl and Sharon Tucker