

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2026 for Peg Perego USA, Inc. for property at 3625 Independence Drive, Fort Wayne, IN 46808 under Confirming Resolution R-41-11 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 Peg Perego USA, 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, Peg Perego USA, Inc. has filed CF-1 forms with the City of Fort Wayne, Allen County Auditor and the Allen County Assessor; and

WHEREAS, Peg Perego USA, Inc.'s approved SB-1 form stated that 67 full-time jobs would be retained and 13 full-time jobs created by March 1, 2015; and

WHEREAS, Peg Perego USA, Inc.'s approved SB-1 form stated \$2,990,249 in annual payroll would be retained for the 67 full-time retained jobs and \$405,000 in annual payroll created for the 13 full-time jobs to be created; and

WHEREAS, Peg Perego USA, Inc.'s 2026 CF-1 form filing stated that 50 full-time jobs have been retained and zero (0) full-time jobs have been created; and

WHEREAS, Peg Perego USA, Inc.'s 2026 CF-1 form filing stated \$3,000,639 in annual payroll for the 50 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
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 67 full-time jobs to be retained and 13 full-time jobs to be created means retaining 50 full-time jobs and creating nine full-time jobs; and

WHEREAS, meeting 75% of the \$2,990,249 retained annual payroll means \$2,242,686 in retained annual payroll and 75% of the \$405,000 in created annual payroll means \$303,750 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 Peg
6 Perego USA, Inc. was not in substantial compliance as a result of its failure to retain at
7 least 50 full-time jobs with a retained annual payroll of at least \$2,242,686 and create at
8 least nine new full-time jobs with at least \$303,750 in created annual payroll; and

9 **WHEREAS**, Council directed the Community Development Division to mail
10 written notice to Peg Perego USA, Inc. 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 Peg Perego USA, Inc.'s compliance with Statement of
13 Benefits; and

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

17 **WHEREAS**, Peg Perego USA, Inc. [appeared/failed to appear] before Common
18 Council on August 25, 2026 to provide additional information concerning compliance.

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

21 **SECTION 1.** That, Common Council finds that the CF-1 forms filed by Peg
22 Perego USA, Inc. with an approved Economic Revitalization Area for 2026 are not in
23 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
24 Code of the City of Fort Wayne for failure to retain 75% of the 67 full-time, or 50 full-time
25 jobs, as stated and create 75% of the 13 full-time jobs, or nine full-time jobs, as stated
26 and retain 75% of the \$2,990,249, or \$2,242,686, in annual payroll or create 75% of the
27 \$405,000, or \$303,750 in annual payroll that was stated that would be generated by the
28 created jobs.

29 **SECTION 2a.** Peg Perego USA, Inc. failed to appear and otherwise testify and
30 therefore Council confirms its determination of June 23, 2026 that Peg Perego USA, 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 Peg Perego USA, Inc. has failed to substantially comply and said
failure was not caused by factors outside of Peg Perego USA, Inc.'s control. As a result
of said failure, Peg Perego USA, Inc.'s deduction/abatement under R-41-11 is hereby
terminated

SECTION 2b. That Peg Perego USA, Inc. appeared and testified at the hearing
and from its testimony it was determined that notwithstanding Peg Perego USA, Inc.'s
failure to substantially comply as detailed in Section 1 above that Peg Perego USA, Inc.
did make reasonable efforts to substantially comply with the statement of benefits and
Peg Perego USA, Inc.'s failure to substantially comply was caused by factors beyond
the control of Peg Perego USA, Inc. Therefore, the continuation of Peg Perego USA,
Inc.'s deduction/abatement under R-41-11 is hereby approved.

SECTION 2c. That Peg Perego USA, Inc. appeared and testified at the hearing
and from its testimony it was determined in addition to Peg Perego USA, Inc.'s failure to
substantially comply as detailed in Section 1 above, that Peg Perego USA, Inc. did not
make reasonable efforts to substantially comply with the statement of benefits and Peg
Perego USA, Inc.'s failure to substantially comply was not caused by factors beyond the
control of Peg Perego USA, Inc. As a result of said failure, Peg Perego USA, Inc.'s
deduction/abatement under R-41-11 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