

A RESOLUTION considering a Waiver of Non-Compliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Determination of Compliance or Non-Compliance with Statement of Benefits Approved under R-35-18 for 9403 Avionics Drive, Fort Wayne, Indiana 46802 (Vita Nonwovens, LLC/TWE Nonwovens US, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9403 Avionics Drive for Vita Nonwovens, LLC/TWE Nonwovens US, Inc. (Confirming Resolution R-35-18) 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, LLC/TWE Nonwovens US, Inc. and approved under Confirming Resolution R-19-12 was for \$9,277,755 in real property improvements and \$9,746,043 in personal property improvements; and

WHEREAS, Vita Nonwovens, LLC/TWE Nonwovens US, Inc.'s 2020 CF-1 Statement of Benefits Form CF-1/Real Property and CF-1/Personal Property were filed in a timely manner on, or prior to, June 15, 2020 with the City, Allen County Auditor and Allen County Assessor; and

WHEREAS, Vita Nonwovens, LLC/TWE Nonwovens US, Inc.'s Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) was not filed in a timely manner on, or prior to, June 15, 2020 with the Allen County Auditor; and

WHEREAS, the City has given Vita Nonwovens, LLC/TWE Nonwovens US, Inc. notice to file their Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and to submit an application for a waiver of non-compliance for Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE); and

WHEREAS, Vita Nonwovens, LLC/TWE Nonwovens US, Inc. has filed their Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) with the Auditor and filed for a waiver of non-compliance for failure to file their Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) with the City; and

WHEREAS, the Common Council acknowledges that Vita Nonwovens, LLC/TWE Nonwovens US, Inc. has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5); and

1 **WHEREAS**, Vita Nonwovens, LLC/TWE Nonwovens US, Inc. has fulfilled its pledge
2 complete the project and construct a 140,000 square foot addition to its existing facility and
3 purchase and install new personal property manufacturing equipment; and

4 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, Vita
5 Nonwovens, LLC/TWE Nonwovens US, Inc. has established that they have substantially
6 complied with its approved statement of benefits; and

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

9 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
10 Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization
11 Areas (Form 322/RE), then Common Council will also determine substantial compliance or non-
12 compliance with statement of benefits; and

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

14
15 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT**
16 **WAYNE, INDIANA:**

17 **[OPTION 1]**

18 **SECTION 1.** That, Vita Nonwovens, LLC/TWE Nonwovens US, Inc.'s request for a waiver of
19 clerical and technical errors and nonconformities with its Application for the Deduction from
20 Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) requirements
21 is hereby denied and as such the phase-in granted under Confirming Resolution R-35-18 for real
22 property is terminated

23 **SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and
24 any and all necessary approved by the Mayor.

25 **[OPTION 2]**

26 **SECTION 1.** That all clerical and technical errors and nonconformities of Vita Nonwovens,
27 LLC/TWE Nonwovens US, Inc.'s Application for the Deduction from Assessed Valuation of
28 Structures in Economic Revitalization Areas (Form 322/RE) requirements that are waivable under
29 State and local law, including without limitation those errors and nonconformities described in I.C.
30 6-1.1-12.1-9.5 are hereby waived.

SECTION 2. [OPTION A] That Common Council finds that the CF-1 form filed by Vita
Nonwovens, LLC/TWE Nonwovens US, Inc. with an approved Economic Revitalization Area for
2020 is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal

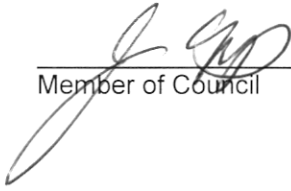
1 Code of the City of Fort Wayne by virtue of retaining 75% of the 65 full-time jobs and 32 part-time
2 jobs as stated or 48 full-time jobs and 24 part-time jobs that were stated to be retained with an
3 annual payroll of \$4,678,855 or \$3,509,141 and creating 75% of the 22 full-time jobs or 16 full-
4 time jobs as stated to be created and \$920,635 in annual payroll or \$690,476 in annual payroll
5 that was stated that would be generated by the created jobs. Therefore, the continuation of Vita
6 Nonwovens, LLC/TWE Nonwovens US, Inc.'s tax phase-in is hereby approved. The Allen County
7 Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply
8 the tax phase-in.

9 ~~SECTION 2. [OPTION B] That Common Council finds that the GF-1 forms filed by Vita~~
10 ~~Nonwovens, LLC/TWE Nonwovens US, Inc. with an approved Economic Revitalization Area with~~
11 ~~an approved Economic Revitalization Area for 2020 are not in substantial compliance pursuant to~~
12 ~~LC 6-1-1-12-1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for retaining~~
13 ~~75% of the 65 full-time jobs and 32 part-time jobs as stated or 48 full-time jobs and 24 part-time~~
14 ~~jobs that were stated to be retained with an annual payroll of \$4,678,855 or \$3,509,141 and~~
15 ~~creating 75% of the 22 full-time jobs or 16 full-time jobs as stated to be created and \$920,635 in~~
16 ~~annual payroll or \$690,476 in annual payroll that was stated that would be generated by the~~
17 ~~created jobs. Vita Nonwovens, LLC/TWE Nonwovens US, Inc. did make reasonable efforts to~~
18 ~~substantially comply with the statement of benefits and Vita Nonwovens, LLC/TWE Nonwovens~~
19 ~~US, Inc. failure to substantially comply was caused by factors beyond the control of Vita~~
20 ~~Nonwovens, LLC/TWE Nonwovens US, Inc. Therefore, the continuation of Vita Nonwovens,~~
21 ~~LLC/TWE Nonwovens US, Inc. tax phase-in is hereby approved. The Allen County Auditor shall~~
22 ~~be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax~~
23 ~~phase-in.~~


24 ~~SECTION 2. [OPTION C] That Common Council finds that the GF-1 form filed by Vita~~
25 ~~Nonwovens, LLC/TWE Nonwovens US, Inc. with an approved Economic Revitalization Area for~~
26 ~~2020 is not in substantial compliance pursuant to LC 6-1-1-12-1 and Section 153.21 of the~~
27 ~~Municipal Code of the City of Fort Wayne for failure to retain 75% of the 65 full-time jobs and 32~~
28 ~~part-time jobs as stated or 48 full-time jobs and 24 part-time jobs that were stated to be retained~~
29 ~~with an annual payroll of \$4,678,855 or \$3,509,141 and creating 75% of the 22 full-time jobs or~~
30 ~~16 full-time jobs as stated to be created and \$920,635 in annual payroll or \$690,476 in annual~~
~~payroll that was stated that would be generated by the created jobs. Vita Nonwovens, LLC/TWE~~
~~Nonwovens US, Inc. did not make reasonable efforts to substantially comply with the statement~~
~~of benefits and Vita Nonwovens, LLC/TWE Nonwovens US, Inc. failure to substantially comply~~
~~was not caused by factors beyond the control of Vita Nonwovens, LLC/TWE Nonwovens US, Inc.~~
~~As a result of said failure, the tax phase-in for Vita Nonwovens, LLC/TWE Nonwovens US, Inc. is~~
~~hereby terminated by Common Council. The Allen County Auditor shall be supplied with a copy~~

1 ~~of this Resolution, upon passage, and is instructed to terminate the tax phase-in for real property~~
2 ~~improvements~~

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

5
6 
Member of Council

8 APPROVED AS TO FORM AND LEGALITY

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10 Carol Helton, City Attorney

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DIGEST SHEET

TITLE OF RESOLUTION: Resolution Considering a Waiver of Non-compliance for a Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-35-18 for 9403 Avionics Drive Fort Wayne, IN 46802 (Vita Nonwovens, LLC/TWE Nonwovens US, Inc.)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to consider a waiver of non-compliance for late-filed statement of benefits and to determine substantial compliance or non-compliance with statement of benefits for 2020 for Vita Nonwovens, LLC/TWE Nonwovens US, Inc.

EFFECT OF PASSAGE: Approval of this resolution, granting of a waiver of non-compliance and a determination of substantial compliance will allow Vita Nonwovens, LLC/TWE Nonwovens US, Inc. to retain their real property economic revitalization area tax phase-in.

EFFECT OF NON-PASSAGE: Potential loss of future development by Vita Nonwovens, LLC/TWE Nonwovens US, Inc.

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Jason Arp and Sharon Tucker

The Journal Gazette

Account # 1063561 - 1393180

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

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 **41**

COMPUTATION OF CHARGES

41 lines, 1 column(s) wide equals _____

41 equivalent lines at \$ 0.474 cents per line **\$ 19.44**

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 **\$ 19.44**

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
Number of Insertions 2

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 2 times.

The dates of publication being as follows:

9/11/2020

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

Pamela K. Thornton

Pamela K. Thornton
Legal Clerk

Date: September 11, 2020

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-20-09-13)**

ON SEPTEMBER 22, 2020 AT 5:30 P.M., IN THE CONFERENCE ROOM 035, 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 WAY AND APPROVED UNDER RESOLUTION R-35-18 FOR VITA NONWOVENS, LLC/TWE NONWOVENS US, INC.

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, TTY (260) 427-1200 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.

9--11 1393180 hspaxlp

The Journal Gazette

Account # 1063561 - 1393180

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REPORT OF COMMITTEE ON FINANCE

September 22, 2020

Jason Arp Chair

Sharon Tucker Co-Chair

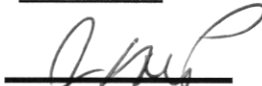
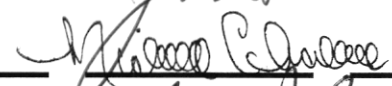







All Council Members

2A

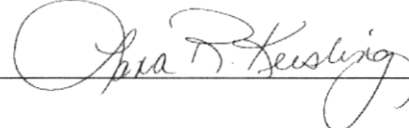
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Vita Nonwovens, LLC/TWE Nonwovens US, Inc.

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>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: September 22, 2020

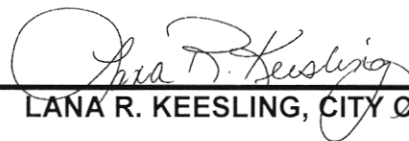
Read the first time in full and on motion by Councilperson Arp.

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

Read the third time in full and on motion by Councilperson Arp, 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"/>
CHAMBERS	<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 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: September 22, 2020




 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-09-13 on the 22nd day of September, 2020

ATTEST:



 LANA R. KEESLING
 CITY CLERK



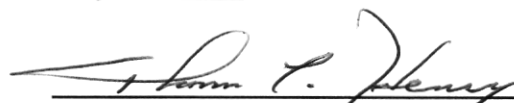
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of September 2020, at the hour of 10:40 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 23RD day of SEPTEMBER 2020, at the hour of 11:30 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

