

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2025 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 10 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 2025 CF-1 form filing stated that ten full-time jobs have been retained and no (0) full-time jobs have been created; and

WHEREAS, Sipe Steel Rule Die, Inc.'s 2025 CF-1 form filing stated \$455,866 in annual payroll for the 10 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
4 Code 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
20 after 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 24, 2025 that Sipe
24 Steel Rule Die, Inc. was not in substantial compliance as a result of its failure to retain at
25 least seven 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
28 written notice to Sipe Steel Rule Die, Inc. explaining the reasons for Council's
29 determination and a date, time, place of a hearing to be conducted by Council for the
30 purpose of further 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 26, 2025 at 5:30pm in
Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

1 **WHEREAS**, Sipe Steel Rule Die, Inc. [appeared/failed to appear] before
2 Common Council on August 26, 2025 to provide additional information concerning
3 compliance.

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

6 **SECTION 1.** That, Common Council finds that the CF-1 form filed by Sipe Steel
7 Rule Die, Inc. with an approved Economic Revitalization Area for 2025 is not in
8 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
9 Code of the City of Fort Wayne for failure to create 75% of the five full-time jobs, or three
10 full-time jobs and create 75% of the \$224,000, or \$168,000, in annual payroll that was
11 stated that would be generated by the created jobs.

12 **SECTION 2a.** Sipe Steel Rule Die, Inc. failed to appear and otherwise testify
13 and therefore Council confirms its determination of June 24, 2025 that Sipe Steel Rule
14 Die, Inc. has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21
15 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council
16 therefore finds that Sipe Steel Rule Die, Inc. has failed to substantially comply and said
17 failure was not caused by factors outside of Sipe Steel Rule Die, Inc.'s control. As a
18 result of said failure, Sipe Steel Rule Die, Inc.'s deduction/abatement under R-26-22 is
19 hereby terminated.

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

27 **SECTION 2c.** That Sipe Steel Rule Die, Inc. appeared and testified at the
28 hearing and from its testimony it was determined in addition to Sipe Steel Rule Die,
29 Inc.'s failure to substantially comply as detailed in Section 1 above, that Sipe Steel Rule
30 Die, Inc. did not make reasonable efforts to substantially comply with the statement of
benefits and Sipe Steel Rule Die, Inc.'s failure to substantially comply was not caused
by factors 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 2025

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 2025 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): Nathan Hartman & Geoff Paddock