

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for Dana Light Axle Products, LLC for property at 2100 West State Boulevard, Fort Wayne, IN 46808 under Confirming Resolution R-75-21 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 Dana Light Axle Products, LLC 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, Dana Light Axle Products, LLC has filed CF-1 forms with the City of Fort Wayne and the Allen County Assessor; and

WHEREAS, Dana Light Axle Products, LLC's approved SB-1 form stated that 855 full-time jobs would be retained by November 30, 2021; and

WHEREAS, Dana Light Axle Products, LLC's approved SB-1 form stated \$48,600,000 in annual payroll would be retained for the 855 full-time retained jobs; and

WHEREAS, Dana Light Axle Products, LLC's 2026 CF-1 form filing stated that 635 full-time jobs have been retained; and

WHEREAS, Dana Light Axle Products, LLC's 2026 CF-1 form filing stated \$35,063,807 in annual payroll for the 635 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

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 855 full-time jobs to be retained means retaining 641 full-time jobs; and

WHEREAS, meeting 75% of the \$48,600,000 retained annual payroll means \$36,450,000 in retained annual payroll; and

WHEREAS, Common Council will determine no 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 23, 2026 that Dana Light Axle Products, LLC was not in substantial compliance as a result of its failure to retain at least 641 full-time jobs with a retained annual payroll of at least \$36,450,000; and

WHEREAS, Council directed the Community Development Division to mail written notice to Dana Light Axle Products, LLC 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 Dana Light Axle Products, LLC 's compliance with Statement of Benefits; and

WHEREAS, the aforementioned notice was properly prepared and served upon Dana Light Axle Products, LLC to appear before Council on August 25, 2026 at 5:30pm in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

WHEREAS, Dana Light Axle Products, LLC [appeared/failed to appear] before Common Council on August 25, 2026 to provide additional information concerning 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 forms filed by Dana Light Axle Products, LLC with an approved Economic Revitalization Area for 2026 are not 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 for failure to retain 75% of the 101 full-time, or 76 full-time jobs, as stated and create 75% of the 60 full-time jobs, or 45 full-time jobs, as stated and retain 75% of the \$4,773,703, or \$3,580,227, in annual payroll or create 75% of the \$2,373,000, or \$1,779,750 in annual payroll that was stated that would be generated by the created jobs.

SECTION 2a. Dana Light Axle Products, LLC failed to appear and otherwise testify and therefore Council confirms its determination of June 23, 2026 that Dana Light Axle Products, LLC has failed to substantially comply pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that Dana Light Axle Products, LLC has failed to substantially comply and said failure was not caused by factors outside of Dana Light Axle Products, LLC's control. As a result of said failure, Dana Light Axle Products, LLC's deduction/abatement under R-75-21 is hereby terminated

SECTION 2b. That Dana Light Axle Products, LLC appeared and testified at the hearing and from its testimony it was determined that notwithstanding Dana Light Axle Products, LLC's failure to substantially comply as detailed in Section 1 above that Dana Light Axle Products, LLC did make reasonable efforts to substantially comply with the statement of benefits and Dana Light Axle Products, LLC's failure to substantially comply was caused by factors beyond the control of Dana Light Axle Products, LLC Therefore, the continuation of Dana Light Axle Products, LLC's deduction/abatement under R-75-21 is hereby approved.

SECTION 2c. That Dana Light Axle Products, LLC appeared and testified at the hearing and from its testimony it was determined in addition to Dana Light Axle Products, LLC's failure to substantially comply as detailed in Section 1 above, that Dana Light Axle Products, LLC did not make reasonable efforts to substantially comply with the statement of benefits and Dana Light Axle Products, LLC's failure to substantially comply was not caused by factors beyond the control of Dana Light Axle Products, LLC As a result of said failure, Dana Light Axle Products, LLC's deduction/abatement under R-75-21 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