

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 Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-25-19 for 6400 Brotherhood Way, Fort Wayne, Indiana 46825 (Brotherhood Mutual Insurance Company)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 6400 Brotherhood Way for Brotherhood Mutual Insurance Company(Confirming Resolution R-25-19) 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 Brotherhood Mutual Insurance Company and approved under Confirming Resolution R-25-19 was for \$21,500,000 in real property improvements and \$400,000 in personal property improvements; and

WHEREAS, Brotherhood Mutual Insurance Company's 2022 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property were filed in a timely manner on, or prior to, May 16, 2022 with the City; and

WHEREAS, Brotherhood Mutual Insurance Company'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, May 16, 2022 with the Allen County Auditor; and

WHEREAS, the City has given Brotherhood Mutual Insurance Company 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 a late filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE); and

WHEREAS, Brotherhood Mutual Insurance Company has filed their Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) with the Auditor and submitted an application 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 Brotherhood Mutual Insurance Company 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**, Brotherhood Mutual Insurance Company has fulfilled its pledge complete
2 the project and construct an approximately 88,000 square foot addition of class A office space to
3 existing buildings and purchase and install new personal property equipment; and

4 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, Brotherhood
5 Mutual Insurance Company has established that they have substantially complied with its
6 approved statement of benefits; and

7 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as
8 the untimely filed Application for the Deduction from Assessed Valuation of Structures in
9 Economic Revitalization Areas (Form 322/RE) paperwork to be waived; and

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

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

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, Brotherhood Mutual Insurance Company's request for a waiver of clerical and
19 technical errors and nonconformities with its Application for the Deduction from Assessed
20 Valuation of Structures in Economic Revitalization Areas (Form 322/RE) requirements is hereby
21 denied and as such the phase-in granted under Confining Resolution R-25-19 for real and
22 personal 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 Brotherhood Mutual
27 Insurance Company's Application for the Deduction from Assessed Valuation of Structures in
28 Economic Revitalization Areas (Form 322/RE) requirements that are waivable under State and
29 local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-
30 12.1-9.5 are hereby waived.~~

1 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 forms filed by
2 Brotherhood Mutual Insurance Company with an approved Economic Revitalization Area for
3 2022 are in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
4 Municipal Code of the City of Fort Wayne by virtue of retaining 75% of the 441 full-time jobs and
5 14 part-time jobs or 330 full-time jobs and ten part-time jobs that were stated to be retained and
6 retaining 75% of the \$28,411,365 in retained annual payroll or \$21,308,523 as well as 75% of the
7 100 additional full-time jobs or 75 additional full-time jobs that were stated to be created and
8 creating 75% of the \$4,830,984 or \$3,623,238 in created annual payroll. Therefore, the
9 continuation of Brotherhood Mutual Insurance Company's abatement is hereby approved. The
10 Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is
11 instructed to apply the tax phase-in.

10 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 forms filed by
11 Brotherhood Mutual Insurance Company with an approved Economic Revitalization Area with an
12 approved Economic Revitalization Area for 2022 are not in substantial compliance pursuant to
13 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to
14 retain 75% of the 441 full-time jobs and 14 part-time jobs or 330 full-time jobs and ten part-time
15 jobs that were stated to be retained and retaining 75% of the \$28,411,365 in retained annual
16 payroll or \$21,308,523 as well as 75% of the 100 additional full-time jobs or 75 additional full-time
17 jobs that were stated to be created and creating 75% of the \$4,830,984 or \$3,623,238 in created
18 annual payroll. Brotherhood Mutual Insurance Company did make reasonable efforts to
19 substantially comply with the statement of benefits and Brotherhood Mutual Insurance
20 Company's failure to substantially comply was caused by factors beyond the control of Therefore,
21 the continuation of Brotherhood Mutual Insurance Company's abatement is hereby approved.
22 The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is
23 instructed to apply the tax phase-in.~~

20 ~~**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 forms filed by
21 Brotherhood Mutual Insurance Company with an approved Economic Revitalization Area for
22 2022 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
23 Municipal Code of the City of Fort Wayne for failure to retain 75% of the 441 full-time jobs and 14
24 part-time jobs or 330 full-time jobs and ten part-time jobs that were stated to be retained and
25 retaining 75% of the \$28,411,365 in retained annual payroll or \$21,308,523 as well as 75% of the
26 100 additional full-time jobs or 75 additional full-time jobs that were stated to be created and
27 creating 75% of the \$4,830,984 or \$3,623,238 in created annual payroll. Brotherhood Mutual
28 Insurance Company did not make reasonable efforts to substantially comply with the statement
29 of benefits and Brotherhood Mutual Insurance Company's failure to substantially comply was not
30 caused by factors beyond the control of Brotherhood Mutual Insurance Company. As a result of
31 said failure, the abatement for Brotherhood Mutual Insurance Company is hereby terminated by~~

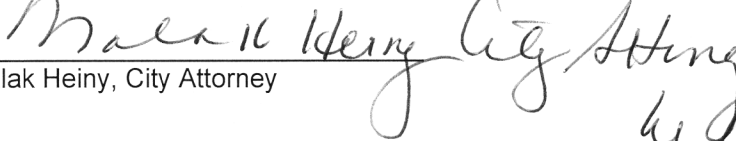
~~Common Council. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to terminate the abatement for real property improvements.~~

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



Malak Heiny, City Attorney



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The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: TihDZySo18ti6rEQ6Gyo

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	41

COMPUTATION OF CHARGES

41 lines, 1 column(s) wide equal:	
41 equivalent lines at \$ 0.4990 cents per line	\$ 20.46
Additional charges for notices containing rule or tabular work (50 percent of above amount)	\$ _____
Electronic processing fee	\$ 0.00
TOTAL AMOUNT OF CLAIM	\$ 20.46

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:

7/29/22	_____	_____
_____	_____	_____

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: 7/29/2022

Brenda McNamee
Legal Clerk



**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-22-07-26)**

ON AUGUST 9, 2022 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 6400 BROTHERHOOD WAY AND APPROVED UNDER RESOLUTION R-25-19 FOR BROTHERHOOD MUTUAL INSURANCE COMPANY.

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 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.
7--29 hspaxlp



<i>Bill #</i>	<i>Company</i>	<i>A Didn't appear & failed</i>	<i>B Appeared & continue</i>	<i>C Appeared & failed</i>
R-22-07-26	Brotherhood Mutual Insurance Company		X	
R-22-07-27	CWSW, LLC dba Dirig Sheet Metal		X	
R-22-07-28AA	GH FTW II, LLC		X	
R-22-07-29	Accutech Mold and Machine, Inc.		X	
R-22-07-30	Accutech Mold and Machine, Inc.		X	
R-22-07-31	Accutech Mold and Machine, Inc.		X	
R-22-07-32	Accutech Mold and Machine, Inc.		X	
R-22-07-33	Conestoga, LLC			X
R-22-07-34	Key Millwork, Inc./Jett Property Holdings, LLC	X		
R-22-07-35	LH Carbide Corporation		X	
R-22-07-36	Tippman Innovation		X	
R-22-07-37	Wieland, Inc.		X	

BILL NO. R-22-07-26

REPORT OF COMMITTEE ON FINANCE

August 9, 2022


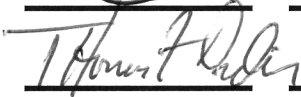
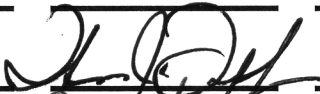

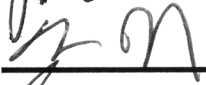


Russ Jehl Chair

Sharon Tucker Co-Chair

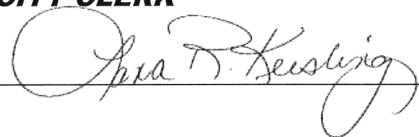
All Council Members

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 Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-25-19 for 6400 Brotherhood Way, Fort Wayne, Indiana 46825 (Brotherhood Mutual Insurance Company)

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: August 9, 2022

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

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

Read the third time in full and on motion by Councilperson Tucker, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: August 9, 2022



 LANA R. KEESLING, CITY CLERK

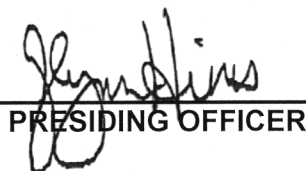
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-22-07-26 on the 9th day of August, 2022

ATTEST:



 LANA R. KEESLING
 CITY CLERK



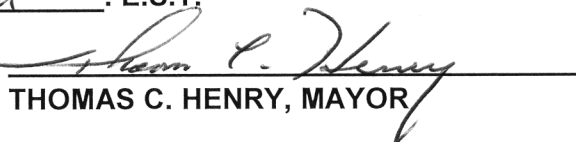
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of August 2022, at the hour of 2:05 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 16TH day of AUGUST 2022, at the hour of 9:30 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

