

A RESOLUTION considering a Waiver of Noncompliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) for 9609 Ardmore Drive, Fort Wayne, Indiana 46809 (Fort Wayne Metals Research Products Corp./TEG Investments, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9609 Ardmore Drive for Fort Wayne Metals Research Products Corp./TEG Investments, LLC (Confirming Resolution R-86-17) 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 Fort Wayne Metals Research Products Corp./TEG Investments, LLC and approved under Confirming Resolution R-86-17 was for \$6,000,00 in real property improvements \$35,000,000 in personal property improvements; and

WHEREAS, construction of the real property improvements and instillation of the personal property improvements for Fort Wayne Metals Research Products Corp./TEG Investments, LLC are in progress and the applicant is working towards completing its pledge to construct the real property improvements; and

WHEREAS, Fort Wayne Metals Research Products Corp./TEG Investments, LLC's application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) for 2019 was not filed in a timely manner with the Allen County Assessor; and

WHEREAS, Fort Wayne Metals Research Products Corp./TEG Investments, LLC has requested a waiver of noncompliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-11.3; and

WHEREAS, Fort Wayne Metals Research Products Corp./TEG Investments, LLC did file its CF-1 paperwork for real property and CF-1 paperwork for personal property approved under Resolution R-86-17 timely with the City of Fort Wayne and, per the information provided, Common Council found Fort Wayne Metals Research Products Corp./TEG Investments, LLC in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; and

WHEREAS, I.C. 6-1.1-12.1-11.3 permits tax phase-in non-compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, 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

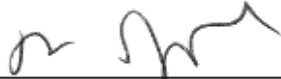
~~**SECTION 4. OPTION A** That Fort Wayne Metals Research Products Corp./TEG Investments, LLC's request for a waiver of clerical and technical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved deduction real property is terminated. This termination shall have no impact on the personal property abatement approved under Confirming Resolution R-86-17, said personal property phase-in for manufacturing, research and development, and information technology equipment shall continue.~~

SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Fort Wayne Metals Research Products Corp./TEG Investments, LLC'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. 6-1.1-12.1-11.3, are hereby waived. The Allen County

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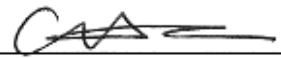
Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the deduction.

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

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4 **A RESOLUTION ~~approving considering a Waiver of~~
5 ~~Noncompliance for a Late-Filed Application for the~~
6 ~~Deduction from Assessed Valuation of Structures in~~
7 ~~Economic Revitalization Areas (Form 322/RE) for 9609~~
8 ~~Ardmore Drive, Fort Wayne, Indiana 46809 (Fort Wayne~~
9 ~~Metals Research Products Corp./TEG Investments, LLC)~~**

10 **WHEREAS**, Common Council has previously designated and declared by Declaratory
11 Resolution and Confirming Resolution property at 9609 Ardmore Drive for Fort Wayne Metals
12 Research Products Corp./TEG Investments, LLC (Confirming Resolution R-86-17) under
13 Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-
14 12.1; and

15 **WHEREAS**, the original Statement of Benefits and economic revitalization area
16 designation application submitted by Fort Wayne Metals Research Products Corp./TEG
17 Investments, LLC and approved under Confirming Resolution R-86-17 was for \$6,000,00 in real
18 property improvements \$35,000,000 inn personal property improvements; and

19 **WHEREAS**, construction of the real property improvements and instillation of the
20 personal property improvements for Fort Wayne Metals Research Products Corp./TEG
21 Investments, LLC are in progress and the applicant is working towards completing its pledge to
22 construct the real property improvements; and

23 **WHEREAS**, ~~representatives of Fort Wayne Metals Research Products Corp./TEG~~
24 ~~Investments, LLC have informed the City of Fort Wayne that their Fort Wayne Metals Research~~
25 ~~Products Corp./TEG Investments, LLC's -application for deduction from assessed valuation of~~
26 ~~structures in economic revitalization areas (322/RE) for 2019 was not filed in a timely manner~~
27 ~~with the Allen County Assessor; and~~

28 **WHEREAS**, ~~this oversight was an unusual occurrence for Fort Wayne Metals Research~~
29 ~~Products Corp./TEG Investments, LLC; and~~

30 **WHEREAS**, ~~the Common Council finds that Fort Wayne Metals Research Products~~
~~Corp./TEG Investments, LLC working towards completing its pledge to construct the real property~~
~~improvements; and~~

WHEREAS, ~~the Common Council acknowledges that Fort Wayne Metals Research~~
~~Products Corp./TEG Investments, LLC 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, ~~Fort Wayne Metals Research Products Corp./TEG Investments,~~
~~LLC did file its CF-1 paperwork for real property and CF-1 paperwork for personal property~~
~~approved under Resolution R-86-17 timely with the City of Fort Wayne and, per the information~~
~~provided, Common Council found Fort Wayne Metals Research Products Corp./TEG~~
~~Investments, LLC 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 Fort Wayne Metals Research Products~~
~~Corp./TEG Investments, LLC 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 these benefits does not prejudice the City of Fort Wayne; and~~

WHEREAS, ~~the Common Council has concluded that granting of the ERA deduction for~~
~~2018 payable 2019 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 phase-in abatement~~
~~non-compliance events such as the untimely filing of deduction application 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.~~

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

4 SECTION 1. OPTION A That Fort Wayne Metals Research Products Corp./TEG Investments, LLC'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 deduction 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-86-17, said personal property phase-in for manufacturing, research and development, and information technology equipment shall continue.

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8 SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Fort Wayne Metals Research Products Corp./TEG Investments, LLC's annual deduction compliance filing requirements that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-11.3, 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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12 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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17 SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Fort Wayne Metals Research Products Corp./TEG Investments, LLC to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-86-17. 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. This resolution shall have no effect on the assessed value, tax abatement deductions or taxes payable with respect to Fort Wayne Metals Research Products Corp./TEG Investments, LLC's personal property.

18 **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

23 APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

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WHEREAS, construction of the real property improvements and instillation of the personal property improvements for Fort Wayne Metals Research Products Corp./TEG Investments, LLC are in progress; and

WHEREAS, representatives of Fort Wayne Metals Research Products Corp./TEG Investments, LLC have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) for 2019 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Fort Wayne Metals Research Products Corp./TEG Investments, LLC; and

WHEREAS, the Common Council finds that Fort Wayne Metals Research Products Corp./TEG Investments, LLC working towards completing its pledge to construct the real property improvements; and

WHEREAS, the Common Council acknowledges that Fort Wayne Metals Research Products Corp./TEG Investments, LLC 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 Fort Wayne Metals Research Products Corp./TEG Investments, LLC 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 2018 payable 2019 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 deduction application 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.

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SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Fort Wayne Metals Research Products Corp./TEG Investments, LLC to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-86-17. 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. This resolution shall have no effect on the assessed value, tax abatement deductions or taxes payable with respect to Fort Wayne Metals Research Products Corp./TEG Investments, LLC's personal property.

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.

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 Application for the Deduction from Assessed Valuation of Structures (Form 322/RE) for Fort Wayne Metals Research Products Corp./TEG Investments, LLC.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property deduction forms and statement of benefits for Fort Wayne Metals Research Products Corp./ TEG Investments, LLC.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Fort Wayne Metals Research Products Corp./ TEG Investments, LLC to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Fort Wayne Metals Research Products Corp./ TEG Investments, LLC.

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 - 1366933

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	\$ 17.97

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-19-08-21)**

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 9606 ARDMORE AVENUE FOR FORT WAYNE METALS RESEARCH PRODUCTS CORP./TEG INVESTMENTS, LLC

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 1366933 hspaxlp

The Journal Gazette

Account # 1063561 - 1366933

Allen County, Indiana

FW City Clerk's Office

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8-16 1366933 hspaxlp

BILL NO. R-19-08-21

REPORT OF COMMITTEE ON FINANCE

August 27, 2019

Russ Jehl Chair

Jason Arp Co-Chair

All Council Members

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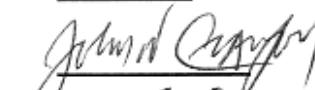

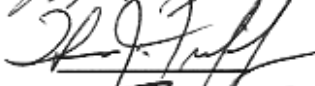


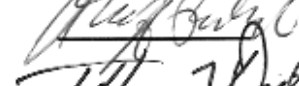
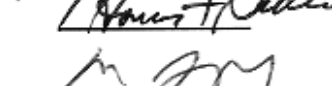
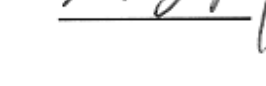
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

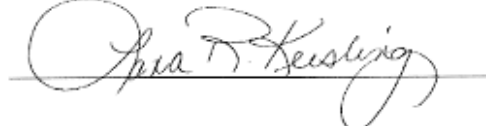
DO NOT PASS

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:

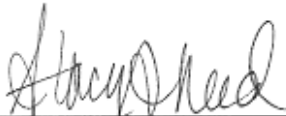
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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

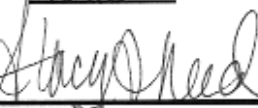
Resolution No. R-19-08-21 DA on the 27th day of August, 2019



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 P.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 29th day of August

2019, at the hour of 4:00 o'clock PM E.S.T.

RECEIVED

AUG 30 2019

LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR