

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for Indiana Office Center LP/United Technologies Electronic Controls, Inc. for property at 111 East Wayne Street, Fort Wayne, IN 46802 under Confirming Resolution R-32-20 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 Indiana Office Center LP/United Technologies Electronic Controls, 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, Indiana Office Center LP/United Technologies Electronic Controls, Inc. has filed CF-1 forms with the City of Fort Wayne, Allen County Auditor and the Allen County Assessor; and

WHEREAS, Indiana Office Center LP/United Technologies Electronic Controls, Inc.'s approved SB-1 form stated that 113 full-time jobs would be retained and 20 full-time jobs created by March 1, 2023; and

WHEREAS, Indiana Office Center LP/United Technologies Electronic Controls, Inc.'s approved SB-1 form stated \$10,049,950 in annual payroll would be retained for the 113 full-time retained jobs and \$1,786,055 in annual payroll created for the 20 full-time jobs to be created; and

WHEREAS, Indiana Office Center LP/United Technologies Electronic Controls, Inc.'s 2026 CF-1 form filing stated that 104 full-time jobs have been retained and zero (0) full-time jobs have been created; and

WHEREAS, Indiana Office Center LP/United Technologies Electronic Controls, Inc.'s 2026 CF-1 form filing stated \$11,304,869 in annual payroll for the 104 full-time jobs retained and zero (0) in annual payroll for the zero (0) 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

1 2. Meeting 75% or more of the total payroll stated to be created or retained as
2 delineated in the original Statement of Benefits Form (SB-1) approved by
3 Common Council; and

4 **WHEREAS**, meeting 75% of the 113 full-time jobs to be retained and 20 full-time
5 jobs to be created means retaining 84 full-time jobs and creating 15 full-time jobs; and

6 **WHEREAS**, meeting 75% of the \$10,049,950 retained annual payroll means
7 \$7,537,462 in retained annual payroll and 75% of the \$1,786,055 in created annual
8 payroll means \$1,339,541 in created annual payroll; and

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

13 **WHEREAS**, Common Council made a determination on June 23, 2026 that
14 Indiana Office Center LP/United Technologies Electronic Controls, Inc. was not in
15 substantial compliance as a result of its failure to retain at least 84 full-time jobs with a
16 retained annual payroll of at least \$7,537,462 and create at least 45 new full-time jobs
17 with at least \$1,779,750 in created annual payroll; and

18 **WHEREAS**, Council directed the Community Development Division to mail
19 written notice to Indiana Office Center LP/United Technologies Electronic Controls, Inc.
20 explaining the reasons for Council's determination and a date, time, place of a hearing
21 to be conducted by Council for the purpose of further considering Indiana Office Center
22 LP/United Technologies Electronic Controls, Inc.'s compliance with Statement of
23 Benefits; and

24 **WHEREAS**, the aforementioned notice was properly prepared and served upon
25 Indiana Office Center LP/United Technologies Electronic Controls, Inc. to appear before
26 Council on August 25, 2026 at 5:30pm in Room 030 at Citizen's Square 200 E. Berry
27 Street Fort Wayne, IN; and

28 **WHEREAS**, Indiana Office Center LP/United Technologies Electronic Controls,
29 Inc. [appeared/failed to appear] before Common Council on August 25, 2026 to provide
30 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 Indiana
Office Center LP/United Technologies Electronic Controls, Inc. 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 113 full-time, or 84 full-time jobs, as stated and create 75% of
the 20 full-time jobs, or 15 full-time jobs, as stated and retain 75% of the \$10,049,950, or
\$7,537,462, in annual payroll or create 75% of the \$1,786,055, or \$1,339,541 in annual
payroll that was stated that would be generated by the created jobs.

SECTION 2a. Indiana Office Center LP/United Technologies Electronic Controls,
Inc. failed to appear and otherwise testify and therefore Council confirms its
determination of June 23, 2026 that Indiana Office Center LP/United Technologies
Electronic Controls, Inc. 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 Indiana Office Center LP/United Technologies
Electronic Controls, Inc. has failed to substantially comply and said failure was not
caused by factors outside of Indiana Office Center LP/United Technologies Electronic
Controls, Inc. 's control. As a result of said failure, Indiana Office Center LP/United

1 Technologies Electronic Controls, Inc.'s deduction/abatement under R-32-20 is hereby
2 terminated

3 **SECTION 2b.** That Indiana Office Center LP/United Technologies Electronic
4 Controls, Inc. appeared and testified at the hearing and from its testimony it was
5 determined that notwithstanding Indiana Office Center LP/United Technologies
6 Electronic Controls, Inc.'s failure to substantially comply as detailed in Section 1 above
7 that Indiana Office Center LP/United Technologies Electronic Controls, Inc. did make
8 reasonable efforts to substantially comply with the statement of benefits and Indiana
9 Office Center LP/United Technologies Electronic Controls, Inc.'s failure to substantially
10 comply was caused by factors beyond the control of Indiana Office Center LP/United
11 Technologies Electronic Controls, Inc. Therefore, the continuation of Indiana Office
12 Center LP/United Technologies Electronic Controls, Inc.'s deduction/abatement under
13 R-32-20 is hereby approved.

14 **SECTION 2c.** That Indiana Office Center LP/United Technologies Electronic
15 Controls, Inc. appeared and testified at the hearing and from its testimony it was
16 determined in addition to Indiana Office Center LP/United Technologies Electronic
17 Controls, Inc.'s failure to substantially comply as detailed in Section 1 above, that
18 Indiana Office Center LP/United Technologies Electronic Controls, Inc. did not make
19 reasonable efforts to substantially comply with the statement of benefits and Indiana
20 Office Center LP/United Technologies Electronic Controls, Inc.'s failure to substantially
21 comply was not caused by factors beyond the control of Indiana Office Center LP/United
22 Technologies Electronic Controls, Inc. As a result of said failure, Indiana Office Center
23 LP/United Technologies Electronic Controls, Inc.'s deduction/abatement under R-32-20
24 is hereby terminated.

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

27 _____
28 Member of Council

29 APPROVED AS TO FORM A LEGALITY

30 _____
Malak Heiny, City Attorney