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A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2023 for Tippman Engineering, LLC/TBD Properties, LLC for property at 6340 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-48-18 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 Tippman Engineering, LLC/TBD Properties, 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, Tippman Engineering, LLC/TBD Properties, LLC has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

WHEREAS, Tippman Engineering, LLC/TBD Properties, LLC’s approved SB-1 form stated that 18 full-time jobs would be retained and three full-time jobs would be created by April 30, 2021; and

WHEREAS, Tippman Engineering, LLC/TBD Properties, LLC’s approved SB-1 form stated \$1,380,000 in annual payroll for the 18 full-time retained jobs would be retained and \$265,000 in annual payroll would be generated by the three (3) full-time jobs to be created; and

WHEREAS, Tippman Engineering, LLC/TBD Properties, LLC’s 2023 CF-1 form filing stated that 18 jobs were retained and zero jobs were created; and

WHEREAS, Tippman Engineering, LLC/TBD Properties, LLC’s 2023 CF-1 form filing stated \$1,244,088 in annual payroll for the 18 jobs retained and \$0 in annual payroll for the zero jobs created; and

1 **WHEREAS**, Common Council designated the City of Fort Wayne Community
2 Development Division as the entity for the administration, application, processing and
3 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code
4 of the City of Fort Wayne; and

5 **WHEREAS**, Common Council has defined substantial compliance under Section
6 153.21 of the Municipal Code of the City of Fort Wayne as:

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

13 **WHEREAS**, meeting 75% of the 18 full-time jobs retained means retaining 13 jobs;
14 and

15 **WHEREAS**, meeting 75% of the 3 full-time jobs to be created means creating two
16 full-time jobs; and

17 **WHEREAS**, meeting 75% of the \$1,380,000 in retained annual payroll means
18 \$1,035,000 in retained annual payroll; and

19 **WHEREAS**, meeting 75% of the \$265,000 in annual payroll to be created means
20 \$198,000 in created annual payroll; and

21 **WHEREAS**, Common Council shall determine not later than forty-five (45) days
22 after receipt of the CF-1 form that an approved business has either failed to substantially
23 comply or has substantially complied with the original SB-1 form approved by Common
24 Council; and

25 **WHEREAS**, Common Council made a determination on June 27, 2023 that
26 Tippman Engineering, LLC/TBD Properties, LLC was not in substantial compliance as a
27 result of its failure to retain at least 13 full-time jobs and at least \$1,035,000 in retained
28 annual payroll and create at least two full-time jobs and at least \$198,000 in annual payroll
29 created; and

30 **WHEREAS**, Council directed the Community Development Division to mail written
notice to Tippman Engineering, LLC/TBD Properties, 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 Tippman Engineering, LLC/TBD Properties, LLC's
compliance with Statement of Benefits; and

1 **WHEREAS**, the aforementioned notice was properly prepared and served upon
2 Tippman Engineering, LLC/TBD Properties, LLC to appear before Council on August 8,
3 2023 at 5:30pm in Room 030 at Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

4 **WHEREAS**, Tippman Engineering, LLC/TBD Properties, LLC [appeared/failed to
5 appear] before Common Council on August 8, 2023 to provide additional information
6 concerning compliance.

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

9 **SECTION 1.** That, Common Council finds that the CF-1 forms filed by Tippman
10 Engineering, LLC/TBD Properties, LLC with an approved Economic Revitalization Area
11 for 2023 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21
12 of the Municipal Code of the City of Fort Wayne for failure create 75% of the three full-
13 time jobs, or two full-time jobs, that were stated that would be created and create 75% of
14 the \$265,000 in annual payroll, or \$198,000, that was stated that would be generated by
15 the created jobs.

16 ~~**SECTION 2a.** Tippman Engineering, LLC/TBD Properties, LLC failed to appear
17 and otherwise testify and therefore Council confirms its determination of June 27, 2023
18 that Tippman Engineering, LLC/TBD Properties, LLC has failed to substantially comply
19 pursuant to IC 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort
20 Wayne as detailed in Section 1 above. Council therefore finds that Tippman Engineering,
21 LLC/TBD Properties, LLC has failed to substantially comply and said failure was not
22 caused by factors outside of Tippman Engineering, LLC/TBD Properties, LLC's control.
23 As a result of said failure, Tippman Engineering, LLC/TBD Properties, LLC
24 deduction/abatement under R-48-18 is hereby terminated.~~

25 **SECTION 2b.** That Tippman Engineering, LLC/TBD Properties, LLC appeared
26 and testified at the hearing and from its testimony it was determined that notwithstanding
27 Tippman Engineering, LLC/TBD Properties, LLC's failure to substantially comply as
28 detailed in Section 1 above that Tippman Engineering, LLC/TBD Properties, LLC did make
29 reasonable efforts to substantially comply with the statement of benefits and Tippman
30 Engineering, LLC/TBD Properties, LLC's failure to substantially comply was caused by
factors beyond the control of Tippman Engineering, LLC/TBD Properties, LLC. Therefore,
the continuation of Tippman Engineering, LLC/TBD Properties, LLC's
deduction/abatement under R-48-18 is hereby approved.

~~**SECTION 2c.** That Tippman Engineering, LLC/TBD Properties, LLC appeared
and testified at the hearing and from its testimony it was determined in addition to Tippman
Engineering, LLC/TBD Properties, LLC's failure to substantially comply as detailed in~~

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2023**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This resolution confirms that Compliance with Statement of Benefits (CF-1) Form filings made by Tippman Engineering, LLC/TBD Properties, LLC in May 2023 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 (CHAIR & CO-CHAIR): **Geoff Paddock and Jason Arp**

BILL NO. R-23-07-14

REPORT OF COMMITTEE ON FINANCE

August 8, 2023


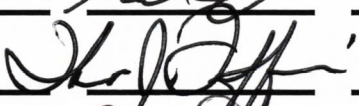
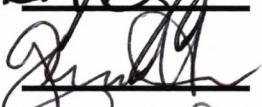
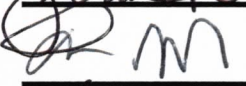


Geoff Paddock Chair

Jason Arp Co-Chair

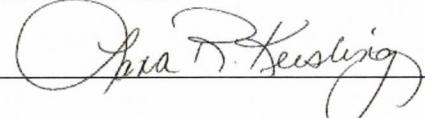
All Council Members

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>	<u> </u>	<u> </u>	<u> </u>
<u>CHAMBERS</u>	<u> </u>	<u> </u>	<u> </u>
<u>DIDIER</u>	<u> </u>	<u> </u>	<u> </u>
<u>ENSLEY</u>	<u></u>	<u> </u>	<u> </u>
<u>FREISTROFFER</u>	<u></u>	<u> </u>	<u> </u>
<u>HINES</u>	<u></u>	<u> </u>	<u> </u>
<u>JEHL</u>	<u></u>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u></u>	<u> </u>	<u> </u>
<u>TUCKER</u>	<u></u>	<u> </u>	<u> </u>

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Paddock.

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

Read the third time in full and on motion by Councilperson Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAMBERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: August 8, 2023

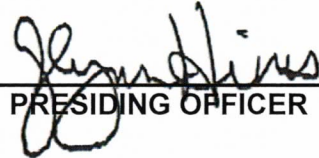

LANA R. KEESLING, CITY CLERK

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

Resolution No. R-23-07-14 on the 8th day of August, 2023

ATTEST:

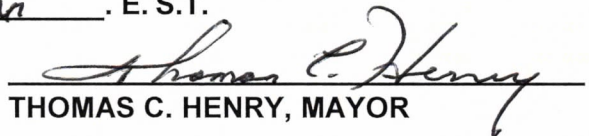

LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of August 2023, at the hour of 10:10 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of AUGUST 2023, at the hour of 1:30 o'clock PM E. S.T.


THOMAS C. HENRY, MAYOR

