

A RESOLUTION Considering a Waiver of Non-Compliance for Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-35-18 for 9403 Avionics Drive, Fort Wayne, Indiana 46809 (TWE Nonwovens US, Inc.)

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

WHEREAS, TWE Nonwovens US, Inc.'s 2023 Compliance with Statement of Benefits (Form CF-1/Personal Property) was filed in a timely manner on, or prior to, May 15, 2023 with the City of Fort Wayne and Allen County Assessor's Office; and

WHEREAS, TWE Nonwovens US, Inc.'s 2023 Compliance with Statement of Benefits (Form CF-1/Real Property) was not filed in a timely manner on, or prior to, May 15, 2023 with the City of Fort Wayne and Allen County Auditor's Office; and

WHEREAS, the City has given TWE Nonwovens US, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) 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

WHEREAS, TWE Nonwovens US, Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne and Allen County 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) in a timely manner; and

WHEREAS, the Common Council acknowledges that 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

WHEREAS, TWE Nonwovens US, Inc. has fulfilled its pledge complete the project and construct an approximately 140,000 square foot addition to its existing facility and purchase and install new personal property manufacturing equipment; and

1 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, TWE
2 Nonwovens US, Inc. has established that they have substantially complied with its approved
3 statement of 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) paperwork
6 to be waived; and

7 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
8 Compliance with Statement of Benefits (Form CF-1/Real Property) then Common Council will
9 also determine substantial compliance or non-compliance with statement of benefits; and

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

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

13 **[OPTION 1]**

14 ~~**SECTION 1.** That, TWE Nonwovens US, Inc.'s request for a waiver of clerical and technical
15 errors and nonconformities with its Compliance with Statement of Benefits (Form CF-1/Real
16 Property) requirements is hereby denied and as such the phase in granted under Confirming
17 Resolution R-35-18 for real and personal property is terminated.~~

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

20 **[OPTION 2]**

21 **SECTION 1.** That all clerical and technical errors and nonconformities of TWE Nonwovens US,
22 Inc.'s Compliance with Statement of Benefits (Form CF-1/Real Property) requirements that are
23 waivable under State and local law, including without limitation those errors and nonconformities
24 described in I.C. 6-1.1-12.1-9.5 are hereby waived.

25 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 forms filed by TWE
26 Nonwovens US, Inc. with an approved Economic Revitalization Area for 2023 are in substantial
27 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of
28 Fort Wayne by virtue of retaining 75% of the 86 full-time jobs, or 64 full-time jobs, that were
29 stated to be retained and retaining 75% of the \$3,612,438 in retained annual payroll, or
30 \$2,709,328, as well as 75% of the 22 additional full-time jobs, or 16 additional full-time jobs, that
were stated to be created and creating 75% of the \$920,635, or \$690,476, in created annual

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

4
5 **SECTION 2. [OPTION B]** ~~That Common Council finds that the CF-1 forms filed by TWE~~
6 ~~Nonwovens US, Inc. with an approved Economic Revitalization Area with an approved Economic~~
7 ~~Revitalization Area for 2023 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and~~
8 ~~Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to retain 75% of the 86~~
9 ~~full-time jobs, or 64 full-time jobs, that were stated to be retained and failing to retain 75% of the~~
10 ~~\$3,612,438 in retained annual payroll, or \$2,709,328, as well as failure to create 75% of the 22~~
11 ~~additional full-time jobs, or 16 additional full-time jobs, that were stated to be created and creating~~
12 ~~75% of the \$920,635, or \$690,476, in additional annual payroll. TWE Nonwovens US, Inc. did~~
13 ~~not make reasonable efforts to substantially comply with the statement of benefits and TWE~~
14 ~~Nonwovens US, Inc.'s failure to substantially comply was caused by factors beyond the control of~~
15 ~~TWE Nonwovens US, Inc. Therefore, the continuation of TWE Nonwovens US, Inc.'s abatement~~
16 ~~is hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution,~~
17 ~~upon passage, and is instructed to apply the tax phase-in.~~

18
19 **SECTION 2. [OPTION C]** ~~That Common Council finds that the CF-1 forms filed by TWE~~
20 ~~Nonwovens US, Inc. with an approved Economic Revitalization Area for 2023 are not in~~
21 ~~substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of~~
22 ~~the City of Fort Wayne for failure to retain 75% of the 86 full-time jobs, or 64 full-time jobs, that~~
23 ~~were stated to be retained and failing to retain 75% of the \$3,612,438 in retained annual payroll,~~
24 ~~or \$2,709,328, as well as failure to create 75% of the 22 additional full-time jobs, or 16 additional~~
25 ~~full-time jobs, that were stated to be created and creating 75% of the \$920,635, or \$690,476, in~~
26 ~~additional annual payroll. TWE Nonwovens US, Inc. did not make reasonable efforts to~~
27 ~~substantially comply with the statement of benefits and TWE Nonwovens US, Inc.'s failure to~~
28 ~~substantially comply was not caused by factors beyond the control of TWE Nonwovens US, Inc.~~
29 ~~As a result of said failure, the abatement for TWE Nonwovens US, Inc. is hereby terminated by~~
30 ~~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.

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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

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Considering a Waiver of Non-Compliance for Late-Filed Compliance with Benefits (Form CF-1/Real Property) and a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits approved under R-35-18 for 9403 Avionics Drive, Fort Wayne, Indiana 46809 (TWE Nonwovens US, Inc.)

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution considers a waiver of non-compliance for late filed documents and a determination of compliance or non-compliance with statement of benefits for filings made in June 2023 for TWE Nonwovens US, Inc.

EFFECT OF PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in).

EFFECT OF NON-PASSAGE:

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

ASSIGNED TO COMMITTEE (CHAIR & CO-CHAIR): Geoff Paddock an Jason Arp

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

RESOLUTION NO. R-23-07-20

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 8, 2023, AT 5:30 P.M., IN ROOM 035 – COUNCIL COURTROOM – GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; CONSIDERING A WAIVER OF NON-COMPLIANCE FOR LATE-FILED COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1/REAL PROPERTY) AND DETERMINATION OF SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE WITH STATEMENT OF BENEFITS APPROVED UNDER R-35-18 FOR A PROPERTY COMMONLY KNOWN AS:

**9403 AVIONICS DRIVE, FORT WAYNE, INDIANA 46809 (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 PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

*LANA R. KEESLING
CITY CLERK*



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Journal Gazette**.

Notice ID: mE3P5IMBtNorbWYQacmG | **Proof Updated: Jul. 26, 2023 at 09:25am EDT**
Notice Name: R-23-07-21

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Iliana Phillips
iliana.phillips@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

07/28/2023: Other 28.44

Subtotal \$28.44

Tax % 0

Total \$28.44

See Proof on Next Page

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

RESOLUTION NO. R-23-07-21

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3955 WEST WASHINGTON CENTER ROAD, FORT WAYNE, INDIANA 46818 (ACADIA FORT WAYNE JV HOLDINGS, LLC/FWBH, LLC/ACADIA HEALTHCARE CO. 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.

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LANA R. KEESLING
CITY CLERK
7--28 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: dxItZ2u66ZXy9Ytz6uL8

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 55

COMPUTATION OF CHARGES

55 lines, 1 column(s) wide equal: _____

55 equivalent lines at \$ 0.4990 cents per line \$ 27.45

Additional charges for notices containing rule or tabular work
(50 percent of above amount) \$ _____

Electronic processing fee \$ 0.00

TOTAL AMOUNT OF CLAIM \$ 27.45

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:

7/28/23 _____ _____
 _____ _____ _____

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: 7/28/2023


 Legal Clerk

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

RESOLUTION NO. R-23-07-20

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LANA R. KEESLING
CITY CLERK

7--28 hspaxlp

BILL NO. R-23-07-20

REPORT OF COMMITTEE ON FINANCE
August 8, 2023

Geoff Paddock Chair

Jason Arp Co-Chair

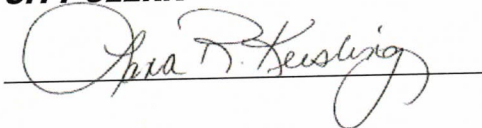
All Council Members

A Resolution Considering a Waiver of Non-Compliance for Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-35-18 for 9403 Avionics Drive, Fort Wayne, Indiana 46809 (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>
<u>ARP</u>	_____	_____	_____
<u>CHAMBERS</u>	_____	_____	_____
<u>DIDIER</u>	_____	_____	_____
<u>ENSLEY</u>	_____	_____	_____
<u>FREISTROFFER</u>	_____	_____	_____
<u>HINES</u>	_____	_____	_____
<u>JEHL</u>	_____	_____	_____
<u>PADDOCK</u>	_____	_____	_____
<u>TUCKER</u>	_____	_____	_____

LANA R. KEESLING
CITY CLERK



Public Hearing Date: 8/8/23

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

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

Read the third time in full and on motion by Councilperson Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: August 8, 2023




 LANA R. KEESLING, CITY CLERK

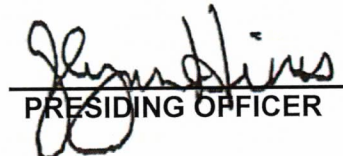
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-23-07-20 on the 8th day of August, 2023

ATTEST:




 LANA R. KEESLING
 CITY CLERK



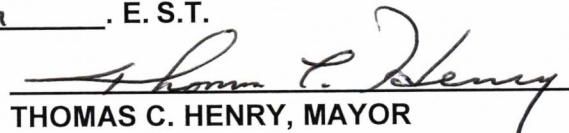
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of August 2023, at the hour of 10:10 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of AUGUST 2023, at the hour of 1:30 o'clock PM E. S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 AUG 10 2023
 LANA R. KEESLING
 CITY CLERK