

**A RESOLUTION Considering a Waiver of Non-Compliance for Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property and Form CF-1/Personal Property) and 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-3-21 for 918 West Cook Road, Fort Wayne, Indiana 46825 (CWSW, LLC dba Dirig Sheet Metal)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 918 West Cook Road for CWSW, LLC dba Dirig Sheet Metal (Confirming Resolution R-3-21) 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 CWSW, LLC dba Dirig Sheet Metal and approved under Confirming Resolution R-3-21 was for \$695,767 in real property improvements and \$748,000 in personal property improvements; and

**WHEREAS**, CWSW, LLC dba Dirig Sheet Metal's 2022 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) were not filed in a timely manner on, or prior to, May 16, 2022 with the City; and

**WHEREAS**, CWSW, LLC dba Dirig Sheet Metal's Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) were not filed in a timely manner on, or prior to, May 16, 2022 with the Allen County Auditor; and

**WHEREAS**, the City has given CWSW, LLC dba Dirig Sheet Metal notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) and 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 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) and Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE); and

**WHEREAS**, CWSW, LLC dba Dirig Sheet Metal has filed their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) and 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 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) and Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) with the City; and

1                   **WHEREAS**, the Common Council acknowledges that CWSW, LLC dba Dirig Sheet Metal  
2 has requested a waiver of non-compliance which the Common Council has the power and  
3 authority to approve, under I.C. 6-1.1-12.1-9.5); and

4                   **WHEREAS**, CWSW, LLC dba Dirig Sheet Metal has fulfilled its pledge complete the  
5 project and construct an approximately 7,800 square foot addition to its existing facility and  
6 purchase and install new personal property equipment; and

7                   **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, CWSW, LLC  
8 dba Dirig Sheet Metal has established that they have substantially complied with its approved  
9 statement of benefits; and

10                   **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as  
11 the untimely filed Compliance with Statement of Benefits (Form CF-1/Real Property and CF-  
12 1/Personal Property) and Application for the Deduction from Assessed Valuation of Structures in  
13 Economic Revitalization Areas (Form 322/RE) paperwork to be waived; and

14                   **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed  
15 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property)  
16 and Application for the Deduction from Assessed Valuation of Structures in Economic  
17 Revitalization Areas (Form 322/RE), then Common Council will also determine substantial  
18 compliance or non-compliance with statement of benefits; and

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

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

22 ~~**[OPTION 1]**~~

23 ~~**SECTION 1.** That, CWSW, LLC dba Dirig Sheet Metal's request for a waiver of clerical and  
24 technical errors and nonconformities with its Compliance with Statement of Benefits (Form CF-  
25 1/Real Property and CF-1/Personal Property) and Application for the Deduction from Assessed  
26 Valuation of Structures in Economic Revitalization Areas (Form 322/RE) requirements is hereby  
27 denied and as such the phase in granted under Confirming Resolution R-3-21 for real and  
28 personal property is terminated.~~

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

**[OPTION 2]**

**SECTION 1.** That all clerical and technical errors and nonconformities of CWSW, LLC dba Dirig  
Sheet Metal's Compliance with Statement of Benefits (Form CF-1/Real Property and CF-

1 1/Personal Property) and Application for the Deduction from Assessed Valuation of Structures in  
2 Economic Revitalization Areas (Form 322/RE) requirements that are waivable under State and  
3 local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-  
4 12.1-9.5 are hereby waived.

5 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 forms filed by CWSW,  
6 LLC dba Dirig Sheet Metal with an approved Economic Revitalization Area for 2022 are in  
7 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of  
8 the City of Fort Wayne by virtue of retaining 75% of the 117 full-time jobs and two part-time jobs  
9 or 87 full-time jobs and one part-time job that were stated to be retained and retaining 75% of the  
10 \$3,837,798 in retained annual payroll or \$3,787,348 as well as 75% of the three additional full-  
11 time jobs or two additional full-time jobs that were stated to be created and creating 75% of the  
12 \$270,000 or \$205,500 in created annual payroll. Therefore, the continuation of CWSW, LLC dba  
13 Dirig Sheet Metal's abatement is hereby approved. The Allen County Auditor shall be supplied  
14 with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-in.

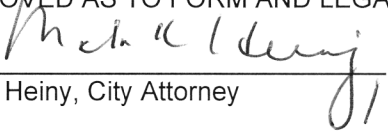
15 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 forms filed by CWSW,  
16 LLC dba Dirig Sheet Metal with an approved Economic Revitalization Area with an approved  
17 Economic Revitalization Area for 2022 are not in substantial compliance pursuant to I.C. 6-1.1-  
18 12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to retain 75%  
19 of the 117 full-time jobs and two part-time jobs or 87 full-time jobs and one part-time job that were  
20 stated to be retained and retaining 75% of the \$3,837,798 in retained annual payroll or  
21 \$3,787,348 as well as 75% of the three additional full-time jobs or two additional full-time jobs  
22 that were stated to be created and creating 75% of the \$270,000 or \$205,500 in created annual  
23 payroll. CWSW, LLC dba Dirig Sheet Metal did make reasonable efforts to substantially comply  
24 with the statement of benefits and CWSW, LLC dba Dirig Sheet Metal's failure to substantially  
25 comply was caused by factors beyond the control of Therefore, the continuation of CWSW, LLC  
26 dba Dirig Sheet Metal's abatement is hereby approved. The Allen County Auditor shall be  
27 supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-  
28 in.~~

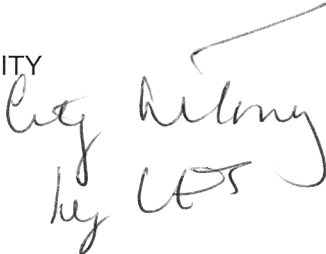
29 ~~**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 forms filed by CWSW,  
30 LLC dba Dirig Sheet Metal with an approved Economic Revitalization Area for 2022 are not in  
substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of  
the City of Fort Wayne for failure to retain 75% of the 117 full-time jobs and two part-time jobs or  
87 full-time jobs and one part-time job that were stated to be retained and retaining 75% of the  
\$3,837,798 in retained annual payroll or \$3,787,348 as well as 75% of the three additional full-  
time jobs or two additional full-time jobs that were stated to be created and creating 75% of the~~

1 ~~\$270,000 or \$205,500 in created annual payroll. CWSW, LLC dba Dirig Sheet Metal did not~~  
2 ~~make reasonable efforts to substantially comply with the statement of benefits and CWSW, LLC~~  
3 ~~dba Dirig Sheet Metal's failure to substantially comply was not caused by factors beyond the~~  
4 ~~control of Brotherhood Mutual Insurance Company. As a result of said failure, the abatement for~~  
5 ~~CWSW, LLC dba Dirig Sheet Metal is hereby terminated by Common Council. The Allen County~~  
6 ~~Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to~~  
7 ~~terminate the abatement for real property improvements.~~

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

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\_\_\_\_\_  
Member of Council

11 APPROVED AS TO FORM AND LEGALITY  
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13 \_\_\_\_\_  
Malak Heiny, City Attorney

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# The Journal Gazette

Allen County, Indiana

## PUBLISHER'S CLAIM

Account Name  
Gov: Fort Wayne City Clerk's Office  
Notice ID: 1VWprgYwLLht6S9Bx6co

### 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 . . . . . 7 point  
 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 \_\_\_\_\_  
 \_\_\_\_\_  
Blanca M. Cause  
 Legal Clerk

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(RESOLUTION NO. R-22-07-27)**

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 AND PERSONAL PROPERTY DEDUCTION OF PROPERTY AT 918 WEST COOK ROAD AND APPROVED UNDER RESOLUTION R-3-21 FOR CWSW, IIC D/B/A DIRIG SHEET METAL.

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



<b>Bill #</b>	<b>Company</b>	<b>A Didn't appear &amp; failed</b>	<b>B Appeared &amp; continue</b>	<b>C Appeared &amp; failed</b>
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-22-07-27**

**REPORT OF COMMITTEE ON FINANCE**

**August 9, 2022**


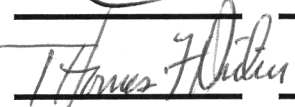






***Russ Jehl Chair***

***Sharon Tucker Co-Chair***

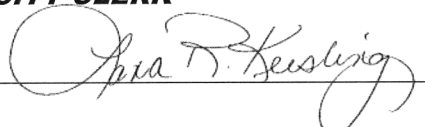
***All Council Members***

A Resolution Considering a Waiver of Non-Compliance for Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property and Form CF-1/Personal Property) and 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-3-21 for 918 West Cook Road, Fort Wayne, Indiana 46825 (CWSW, LLC dba Dirig Sheet Metal)

**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

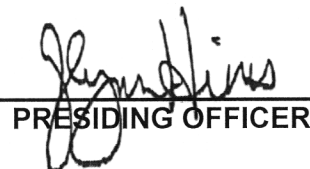
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-22-07-27 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 16<sup>TH</sup> day of AUGUST 2022, at the hour of 9:30 o'clock AM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

