

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2023 for Sipe Steel Rule Die, Inc. for property at 2703 Corrinado Court, Fort Wayne, IN 46808 under Confirming Resolution R-26-22 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 Sipe Steel Rule Die, 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, Sipe Steel Rule Die, Inc. has filed CF-1 forms with the City of Fort Wayne and the Allen County Assessor; and

WHEREAS, Sipe Steel Rule Die, Inc.'s approved SB-1 form stated that ten full-time jobs and one part-time job would be retained and five (5) full-time jobs created by December 31, 2022; and

WHEREAS, Sipe Steel Rule Die, Inc.'s approved SB-1 form stated \$496,800 in annual payroll would be retained for the ten full-time jobs and one (1) part-time retained job and \$224,000 in annual payroll created for the five full-time jobs to be created; and

WHEREAS, Sipe Steel Rule Die, Inc.'s 2023 CF-1 form filing stated that eleven full-time jobs have been retained and no (0) full-time jobs have been created; and

WHEREAS, Sipe Steel Rule Die, Inc.'s 2023 CF-1 form filing stated \$469,685 in annual payroll for the eleven full-time jobs retained and \$0 in annual payroll for the 0 full-time jobs created; and

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

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 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 stated
8 to be created or retained as delineated in the original Statement of Benefits
9 Form (SB-1) approved by Common Council; and
- 10 2. Meeting 75% or more of the total payroll stated to be created or retained as
11 delineated in the original Statement of Benefits Form (SB-1) approved by
12 Common Council; and

13 **WHEREAS**, meeting 75% of the ten full-time jobs and one part-time job to be
14 retained and five full-time jobs to be created means retaining seven (7) full-time jobs and
15 creating three full-time jobs; and

16 **WHEREAS**, meeting 75% of the \$496,800 retained annual payroll means
17 \$372,600 in retained annual payroll and 75% of the \$224,000 in created annual payroll
18 means \$168,000 in created annual payroll; and

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

23 **WHEREAS**, Common Council made a determination on June 27, 2023 that Sipe
24 Steel Rule Die, Inc. was not in substantial compliance as a result of its failure to retain at
25 least five (5) full-time jobs with a retained annual payroll of at least \$372,600 and create
26 at least three new full-time jobs with at least \$168,000 in created annual payroll; and

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

WHEREAS, the aforementioned notice was properly prepared and served upon
Sipe Steel Rule Die, 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, Sipe Steel Rule Die, 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 Sipe Steel
4 Rule Die, Inc. with an approved Economic Revitalization Area for 2023 is not in substantial
5 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the
6 City of Fort Wayne for failure to create 75% of the five full-time jobs, or three (3) full-time
7 jobs and create 75% of the \$224,000, or \$168,000, in annual payroll that was stated that
would be generated by the created jobs.

8 **SECTION 2a.** Sipe Steel Rule Die, Inc. failed to appear and otherwise testify and
9 therefore Council confirms its determination of June 27, 2023 that Sipe Steel Rule Die,
10 Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the
11 Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore
12 finds that Sipe Steel Rule Die, Inc. has failed to substantially comply and said failure was
13 not caused by factors outside of Sipe Steel Rule Die, Inc.'s control. As a result of said
failure, Sipe Steel Rule Die, Inc.'s deduction/abatement under R-26-22 is hereby
terminated.

14 **SECTION 2b.** That Sipe Steel Rule Die, Inc. appeared and testified at the hearing
15 and from its testimony it was determined that notwithstanding Sipe Steel Rule Die, Inc.'s
16 failure to substantially comply as detailed in Section 1 above that Sipe Steel Rule Die, Inc.
17 did make reasonable efforts to substantially comply with the statement of benefits and
18 Sipe Steel Rule Die, Inc.'s failure to substantially comply was caused by factors beyond
the control of Sipe Steel Rule Die, Inc. Therefore, the continuation of Sipe Steel Rule Die,
Inc.'s deduction/abatement under R-26-22 is hereby approved.

19 **SECTION 2c.** That Sipe Steel Rule Die, Inc. appeared and testified at the hearing
20 and from its testimony it was determined in addition to Sipe Steel Rule Die, Inc.'s failure
21 to substantially comply as detailed in Section 1 above, that Sipe Steel Rule Die, Inc. did
22 not make reasonable efforts to substantially comply with the statement of benefits and
23 Sipe Steel Rule Die, Inc.'s failure to substantially comply was not caused by factors
24 beyond the control of Sipe Steel Rule Die, Inc. As a result of said failure, Sipe Steel Rule
Die, Inc.'s deduction/abatement under R-26-22 is hereby terminated.

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 Sipe Steel Rule Die, 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