

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for New Process Graphics, LLC for property at 310 West Cook Road, Fort Wayne, IN 46825 under Confirming Resolution R-76-22 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 New Process Graphics, 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, New Process Graphics, LLC has filed CF-1 forms with the City of Fort Wayne, Allen County Auditor and the Allen County Assessor; and

WHEREAS, New Process Graphics, LLC's approved SB-1 form stated that 20 full-time jobs would be retained and 25 full-time jobs created by July 31, 2025; and

WHEREAS, New Process Graphics, LLC's approved SB-1 form stated \$930,000 in annual payroll would be retained for the 20 full-time retained jobs and \$1,060,000 in annual payroll created for the 25 full-time jobs to be created; and

WHEREAS, New Process Graphics, LLC's 2026 CF-1 form filing stated that 20 full-time jobs have been retained and 11 full-time jobs have been created; and

WHEREAS, New Process Graphics, LLC's 2026 CF-1 form filing stated \$930,000 in annual payroll for the 20 full-time jobs retained and \$712,971 in annual payroll for the 11 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 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 20 full-time jobs to be retained and 25 full-time jobs to be created means retaining 15 full-time jobs and creating 18 full-time jobs; and

WHEREAS, meeting 75% of the \$930,000 retained annual payroll means \$697,500 in retained annual payroll and 75% of the \$1,060,000 in created annual payroll means \$795,000 in created annual payroll; and

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

5 **WHEREAS**, Common Council made a determination on June 23, 2026 that New
6 Process Graphics, LLC was not in substantial compliance as a result of its failure to
7 retain at least 15 full-time jobs with a retained annual payroll of at least \$697,500 and
8 create at least 18 new full-time jobs with at least \$795,000 in created annual payroll; and

9 **WHEREAS**, Council directed the Community Development Division to mail
10 written notice to New Process Graphics, LLC explaining the reasons for Council's
11 determination and a date, time, place of a hearing to be conducted by Council for the
12 purpose of further considering New Process Graphics, LLC's compliance with Statement
13 of Benefits; and

14 **WHEREAS**, the aforementioned notice was properly prepared and served upon
15 New Process Graphics, LLC to appear before Council on August 25, 2026 at 5:30pm in
16 Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

17 **WHEREAS**, New Process Graphics, LLC [appeared/failed to appear] before
18 Common Council on August 25, 2026 to provide additional information concerning
19 compliance.

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

22 **SECTION 1.** That, Common Council finds that the CF-1 forms filed by New
23 Process Graphics, LLC with an approved Economic Revitalization Area for 2026 are not
24 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
25 Municipal Code of the City of Fort Wayne for failure to retain 75% of the 20 full-time, or
26 15 full-time jobs, as stated and create 75% of the 25 full-time jobs, or 18 full-time jobs,
27 as stated and retain 75% of the \$930,000, or \$697,500, in annual payroll or create 75%
28 of the \$1,060,000, or \$795,000 in annual payroll that was stated that would be
29 generated by the created jobs.

30 **SECTION 2a.** New Process Graphics, LLC failed to appear and otherwise testify
and therefore Council confirms its determination of June 23, 2026 that New Process
Graphics, 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 New Process Graphics, LLC has failed to substantially
comply and said failure was not caused by factors outside of New Process Graphics,
LLC's control. As a result of said failure, New Process Graphics, LLC's
deduction/abatement under R-76-22 is hereby terminated

SECTION 2b. That New Process Graphics, LLC appeared and testified at the
hearing and from its testimony it was determined that notwithstanding New Process
Graphics, LLC's failure to substantially comply as detailed in Section 1 above that New
Process Graphics, LLC did make reasonable efforts to substantially comply with the
statement of benefits and New Process Graphics, LLC's failure to substantially comply
was caused by factors beyond the control of New Process Graphics, LLC Therefore, the
continuation of New Process Graphics, LLC's deduction/abatement under R-76-22 is
hereby approved.

SECTION 2c. That New Process Graphics, LLC appeared and testified at the
hearing and from its testimony it was determined in addition to New Process Graphics,
LLC's failure to substantially comply as detailed in Section 1 above, that New Process
Graphics, LLC did not make reasonable efforts to substantially comply with the
statement of benefits and New Process Graphics, LLC's failure to substantially comply

1 was not caused by factors beyond the control of New Process Graphics, LLC As a result
2 of said failure, New Process Graphics, LLC's deduction/abatement under R-76-22 is
3 hereby terminated.

4 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
5 its passage and any and all necessary approval by the Mayor.

6 _____
7 Member of Council

8 APPROVED AS TO FORM A LEGALITY

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11 _____
12 Malak Heiny, City Attorney