

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2018 for AccuGear, Inc. for property at 6710 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-17-09 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 **AccuGear, 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, AccuGear, Inc.** has filed CF-1 forms with **the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor**, and

**WHEREAS, AccuGear, Inc.** approved SB-1 form stated that **45** full-time jobs would be retained and **72** full-time jobs would be created by **December 31, 2010**; and

**WHEREAS, AccuGear, Inc.** approved SB-1 form stated **\$1,784,200** in annual payroll for the **45** full-time retained jobs and **\$2,663,040** in annual payroll would be generated by the **72** full-time jobs to be created; and

**WHEREAS, AccuGear, Inc.'s** 2018 CF-1 form filing stated that **45** jobs were retained and **41** jobs were created; and

**WHEREAS, AccuGear, Inc.'s** 2018 CF-1 form filing stated **\$1,784,200** in annual payroll for the **45** jobs retained and **\$3,045,810** in annual payroll for the **41** 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

1                   **WHEREAS**, Common Council has defined substantial compliance under Section  
2 153.21 of the Municipal Code of the City of Fort Wayne as:

- 3                   1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to  
4 be created or retained as delineated in the original Statement of Benefits Form  
5 (SB-1) approved by Common Council; and  
6                   2. Meeting 75% or more of the total payroll stated to be created or retained as  
7 delineated in the original Statement of Benefits Form (SB-1) approved by  
8 Common Council; and

9                   **WHEREAS**, meeting 75% of the **45** full-time and jobs retained means retaining **33**  
10 jobs; and

11                   **WHEREAS**, meeting 75% of the **72** full-time jobs to be created means creating **54**  
12 full-time jobs; and

13                   **WHEREAS**, meeting 75% of the **\$1,784,200** in retained annual payroll means  
14 **\$1,338,150** in retained annual payroll; and

15                   **WHEREAS**, meeting 75% of the **\$2,663,040** in annual payroll to be created means  
16 **\$1,338,150** in created annual payroll; and

17                   **WHEREAS**, Common Council may determine not later than forty-five (45) days after  
18 receipt of the CF-1 form that **AccuGear, Inc.** has either failed to substantially comply or has  
19 substantially complied with the original SB-1 form approved by Common Council; and

20                   **WHEREAS**, Common Council made a determination on **June 26, 2018** that  
21 **AccuGear, Inc.** was not in substantial compliance as a result of its failure to generate at  
22 least **54** jobs and at least **\$1,997,280** in annual payroll created, and that the failure to  
23 substantially comply was not caused by factors beyond the control of **AccuGear, Inc.**; and

24                   **WHEREAS**, Council directed the Community Development Division to mail written  
25 notice to **AccuGear, Inc.** explaining the reasons for Council's determination and a date, time,  
26 place of a hearing to be conducted by Council for the purpose of further considering  
27 **AccuGear, Inc.**'s compliance with Statement of Benefits; and

28                   **WHEREAS**, the aforementioned notice was properly prepared and served upon  
29 **AccuGear, Inc.**; and

30                   **WHEREAS, AccuGear, Inc. [appeared/failed to appear]** before Common Council  
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 form filed by **AccuGear, Inc.** with an approved Economic Revitalization Area for **2018** 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 create 75% of the **72** full-time jobs or **54** jobs that were stated

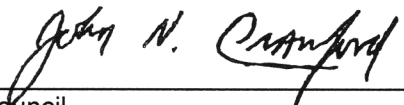
1 that would be created and create 75% of the \$2,663,040 in annual payroll or \$1,997,280 that  
2 was stated that would be generated by the created jobs.

3 ~~SECTION 2a. AccuGear, Inc. failed to appear and otherwise testify and therefore  
4 Council confirms its determination of June 26, 2016 that AccuGear, Inc. has failed to  
5 substantially comply pursuant to IC 6-1-1-12-1 and Section 153.21 of the Municipal Code of  
6 the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that  
7 AccuGear, Inc. has failed to substantially comply and said failure was not caused by factors  
8 outside of AccuGear, Inc.'s control. As a result of said failure, AccuGear, Inc.'s  
9 deduction/abatement under R-17-09 is hereby terminated.~~


8 SECTION 2b. That AccuGear, Inc. appeared and testified at the hearing and from  
9 its testimony it was determined that notwithstanding AccuGear, Inc.'s failure to substantially  
10 comply as detailed in Section 1 above that AccuGear, Inc. did make reasonable efforts to  
11 substantially comply with the statement of benefits and AccuGear, Inc.'s failure to  
12 substantially comply was caused by factors beyond the control of AccuGear, Inc..  
13 Therefore, the continuation of AccuGear, Inc.'s deduction/abatement under R-17-09 is  
14 hereby approved.

13 ~~SECTION 2c. That AccuGear, Inc. appeared and testified at the hearing and from  
14 its testimony it was determined in addition to AccuGear, Inc.'s failure to substantially comply  
15 as detailed in Section 1 above, that AccuGear, Inc. did not make reasonable efforts to  
16 substantially comply with the statement of benefits and AccuGear, Inc.'s failure to  
17 substantially comply was not caused by factors beyond the control of AccuGear, Inc. As a  
18 result of said failure, AccuGear, Inc.'s deduction/abatement under R-17-09 is hereby  
19 terminated.~~

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

21   
22 \_\_\_\_\_  
23 Member of Council

24 APPROVED AS TO FORM A LEGALITY

25   
26 \_\_\_\_\_  
27 Joseph G. Bonahoom, Attorney for Common Council

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE: **Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2016**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by AccuGear, Inc. in May 2018 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 (PRESIDENT): **Geoff Paddock and Jason Arp**

**BILL NO. R-18-07-26**

**REPORT OF COMMITTEE ON FINANCE  
July 17, 2018**

**John Crawford Chair**

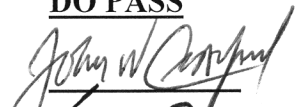

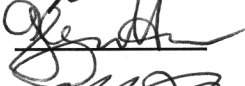



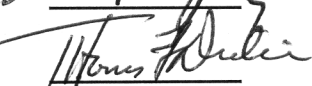
**Jason Arp Co-Chair**

**All Council Members**

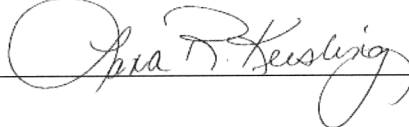
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**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

2B

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Crawford.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilman Crawford, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: July 24, 2018

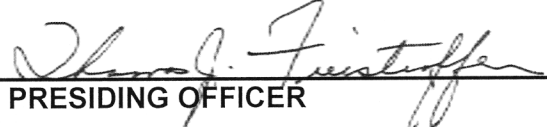
  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-18-07-26 on the 24th day of July, 2018

ATTEST:

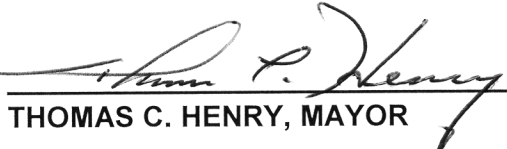
  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th  
of July 2018, at the hour of 3:10 o'clock P.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26<sup>TH</sup> day of JULY  
2018, at the hour of 11:00 O'clock AM E.S.T.

  
THOMAS C. HENRY, MAYOR