

A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2024 for Accugear, Inc. for property at 6710 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-10-19 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, Allen County Auditor and the Allen County Assessor; and

WHEREAS, Accugear, Inc.'s approved SB-1 form stated that 101 full-time jobs would be retained and 60 full-time jobs created by December 31, 2020; and

WHEREAS, Accugear, Inc.'s approved SB-1 form stated \$4,773,703 in annual payroll would be retained for the 101 full-time retained jobs and \$2,373,000 in annual payroll created for the sixty full-time jobs to be created; and

WHEREAS, Accugear, Inc.'s 2024 CF-1 form filing stated that 90 full-time jobs have been retained and zero full-time jobs have been created; and

WHEREAS, Accugear, Inc.'s 2024 CF-1 form filing stated \$6,225,525 in annual payroll for the 90 full-time jobs retained and zero (\$0) in annual payroll for the zero 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

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
4 to be created or retained as delineated in the original Statement of Benefits
5 Form (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 101 full-time jobs to be retained and 60 full-time
10 jobs to be created means retaining 76 full-time jobs and creating 45 full-time job; and

11 **WHEREAS**, meeting 75% of the \$4,773,703 retained annual payroll means
12 \$3,580,277 in retained annual payroll and 75% of the \$2,373,000 in created annual payroll
13 means \$1,779,750 in created annual payroll; and

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

18 **WHEREAS**, Common Council made a determination on June 25, 2024 that
19 Accugear, Inc. was not in substantial compliance as a result of its failure to retain at least
20 76 full-time jobs with a retained annual payroll of at least \$3,580,227 and create at least
21 45 new full-time jobs with at least \$1,779,750 in created annual payroll; and

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

26 **WHEREAS**, the aforementioned notice was properly prepared and served upon
27 Accugear, Inc. to appear before Council on August 6, 2024 at 5:30pm in Room 030 at
28 Citizen's Square 200 E. Berry Street Fort Wayne, IN; and

29 **WHEREAS**, Accugear, Inc. [appeared/failed to appear] before Common Council
30 on August 6, 2024 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 forms filed by Accugear,
Inc. with an approved Economic Revitalization Area for 2024 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 101 full-time, or 76 full-time jobs, as

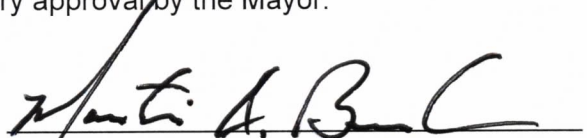
1 stated and create 75% of the 60 full-time jobs, or 45 full-time jobs, as stated and retain
2 75% of the \$4,773,703, or \$3,580,227, in annual payroll or create 75% of the \$2,373,000,
3 or \$1,779,750 in annual payroll that was stated that would be generated by the created
4 jobs.

5 ~~SECTION 2a. Accugear, Inc. failed to appear and otherwise testify and therefore~~
6 ~~Council confirms its determination of June 25, 2024 that Accugear, Inc. has failed to~~
7 ~~substantially comply pursuant to IC 8-1.1-12.1 and Section 153.21 of the Municipal Code~~
8 ~~of the City of Fort Wayne as detailed in Section 1 above. Council therefore finds that~~
9 ~~Accugear, Inc. has failed to substantially comply and said failure was not caused by~~
10 ~~factors outside of Accugear, Inc.'s control. As a result of said failure, Accugear, Inc.'s~~
11 ~~deduction/abatement under R 10-10 is hereby terminated~~

12 **SECTION 2b.** That Accugear, Inc. appeared and testified at the hearing and from
13 its testimony it was determined that notwithstanding Accugear, Inc.'s failure to
14 substantially comply as detailed in Section 1 above that Accugear, Inc. did make
15 reasonable efforts to substantially comply with the statement of benefits and Accugear,
16 Inc.'s failure to substantially comply was caused by factors beyond the control of
17 Accugear, Inc. Therefore, the continuation of Accugear, Inc.'s deduction/abatement under
18 R-10-19 is hereby approved.

19 ~~SECTION 2c. That Accugear, Inc. appeared and testified at the hearing and from~~
20 ~~its testimony it was determined in addition to Accugear, Inc.'s failure to substantially~~
21 ~~comply as detailed in Section 1 above, that Accugear, Inc. did not make reasonable efforts~~
22 ~~to substantially comply with the statement of benefits and Accugear, Inc.'s failure to~~
23 ~~substantially comply was not caused by factors beyond the control of Accugear, Inc. As~~
24 ~~a result of said failure, Accugear, Inc.'s deduction/abatement under R 10-10 is hereby~~
25 ~~terminated.~~

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

28 
29 Member of Council

30 APPROVED AS TO FORM A LEGALITY


Malak Heiny, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Resolution Confirming Substantial Compliance or Non-Compliance with a Statement of Benefits (SB-1) for 2024**

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 2024 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): **Martin Bender and Rohli Booker**

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

RESOLUTION NO. R-24-07-12

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 6, 2024, AT 5:30 P.M., IN ROOM 035 – COUNCIL COURTROOM – GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; DETERMINING SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE WITH STATEMENT OF BENEFITS (CF-1) APPROVED UNDER R-10-19 FOR A PROPERTY COMMONLY KNOWN AS:

6710 Innovation Boulevard, Fort Wayne, IN 46818 (Accugear, Inc.)

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

*LANA R. KEESLING
CITY CLERK*



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Journal Gazette**.

Notice ID: mSZW0Z3cDohdeGsvOYV7 | **Proof Updated: Jul. 24, 2024 at 09:07am EDT**
Notice Name: R-24-07-12

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Iliana Phillips
iliana.phillips@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

07/26/2024: Government Notice 22.53

Subtotal	\$22.53
Tax %	0
Processing Fee	\$0.00
Total	\$22.53

See Proof on Next Page

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LANA R. KEESLING
CITY CLERK
7--26 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: mSZW0Z3cDohdeGsvOYV7

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) – number of equivalent lines _____

Head – number of lines _____

Body – number of lines _____

Tail – number of lines _____

Total number of lines in notice 44

COMPUTATION OF CHARGES

44 lines, 1 column(s) wide equal:
44 equivalent lines at \$ 0.5120 cents per line \$22.53

Additional charges for notices containing rule or tabular work
(50 percent of above amount) \$ _____

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$22.53

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper.

The dates of publication being as follows:

7/26/24 _____

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Date: 7/26/2024


Legal Clerk

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LANA R. KEESLING
CITY CLERK
7--26 hspaxlp

BILL NO. R-24-07-12

REPORT OF COMMITTEE ON FINANCE

August 6, 2024

Marty Bender Chair

Rohli Booker Co-Chair

All Council Members

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2024 for Accugear, Inc. for property at 6710 Innovation Boulevard, Fort Wayne, IN 46818 under Confirming Resolution R-10-19 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1

2B

COMMITTEE ON FINANCE 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>BENDER</u>	<u><i>Marty Bender</i></u>	<u></u>	<u></u>
<u>BOOKER</u>	<u><i>Rohli Booker</i></u>	<u></u>	<u></u>
<u>CHAMBERS</u>	<u><i>[Signature]</i></u>	<u></u>	<u></u>
<u>ENSLEY</u>	<u><i>[Signature]</i></u>	<u></u>	<u></u>
<u>FREISTROFFER</u>	<u></u>	<u></u>	<u></u>
<u>HARTMAN</u>	<u><i>[Signature]</i></u>	<u></u>	<u></u>
<u>JEHL</u>	<u><i>[Signature]</i></u>	<u></u>	<u></u>
<u>MYERS</u>	<u><i>[Signature]</i></u>	<u></u>	<u></u>
<u>PADDOCK</u>	<u><i>[Signature]</i></u>	<u></u>	<u></u>

**LANA R. KEESLING
CITY CLERK**

Lana R. Keesling

Public Hearing Date: 8/6/2024

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

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<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"/>
HARTMAN	<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"/>
MYERS	<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: August 13, 2024

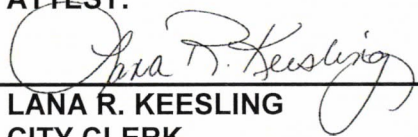


 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-24-07-12 on the 13th day of August, 2024

ATTEST:

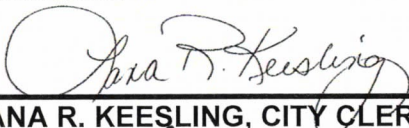


 LANA R. KEESLING
 CITY CLERK



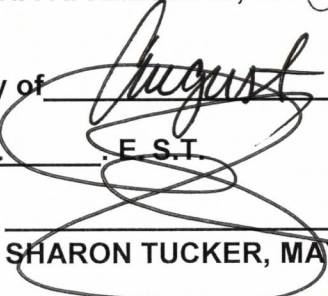
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of August 2024, at the hour of 2:10 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of August 2024, at the hour of 11:47 o'clock A.M. E.S.T.



 SHARON TUCKER, MAYOR

