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3 **A RESOLUTION Considering a Waiver of Non-Compliance**
4 **for Late-Filed Compliance with Statement of Benefits (Form**
5 **CF-1/Real Property) and Late-Filed Application for the**
6 **Deduction from Assessed Valuation of Structures in**
7 **Economic Revitalization Areas (Form 322/RE) and**
8 **Determination of Substantial Compliance or Non-**
9 **Compliance with Statement of Benefits Approved under R-**
10 **33-20 for 8645 Aviation Drive, Fort Wayne, Indiana 46809**
11 **(GH FTW II, LLC)**

12 **WHEREAS**, Common Council has previously designated and declared by Declaratory
13 Resolution and Confirming Resolution property at 8645 Aviation Drive for GH FTW II, LLC
14 (Confirming Resolution R-33-20) under Sections 153.13-153.24 of the Municipal Code of the City
15 of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

16 **WHEREAS**, The original Statement of Benefits and economic revitalization area
17 designation application submitted by GW FTW II, LLC and approved under Confirming
18 Resolution R-33-20 was for \$6,550,000 in real property improvements; and

19 **WHEREAS**, GH FTW II, LLC's 2022 Compliance with Statement of Benefits (Form CF-
20 1/Real Property) was not filed in a timely manner on, or prior to, May 16, 2022 with the City; and

21 **WHEREAS**, GH FTW II, LLC's Compliance with Statement of Benefits (Form CF-1/Real
22 Property) and Application for the Deduction from Assessed Valuation of Structures in Economic
23 Revitalization Areas (Form 322/RE) were not filed in a timely manner on, or prior to, May 16,
24 2022 with the Allen County Auditor; and

25 **WHEREAS**, the City has given GH FTW II, LLC notice to file their Compliance with
26 Statement of Benefits (Form CF-1/Real Property) and Application for the Deduction from
27 Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and to submit
28 an application for a waiver of non-compliance for a late filed Compliance with Statement of
29 Benefits (Form CF-1/Real Property) and Application for the Deduction from Assessed Valuation
30 of Structures in Economic Revitalization Areas (Form 322/RE); and

WHEREAS, GH FTW II, LLC has filed their Compliance with Statement of Benefits (Form
CF-1/Real Property) with the City and with the Auditor 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 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 GH FTW II, LLC 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

WHEREAS, GH FTW II, LLC has fulfilled its pledge complete the project and construct
an approximately 150,000 square foot speculative building; and

1 **WHEREAS**, Based on the CF-1 Statement of Benefits recently submitted, GH FTW II,
2 LLC has established that they have substantially complied with its approved statement of
3 benefits; and

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

8 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
9 Compliance with Statement of Benefits (Form CF-1/Real Property) and Application for the
10 Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form
11 322/RE), then Common Council will also determine substantial compliance or non-compliance
12 with statement of benefits; and

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

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

16 ~~**[OPTION 1]**~~

17 ~~**SECTION 1.** That, GH FTW II, LLC's request for a waiver of clerical and technical errors and
18 nonconformities with its Compliance with Statement of Benefits (Form CF-1/Real Property) and
19 Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization
20 Areas (Form 322/RE) requirements is hereby denied and as such the phase-in granted under
21 Confirming Resolution R-33-20 for real property is terminated.~~

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

24 **[OPTION 2]**

25 **SECTION 1.** That all clerical and technical errors and nonconformities of GH FTW II, LLC's
26 Compliance with Statement of Benefits (Form CF-1/Real Property) and Application for the
27 Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form
28 322/RE) requirements that are waivable under State and local law, including without limitation
29 those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

30 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by GW FTW II,
LLC with an approved Economic Revitalization Area for 2022 is 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.

1 Therefore, the continuation of GW FTW II, LLC's abatement is hereby approved. The Allen
2 County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed
3 to apply the tax phase-in.

4 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 form filed by GW FTW II,
5 LLC with an approved Economic Revitalization Area with an approved Economic Revitalization
6 Area for 2022 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
7 the Municipal Code of the City of Fort Wayne. GW FTW II, LLC did make reasonable efforts to
8 substantially comply with the statement of benefits and GW FTW II, LLC's failure to substantially
9 comply was caused by factors beyond the control of Therefore, the continuation of GW FTW II,
10 LLC's abatement is hereby approved. The Allen County Auditor shall be supplied with a copy of
11 this Resolution, upon passage, and is instructed to apply the tax phase-in.~~

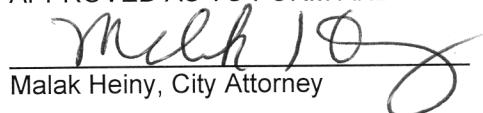
12 ~~**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 form filed by GW FTW II,
13 LLC with an approved Economic Revitalization Area for 2022 is not in substantial compliance,
14 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne.
15 GW FTW II, LLC did not make reasonable efforts to substantially comply with the statement of
16 benefits and GW FTW II, LLC's failure to substantially comply was not caused by factors beyond
17 the control of GW FTW II, LLC. As a result of said failure, the abatement for GW FTW II, LLC is
18 hereby terminated by Common Council. The Allen County Auditor shall be supplied with a copy
19 of this Resolution, upon passage, and is instructed to terminate the abatement for real property
20 improvements.~~

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

23 

24 _____
25 Member of Council

26 APPROVED AS TO FORM AND LEGALITY

27 
28 _____
29 Malak Heiny, City Attorney
30

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-33-20 for 8645 Aviation Drive, Fort Wayne, Indiana 46809 (GH FTW II, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 8645 Aviation Drive 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 GW FTW II, LLC and approved under Confirming Resolution R-33-20 was for \$6,550,000 in real property improvements; and

WHEREAS, GW FTW II, LLC'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, GW FTW II, LLC'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 GW FTW II, LLC 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, GW FTW II, LLC 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 GW FTW II, LLC 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

WHEREAS, GW FTW II, LLC has fulfilled its pledge complete the project and construct an approximately 150,000 square foot speculative building; and

1 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, GW FTW II,
2 LLC has established that they have substantially complied with its approved statement of
3 benefits; and

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

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

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

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

14 **[OPTION 1]**

15 **SECTION 1.** That, GW FTW II, LLC's request for a waiver of clerical and technical errors and
16 nonconformities with its Application for the Deduction from Assessed Valuation of Structures in
17 Economic Revitalization Areas (Form 322/RE) requirements is hereby denied and as such the
18 phase-in granted under Confirming Resolution R-33-20 for real and personal property is
19 terminated.

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

22 **[OPTION 2]**

23 **SECTION 1.** That all clerical and technical errors and nonconformities of GW FTW II, LLC's
24 Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization
25 Areas (Form 322/RE) requirements that are waivable under State and local law, including without
26 limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

27 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by GW FTW II,
28 LLC with an approved Economic Revitalization Area for 2022 is in substantial compliance
29 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne.
30 Therefore, the continuation of GW FTW II, LLC's abatement is hereby approved. The Allen
County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed
to apply the tax phase-in.

1
2 **SECTION 2. [OPTION B]** That Common Council finds that the CF-1 form filed by GW FTW II,
3 LLC with an approved Economic Revitalization Area with an approved Economic Revitalization
4 Area for 2022 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of
5 the Municipal Code of the City of Fort Wayne. GW FTW II, LLC did make reasonable efforts to
6 substantially comply with the statement of benefits and GW FTW II, LLC's failure to substantially
7 comply was caused by factors beyond the control of Therefore, the continuation of GW FTW II,
8 LLC's abatement is hereby approved. The Allen County Auditor shall be supplied with a copy of
9 this Resolution, upon passage, and is instructed to apply the tax phase-in.

10 **SECTION 2. [OPTION C]** That Common Council finds that the CF-1 form filed by GW FTW II,
11 LLC with an approved Economic Revitalization Area for 2022 is not in substantial compliance
12 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne.
13 GW FTW II, LLC did not make reasonable efforts to substantially comply with the statement of
14 benefits and GW FTW II, LLC's failure to substantially comply was not caused by factors beyond
15 the control of Brotherhood Mutual Insurance Company. As a result of said failure, the abatement
16 for GW FTW II, LLC is hereby terminated by Common Council. The Allen County Auditor shall be
17 supplied with a copy of this Resolution, upon passage, and is instructed to terminate the
18 abatement for real property improvements.

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

21 _____
22 Member of Council

23 APPROVED AS TO FORM AND LEGALITY

24 *Malak Heiny, City Attorney*
25 _____
26 Malak Heiny, City Attorney
27 *by [Signature]*
28 *by [Signature]*
29
30

The Journal Gazette

Allen County, Indiana

PUBLISHER'S CLAIM

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: FA9XOY0S1r3cmh5BPUP

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 39

ATTACH COPY OF ADVERTISEMENT

COMPUTATION OF CHARGES
 39 lines, 1 column(s) wide equat: \$19.46
 39 equivalent lines at \$ 0.4990 cents per line
 Additional charges for notices containing rule or tabular work (50 percent of above amount) \$ _____
 Electronic processing fee \$ 0.00
 TOTAL AMOUNT OF CLAIM \$ 19.46

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 5-1-1-10-1, 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-22-07-28)**

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 AT 8645 AVATION DRIVE AND APPROVED UNDER RESOLUTION R-33-20 FOR GH FTW II, 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 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.
7--29 hspaxlp



Bill #	Company	A Didn't appear & failed	B Appeared & continue	C Appeared & failed
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	

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

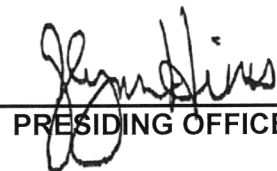
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-22-07-28AA on the 9th day of August, 2022

ATTEST:




 LANA R. KEESLING
 CITY CLERK



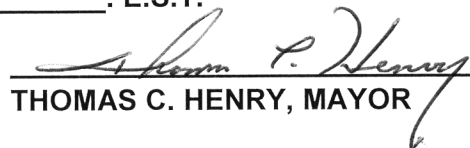
 PRESIDING OFFICER

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