

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2023 for Alconex Specialty Products, Inc. for property at 7255 Chalfant Road, Fort Wayne, IN 46818 under Confirming Resolution R-34-18 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 Alconex Specialty Products, 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**, Alconex Specialty Products, Inc. has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

**WHEREAS**, Alconex Specialty Products, Inc.'s approved SB-1 form stated that 71 full-time jobs would be retained and 35 full-time jobs created by December 31, 2020; and

**WHEREAS**, Alconex Specialty Products, Inc.'s approved SB-1 form stated \$3,271,755 in annual payroll would be retained for the 71 full-time retained jobs and \$1,028,000 in annual payroll created for the 35 full-time jobs to be created; and

**WHEREAS**, Alconex Specialty Products, Inc.'s 2023 CF-1 form filing stated that 71 full-time jobs have been retained and two (2) full-time jobs have been created; and

**WHEREAS**, Alconex Specialty Products, Inc.'s 2023 CF-1 form filing stated \$3,132,537 in annual payroll for the 71 full-time jobs retained and \$88,241 in annual payroll for the two (2) full-time jobs created; and

**WHEREAS**, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code  
2 of the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section  
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the 71 full-time jobs to be retained and 35 full-time  
12 jobs to be created means retaining 53 full-time jobs and creating 26 full-time jobs; and

13 **WHEREAS**, meeting 75% of the \$3,271,755 retained annual payroll means  
14 \$2,453,816 in retained annual payroll and 75% of the \$1,028,000 in created annual payroll  
15 means \$771,000 in created annual payroll; and

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

20 **WHEREAS**, Common Council made a determination on June 27, 2023 that  
21 Alconex Specialty Products, Inc. was not in substantial compliance as a result of its failure  
22 to retain at least 53 full-time jobs with a retained annual payroll of at least \$2,453,816 and  
23 create at least 26 new full-time jobs with at least \$771,000 in created annual payroll; and

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

29 **WHEREAS**, the aforementioned notice was properly prepared and served upon  
30 Alconex Specialty Products, Inc. to appear before Council on August 8, 2023 at 5:30pm  
in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

**WHEREAS**, Alconex Specialty Products, Inc. [appeared/failed to appear] before  
Common Council on August 8, 2023 to provide additional information concerning  
compliance.



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

3                   **SECTION 1.** That, Common Council finds that the CF-1 form filed by Alconex  
4 Specialty Products, Inc. with an approved Economic Revitalization Area for 2023 is not  
5 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal  
6 Code of the City of Fort Wayne for failure to retain 75% of the 71 full-time, or 53 full-time  
7 jobs, as stated and create 75% of the 35 full-time jobs, or 26 full-time jobs, as stated and  
8 retain 75% of the \$3,271,755, or \$2,453,816, in annual payroll or create 75% of the  
\$1,028,000, or \$771,000 in annual payroll that was stated that would be generated by the  
created jobs.

9                   **SECTION 2a.** Alconex Specialty Products, Inc. failed to appear and otherwise  
10 testify and therefore Council confirms its determination of June 27, 2023 that Alconex  
11 Specialty Products, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and  
12 Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1  
13 above. Council therefore finds that Alconex Specialty Products, Inc. has failed to  
14 substantially comply and said failure was not caused by factors outside of Alconex  
Specialty Products, Inc.'s control. As a result of said failure, Alconex Specialty Products,  
Inc.'s deduction/abatement under R-34-18 is hereby terminated

15                   **SECTION 2b.** That Alconex Specialty Products, Inc. appeared and testified at the  
16 hearing and from its testimony it was determined that notwithstanding Alconex Specialty  
17 Products, Inc.'s failure to substantially comply as detailed in Section 1 above that Alconex  
18 Specialty Products, Inc. did make reasonable efforts to substantially comply with the  
19 statement of benefits and Alconex Specialty Products, Inc.'s failure to substantially comply  
20 was caused by factors beyond the control of Alconex Specialty Products, Inc. Therefore,  
the continuation of Alconex Specialty Products, Inc.'s deduction/abatement under R-34-  
21 18 is hereby approved.

22                   **SECTION 2c.** That Alconex Specialty Products, Inc. appeared and testified at the  
23 hearing and from its testimony it was determined in addition to Alconex Specialty  
24 Products, Inc.'s failure to substantially comply as detailed in Section 1 above, that Alconex  
25 Specialty Products, Inc. did not make reasonable efforts to substantially comply with the  
26 statement of benefits and Alconex Specialty Products, Inc.'s failure to substantially comply  
27 was not caused by factors beyond the control of Alconex Specialty Products, Inc. As a  
28 result of said failure, Alconex Specialty Products, Inc.'s deduction/abatement under R-34-  
29 18 is hereby terminated.  
30

**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.

Member of Council

APPROVED AS TO FORM A LEGALITY

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 2023**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Alconex Specialty Products, Inc. in May 2023 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 (CHAIR & CO-CHAIR): **Geoff Paddock and Jason Arp**