

A RESOLUTION considering a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 9403 Avionics Drive, Fort Wayne, Indiana 46809 (Vita Nonwovens/HBC Realty Corp.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9403 Avionics Drive for Vita Nonwovens/HBC Realty Corp. (Confirming Resolution R-13-15) 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, the original Statement of Benefits and economic revitalization area designation application submitted by Vita Nonwovens/HBC Realty Corp. and approved under Confirming Resolution R-13-15 was for \$1,700,00 in real property improvements and \$5,800,000 in personal property improvements; and

WHEREAS, Vita Nonwovens/HBC Realty Corp.'s Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner with the Allen County Auditor; and

WHEREAS, Vita Nonwovens/HBC Realty Corp. has completed its pledge to construct the real property improvements; and

WHEREAS, the Common Council acknowledges that Vita Nonwovens/HBC Realty Corp. has requested a waiver of noncompliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5; and

WHEREAS, Vita Nonwovens/HBC Realty Corp. did file its CF-1 paperwork for real property and CF-1 paperwork for personal property approved under Resolution R-13-15 timely with the City of Fort Wayne and, per the information provided, Common Council found Vita Nonwovens/HBC Realty Corp. in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; and

WHEREAS, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

WHEREAS, public hearing of the Common Council has been held on the waiver.

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

~~**SECTION 1. OPTION A** That Vita Nonwovens/HBC Realty Corp.'s request for a waiver of clerical and technical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved abatement for real property is terminated. This termination shall have no impact on the personal property for manufacturing, research and development, and information technology equipment property abatement approved under Confirming Resolution R-13-15, said personal property phase in for manufacturing equipment shall continue~~

SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Vita Nonwovens/HBC Realty Corp.'s annual deduction compliance filing requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5, are hereby waived. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the deduction.

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4 **A RESOLUTION ~~approving~~ considering a Waiver of**
5 **Noncompliance for a Late-Filed Statement of Benefits Real**
6 **Estate Improvements (Form CF-1/Real Property) for 9403**
7 **Avionics Drive, Fort Wayne, Indiana 46809 (Vita**
8 **Nonwovens/HBC Realty Corp.)**

9 **WHEREAS**, Common Council has previously designated and declared by Declaratory
10 Resolution and Confirming Resolution property at 9403 Avionics Drive for Vita Nonwovens/HBC
11 Realty Corp. (Confirming Resolution R-13-15 49-13) under Sections 153.13-153.24 of the
12 Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

13 **WHEREAS**, the original Statement of Benefits and economic revitalization area
14 designation application submitted by Vita Nonwovens/HBC Realty Corp. and approved under
15 Confirming Resolution R-13-15 49-13 was for \$1,700,000 ~~960,000~~ in real property improvements
16 and \$5,800,000 in personal property improvements; and

17 **WHEREAS**, ~~representatives of Vita Nonwovens/HBC Realty Corp.'s have informed the~~
18 ~~City of Fort Wayne that their~~ Statement of Benefits Real Estate Improvements (Form CF-1/Real
19 Property) for 2019 was not filed in a timely manner with the Allen County Auditor; and

20 **WHEREAS**, ~~this oversight was an unusual occurrence for Vita Nonwovens/HBC Realty~~
21 ~~Corp.; and~~

22 **WHEREAS**, ~~the Common Council finds that Vita Nonwovens/HBC Realty Corp. has~~
23 ~~completed its pledge to construct the real property improvements; and~~

24 **WHEREAS**, the Common Council acknowledges that Vita Nonwovens/HBC Realty Corp.
25 has requested a waiver of noncompliance which the Common Council has the power and
26 authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. ~~6-1.1-12.1-11.3~~; and

27 **WHEREAS**, Vita Nonwovens/HBC Realty Corp. did file its CF-1 paperwork for real
28 property and CF-1 paperwork for personal property approved under Resolution R-13-15 timely
29 with the City of Fort Wayne and, per the information provided, Common Council found Vita
30 Nonwovens/HBC Realty Corp. in substantial compliance with their previously filed Statement of
Benefits on June 25, 2019 under Resolution R-23-19; and

WHEREAS, ~~the Common Council intends that Vita Nonwovens/HBC Realty Corp.~~
~~receive the tax abatement benefits to which they would have been entitled had no non-~~
~~compliance event occurred, so long as the waiver of non-compliance and the granting of those~~
~~benefits does not prejudice the City of Fort Wayne; and~~

WHEREAS, ~~the Common Council has concluded that granting of the ERA deduction for~~
~~2019 payable 2020 tax year would not create a strain on the City of Fort Wayne's fiscal budget;~~
~~and~~

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. ~~6-1.1-12.1-11.3~~ permits tax abatement
noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be
waived; and

WHEREAS, ~~the non-compliance event has been corrected and a public hearing of the~~
~~Common Council has been held on the waiver.~~

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

SECTION 1. OPTION A That Vita Nonwovens/HBC Realty Corp.'s request for a waiver of
clerical and technical errors and nonconformities with its annual deduction compliance filing
requirements is hereby denied and as such the previously approved abatement for real property
is terminated. This termination shall have no impact on the personal property for manufacturing,
research and development, and information technology equipment property abatement approved
under Confirming Resolution R-13-15, said personal property phase-in for manufacturing,
equipment shall continue.

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SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Vita Nonwovens/HBC Realty Corp.'s annual deduction compliance filing requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5, are hereby waived. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the deduction.

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SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

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SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Vita Nonwovens/HBC Realty Corp. to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-49-13. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule.

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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.

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Member of Council

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APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

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A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 9403 Avionics Drive, Fort Wayne, Indiana 46809 (Vita Nonwovens/HBC Realty Corp.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9403 Avionics Drive for Vita Nonwovens/HBC Realty Corp. (Confirming Resolution R-49-13) 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, the original Statement of Benefits and economic revitalization area designation application submitted by Vita Nonwovens/HBC Realty Corp. and approved under Confirming Resolution R-49-13 was for \$960,000 in real property improvements; and

WHEREAS, representatives of Vita Nonwovens/HBC Realty Corp. have informed the City of Fort Wayne that their Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Vita Nonwovens/HBC Realty Corp.; and

WHEREAS, the Common Council finds that Vita Nonwovens/HBC Realty Corp. has completed its pledge to construct the real property improvements; and

WHEREAS, the Common Council acknowledges that Vita Nonwovens/HBC Realty Corp. has requested a waiver of noncompliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Vita Nonwovens/HBC Realty Corp. receive the tax abatement benefits to which they would have been entitled had no non-compliance event occurred, so long as the waiver of non-compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2019 payable 2020 tax year would not create a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

WHEREAS, the non-compliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Vita Nonwovens/HBC Realty Corp. to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-49-13. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule.

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SECTION 2. 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 AND LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Non-compliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for Vita Nonwovens/HBC Realty Corp.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property statement of benefits for Vita Nonwovens/HBC Realty Corp.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Vita Nonwovens/HBC Realty Corp. to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Vita Nonwovens/HBC Realty Corp.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and Jason Arp

The Journal Gazette

Account # 1063561 - 1366908

FW City Clerk's Office

Allen County, Indiana

PUBLISHER'S CLAIM

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	38

COMPUTATION OF CHARGES

<u>38</u> lines, <u>1</u> column(s) wide equals	
<u>38</u> equivalent lines at \$ <u>0.473</u> cents per line	\$ 17.97
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	-
Charge for extra proofs of publication (\$2.00 for each proof in excess of two)	-
TOTAL AMOUNT OF CLAIM	<u>\$ 17.97</u>

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 1 times.

The dates of publication being as follows:

8/16/2019

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

Donna M. Brotherton

Donna M. Brotherton
Legal Clerk

Date: August 16, 2019

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-19-08-15)**

ON AUGUST 27, 2019 AT 5:30 P.M. IN THE CONFERENCE ROOM 030, CITIZENS SQUARE, FORT WAYNE, INDIANA, A PUBLIC HEARING WILL BE HELD ON THE MATTER OF A WAIVER OF NONCOMPLIANCE WITH THE PROCEDURAL REQUIREMENTS OF I.C. 6-1.1-12.1, RELATING TO THE REAL PROPERTY DEDUCTION OF PROPERTY AT 9403 AVIONICS DRIVE FOR VITA NONWOVENS, LLC/HBC REALTY CORPORATION/L&O REAL ESTATE, INC USA.

THE PUBLIC HEARING ON THE WAIVER WILL BE HELD PURSUANT TO I.C. 6-1.1-12.1-9.5 AND I.C. 6-1.1-12.1-11.3.

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 THE CITY OF FORT WAYNE PUBLIC INFORMATION OFFICE (260) 427-1120.
8-16 1366908 hspaxlp

The Journal Gazette

Account # 1063561-1366908

Allen County, Indiana

FW City Clerk's Office

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8-16 1366908 hspaxlp

BILL NO. R-19-08-15

REPORT OF COMMITTEE ON FINANCE

August 27, 2019

Russ Jehl Chair

Jason Arp Co-Chair

All Council Members

A Resolution approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 9403 Avionics Drive, Fort Wayne, Indiana 46809 (Vita Nonwovens/HBC Realty Corp.)

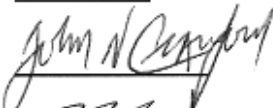
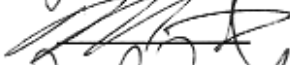




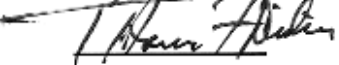
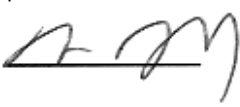
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

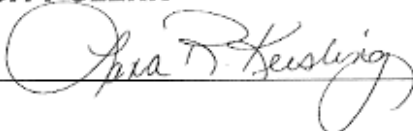
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: August 27, 2019

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

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

Read the third time in full and on motion by Councilman Jehl, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

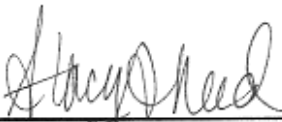
DATED: August 27, 2019



 STACY A. REED, DEPUTY CITY CLERK

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

Resolution No. R-19-08-15AA on the 27th day of August, 2019



 STACY A. REED
 DEPUTY CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of August 2019, at the hour of 12:15 o'clock PM. E.S.T.



 STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 29th day of August 2019, at the hour of 12:00 o'clock PM. E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 AUG 30 2019
 LANA R. KEESLING
 CITY CLERK