

**A RESOLUTION determining SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE with Statement of Benefits (CF-1) form filing for 2024 for Applied Metals & Machine Works, Inc. for property at 1036 Saint Mary's Avenue, Fort Wayne, IN 46808 under Confirming Resolution R-33-13 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 Applied Metals & Machine Works, 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**, Applied Metals & Machine Works, Inc. has filed CF-1 forms with the City of Fort Wayne, the Allen County Auditor and the Allen County Assessor; and

**WHEREAS**, Applied Metals & Machine Works, Inc.'s approved SB-1 form stated that 25 full-time jobs would be retained and six full-time jobs would be created by January 31, 2016; and

**WHEREAS**, Applied Metals & Machine Works, Inc.'s approved SB-1 form stated \$1,002,623 in annual payroll would be retained for the jobs stated to be retained and \$245,550 in annual payroll would be created for jobs stated to be created; and

**WHEREAS**, Applied Metals & Machine Works, Inc.'s 2024 CF-1 form filing stated that 18 full-time jobs were retained and two full-time jobs were created; and

**WHEREAS**, Applied Metals & Machine Works, Inc.'s 2024 CF-1 form filing stated \$1,158,817 in annual payroll was retained for the jobs stated to be retained and \$28,648 in annual payroll was created for jobs stated to be created; and

**WHEREAS**, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and

1 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code  
2 of the City of Fort Wayne; and

3 **WHEREAS**, Common Council has defined substantial compliance under Section  
4 153.21 of the Municipal Code of the City of Fort Wayne as:

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

11 **WHEREAS**, meeting 75% of the 25 full-time jobs to be retained means retaining  
12 18 full-time jobs and meeting 75% of the six jobs to be created means creating four full-  
13 time jobs; and

14 **WHEREAS**, meeting 75% of the \$1,002,623 in annual payroll to be retained  
15 means \$751,967 in annual payroll and meeting 75% of the \$245,550 in annual payroll to  
16 be created means \$184,162 in created annual payroll; and

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

21 **WHEREAS**, Common Council made a determination on June 25, 2024 that  
22 Applied Metals & Machine Works, Inc. was not in substantial compliance as a result of its  
23 failure to retain at least 18 full-time jobs with a retained annual payroll of at least \$751,967  
24 and create at least four new full-time jobs with at least \$184,162 in created annual payroll;  
25 and

26 **WHEREAS**, Council directed the Community Development Division to mail written  
27 notice to Applied Metals & Machine Works, Inc. explaining the reasons for Council's  
28 determination and a date, time, place of a hearing to be conducted by Council for the  
29 purpose of further considering Applied Metals & Machine Works, Inc's compliance with  
30 Statement of Benefits; and

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

**WHEREAS**, Applied Metals & Machine Works, Inc. [appeared/failed to appear]  
before Common Council on August 6, 2024 to provide additional information concerning  
compliance.

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

3                   **SECTION 1.** That, Common Council finds that the CF-1 form filed by Applied  
4 Metals & Machine Works, Inc. with an approved Economic Revitalization Area for 2024 is  
5 not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the  
6 Municipal Code of the City of Fort Wayne for failure to retain 75% of the 25 full-time, or 18  
7 full-time jobs, as stated and create 75% of the six full-time jobs, or four full-time jobs, as  
8 stated and retain 75% of the \$1,002,623, or \$751,967, in annual payroll or create 75% of  
9 the \$245,550, or \$184,162, in annual payroll that was stated that would be generated by  
10 the created jobs.

11                   **SECTION 2a.** Applied Metals & Machine Works, Inc. failed to appear and  
12 otherwise testify and therefore Council confirms its determination of June 25, 2024 that  
13 Applied Metals & Machine Works, Inc. has failed to substantially comply pursuant to IC 6-  
14 1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne as detailed  
15 in Section 1 above. Council therefore finds that Applied Metals & Machine Works, Inc. has  
16 failed to substantially comply and said failure was not caused by factors outside of Applied  
17 Metals & Machine Works, Inc.'s control. As a result of said failure, Applied Metals &  
18 Machine Works, Inc.'s deduction/abatement under R-33-13 is hereby terminated.

19                   ~~**SECTION 2b.** That Applied Metals & Machine Works, Inc. appeared and testified~~  
20 ~~at the hearing and from its testimony it was determined that notwithstanding Applied~~  
21 ~~Metals & Machine Works, Inc.'s failure to substantially comply as detailed in Section 1~~  
22 ~~above that Applied Metals & Machine Works, Inc. did make reasonable efforts to~~  
23 ~~substantially comply with the statement of benefits and Applied Metals & Machine Works,~~  
24 ~~Inc.'s failure to substantially comply was caused by factors beyond the control of Applied~~  
25 ~~Metals & Machine Works, Inc. Therefore, the continuation of Applied Metals & Machine~~  
26 ~~Works, Inc.'s deduction/abatement under R-33-13 is hereby approved.~~

27                   ~~**SECTION 2c.** That Applied Metals & Machine Works, Inc. appeared and testified~~  
28 ~~at the hearing and from its testimony it was determined in addition to Applied Metals &~~  
29 ~~Machine Works, Inc.'s failure to substantially comply as detailed in Section 1 above, that~~  
30 ~~Applied Metals & Machine Works, Inc. did not make reasonable efforts to substantially~~  
~~comply with the statement of benefits and Applied Metals & Machine Works, Inc.'s failure~~  
~~to substantially comply was not caused by factors beyond the control of Applied Metals &~~  
~~Machine Works, Inc. As a result of said failure, Applied Metals & Machine Works, Inc.'s~~  
~~deduction/abatement under R-112-18 is hereby terminated.~~

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

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5 Member of Council

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7 APPROVED AS TO FORM A LEGALITY

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9 Malak Heiny, City Attorney

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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 Applied Metals & Machine Works, 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-24-07-13**

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-33-13 FOR A PROPERTY COMMONLY KNOWN AS:

**1036 Saint Mary's Avenue, Fort Wayne, IN 46808 (Applied Metals & Machine Works, 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: XT9hFrPaDx6fYiUjy8MO | **Proof Updated: Jul. 24, 2024 at 09:09am EDT**  
Notice Name: R-24-07-13

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 23.04

Subtotal	\$23.04
Tax %	0
Processing Fee	\$0.00
<b>Total</b>	<b>\$23.04</b>

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: XT9hFrPaDx6fYiUjy8MO

### 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 45

#### COMPUTATION OF CHARGES

45 lines, 1 column(s) wide equal:  
45 equivalent lines at \$ 0.5120 cents per line \$23.04

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$23.04

#### 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

**REPORT OF COMMITTEE ON FINANCE**

**August 6, 2024**

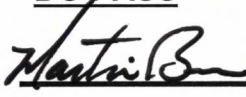
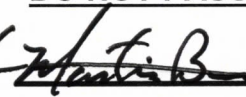
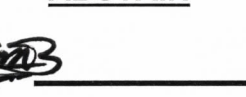
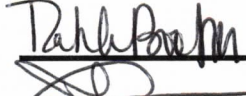

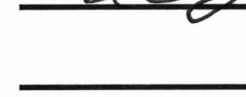
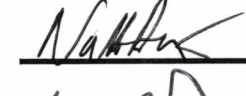
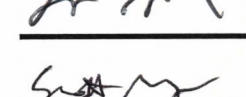

**Marty Bender Chair**

**Rohli Booker Co-Chair**

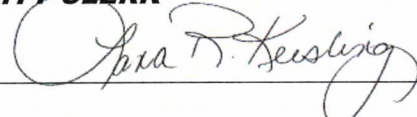
**All Council Members**

A Resolution determining Substantial Compliance or Non-Compliance with Statement of Benefits (CF-1) form filing for 2024 for Applied Metals & Machine Works, Inc. for property at 1036 Saint Mary's Avenue, Fort Wayne, IN 46808 under Confirming Resolution R-33-13 with an "Economic Revitalization Area" approved under I.C. 6-1.1- 12.1 **2A**

**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>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**LANA R. KEESLING  
CITY CLERK**



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"/>

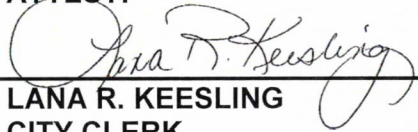
DATED: August 13, 2024

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

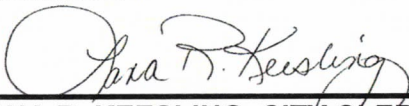
Resolution No. R-24-07-13 on the 13th day of August, 2024

ATTEST:

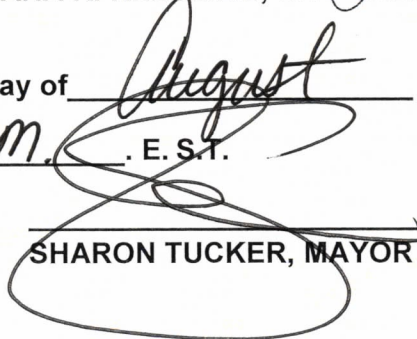
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 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 15<sup>th</sup> day of August 2024, at the hour of 11:48 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 SHARON TUCKER, MAYOR

FORT WAYNE, INDIANA  
**RECEIVED**  
 AUG 15 2024  
 LANA R. KEESLING  
 CITY CLERK