BILL NO. R-22-07-38

RESOLUTION NO. R-________

A RESOLUTION determining SUBSTANTIAL COMPLIANCE Statement of Benefits (CF-1) form filing for 2022 for Applied Metals & Machine Works, Inc. for property at 1036 Saint Mary's Avenue, Fort Wayne, IN 46808 under Confirming Resolution R-33-13 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 (hereinafter "SB-1") forms, certain property for Applied Metals & Machine Works, 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, Applied Metals & Machine Works, Inc. has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

WHEREAS, Applied Metals & Machine Works, Inc.'s approved SB-1 form stated that 25 full-time jobs would be retained and six full-time jobs would be created by January 31, 2016; and

WHEREAS, Applied Metals & Machine Works, Inc.'s approved SB-1 form stated $1,002,623 in annual payroll would be retained for the jobs stated to be retained and $245,550 in annual payroll would be created for jobs stated to be created; and

WHEREAS, Applied Metals & Machine Works, Inc.'s 2022 CF-1 form filing stated that 18 full-time jobs were retained and four full-time jobs were created; and

WHEREAS, Applied Metals & Machine Works, Inc.'s 2022 CF-1 form filing stated $784,609 in annual payroll was retained for the jobs stated to be retained and $292,767 in annual payroll was created for jobs stated to be 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 25 full-time jobs to be retained means retaining 18 full-time jobs and meeting 75% of the six jobs to be created means creating four full-time jobs; and

WHEREAS, meeting 75% of the $1,002,623 in annual payroll to be retained means $751,967 in annual payroll and meeting 75% of the $245,550 in annual payroll to be created means $184,162 in created annual payroll; and

WHEREAS, Common Council shall determine not later than forty-five (45) days after receipt of the CF-1 form that an approved business has either failed to substantially comply or has substantially complied with the original SB-1 form approved by Common Council; and

WHEREAS, Common Council made a determination on June 28, 2022 that Applied Metals & Machine Works, Inc. was not in substantial compliance; and

WHEREAS, Council directed the Community Development Division to mail written notice to Applied Metals & Machine Works, Inc. 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 Applied Metals & Machine Works, Inc.'s compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon Applied Metals & Machine Works, Inc. and

WHEREAS, Community Development staff, in preparing documents for the abovementioned hearing, discovered that Applied Metals & Machine Works, Inc. had incorrectly competed their 2022 CF-1 filings. Based on a review of Applied Metals & Machine Works, Inc.'s 2022 Public Benefit Information Annual Update, Applied Metals & Machine Works, Inc. is compliant with statement of benefits; and

WHEREAS, Community Development staff has notified Common Council and Applied Metals & Machine Works, Inc. of this error and that Applied Metals & Machine Works, Inc. is in fact compliant with statement of benefits; and

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 are 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.

SECTION 2. 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

APPROVED AS TO FORM A LEGALITY

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Malak Heiny, City Attorney

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 Applied Metals & Machine Works, 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**