

A RESOLUTION Considering a Waiver of Non-Compliance for Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and 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-34-20 for 4051 Kraft Parkway, Fort Wayne, Indiana 46808 (Clear Choice Glass/Don Saylor Investments LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4051 Kraft Parkway for Clear Choice Glass/Don Saylor Investments LLC (Confirming Resolution R-34-20) 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 Clear Choice Glass/Don Saylor Investments LLC and approved under Confirming Resolution R-34-20 was for \$1,100,000 in real property improvements; and

WHEREAS, Clear Choice Glass/Don Saylor Investments LLC's 2023 Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) was not filed in a timely manner on, or prior to, May 10, 2023 with the Allen County Auditor's Office; and

WHEREAS, Clear Choice Glass/Don Saylor Investments LLC'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

WHEREAS, the City has given Clear Choice Glass/Don Saylor Investments LLC notice to file their Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) with the Allen County Auditor's Office; and

WHEREAS, the City has given Clear Choice Glass/Don Saylor Investments LLC notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property); and

WHEREAS, the City has given Clear Choice Glass/Don Saylor Investments LLC notice to submit an application for a waiver of non-compliance for a late filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and a late filed Compliance with Statement of Benefits (Form CF-1/Real Property); and

WHEREAS, Clear Choice Glass/Don Saylor Investments LLC has filed their Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and 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 Application for Deduction from Assessed Valuation of

1 Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and Compliance with
2 Statement of Benefits (Form CF-1/Real Property) in a timely manner; and

3 **WHEREAS**, the Common Council acknowledges that Clear Choice Glass/Don Saylor
4 Investments LLC has requested a waiver of non-compliance which the Common Council has the
5 power and authority to approve, under I.C. 6-1.1-12.1-9.5); and

6 **WHEREAS**, Clear Choice Glass/Don Saylor Investments LLC has fulfilled its pledge to
7 complete the project to construct a new 12,600 square foot masonry and steel structure with
8 glass front, concrete and asphalt paving via improvements made between August 1, 2020 and
9 December 21, 2023; and

10 **WHEREAS**, Based on the CF-1 statement of benefits submitted, Clear Choice
11 Glass/Don Saylor Investments LLC has established that they have substantially complied with its
12 approved statement of benefits; and

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

17 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
18 Application for Deduction from Assessed Valuation of Structures in Economic Revitalization
19 Areas (ERA) (Form 322/RE) and late filed Compliance with Statement of Benefits (Form CF-
20 1/Real Property) then Common Council will also determine substantial compliance or non-
21 compliance with statement of benefits; and

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

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

25 **[OPTION 1]**

26 ~~**SECTION 1.** That, Clear Choice Glass/Don Saylor Investments LLC's request for a waiver of
27 clerical and technical errors and nonconformities with its Application for Deduction from
28 Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and
29 Compliance with Statement of Benefits (Form CF-1/Real Property) requirements is hereby denied
30 and as such the phase-in granted under Confirming Resolution R-34-20 for real property is
terminated.~~

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

1 **[OPTION 2]**

2
3 **SECTION 1.** That all clerical and technical errors and nonconformities of Clear Choice Glass/Don
4 Saylor Investments LLC's Application for Deduction from Assessed Valuation of Structures in
5 Economic Revitalization Areas (ERA) (Form 322/RE) and Compliance with Statement of Benefits
6 (Form CF-1/Real Property) requirements that are waivable under State and local law, including
7 without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby
8 waived.

9 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by Clear
10 Choice Glass/Don Saylor Investments LLC with an approved Economic Revitalization Area for
11 2023 is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal
12 Code of the City of Fort Wayne by virtue of retaining 75% of the one full-time job, or one full-time
13 job, that was stated to be retained and retaining 75% of the \$70,200 in retained annual payroll, or
14 \$52,650, as well as 75% of the five additional full-time jobs and two additional part-time jobs, or
15 four additional full-time jobs and one additional part-time job, that were stated to be created and
16 creating 75% of the \$166,000, or \$124,500, in created annual payroll. Therefore, the continuation
17 of Clear Choice Glass/Don Saylor Investments LLC's abatement is hereby approved. The Allen
18 County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed
19 to apply the tax phase-in.

20 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 form filed by Clear
21 Choice Glass/Don Saylor Investments LLC with an approved Economic Revitalization Area with
22 an approved Economic Revitalization Area for 2023 is not in substantial compliance pursuant to
23 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to
24 retain 75% of the \$70,200 in retained annual payroll, or \$52,650, as well as 75% of the five
25 additional full-time jobs and two additional part-time jobs, or four additional full-time jobs and one
26 additional part-time job, that were stated to be created and creating 75% of the \$166,000, or
27 \$124,500, in created annual payroll. Clear Choice Glass/Don Saylor Investments LLC did make
28 reasonable efforts to substantially comply with the statement of benefits and Pro Seal & Plastics,
29 LLC/PSP Seals, LLC's failure to substantially comply was caused by factors beyond the control
30 of Clear Choice Glass/Don Saylor Investments LLC. Therefore, the continuation of Clear Choice
Glass/Don Saylor Investments 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.~~

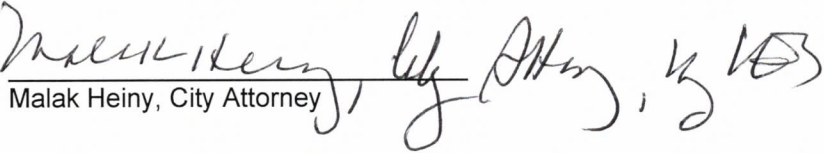
~~**SECTION 2 [OPTION C]** That Common Council finds that the CF-1 form filed by Clear
Choice Glass/Don Saylor Investments LLC with an approved Economic Revitalization Area for
2023 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the~~

1 ~~Municipal Code of the City of Fort Wayne for failure to retain 75% of the \$70,200 in retained~~
2 ~~annual payroll, or \$52,050, as well as 75% of the five additional full-time jobs and two additional~~
3 ~~part time jobs, or four additional full time jobs and one additional part time job, that were stated to~~
4 ~~be created and creating 75% of the \$166,000, or \$124,500, in created annual payroll. Clear~~
5 ~~Choice Glass/Don Saylor Investments LLC did not make reasonable efforts to substantially~~
6 ~~comply with the statement of benefits and Clear Choice Glass/Don Saylor Investments LLC's~~
7 ~~failure to substantially comply was not caused by factors beyond the control of Clear Choice~~
8 ~~Glass/Don Saylor Investments LLC and as a result of said failure, the abatement for Clear~~
9 ~~Choice Glass/Don Saylor Investments LLC is hereby terminated by Common Council. The Allen~~
10 ~~County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed~~
11 ~~to terminate the abatement for real property improvements.~~

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

14 
15 Member of Council

16 APPROVED AS TO FORM AND LEGALITY

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18 Malak Heiny, City Attorney

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NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO.)

ON APRIL 23, 2024 AT 5:30 P.M., IN THE CONFERENCE ROOM 030, 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 4051 KRAFT PARKWAY AND APPROVED UNDER RESOLUTION R-34-20 FOR CLEAR CHOICE GLASS/DON SAYLOR INVESTMENTS 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.

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Considering a Waiver of Non-Compliance for Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and a 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-34-20 for 4051 Kraft Parkway, Fort Wayne, Indiana 46808 (Clear Choice Glass/Don Saylor Investments LLC)

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 February 2024 for Clear Choice Glass/Don Saylor Investments LLC.

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): Sharon Tucker & Marty Bender



OFFICIAL AD PROOF

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

Notice ID: HgVKGrHzXLBUYJJVW4r3 | **Proof Updated: Apr. 10, 2024 at 11:41am EDT**
Notice Name: R-24-04-07

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	FILING FOR
Iliana Phillips iliana.phillips@cityoffortwayne.org (260) 427-1221	Journal Gazette

Columns Wide: 1	Ad Class: Legals
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04/12/2024: Government Notice Notice	30.21
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Subtotal	\$30.21
Tax %	0
Processing Fee	\$0.00
Total	\$30.21

See Proof on Next Page

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

RESOLUTION NO. R-24-04-07

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON APRIL 23, 2024, 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 APPLICATION FOR DEDUCTION FROM ASSESSED VALUATION OF STRUCTURES IN ECONOMIC REVITALIZATION AREAS (ERA) (FORM 322/RE) AND 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-34-20 FOR A PROPERTY COMMONLY KNOWN AS:

**4051 KRAFT PARKWAY, FORT WAYNE,
INDIANA 46808 (CLEAR CHOICE GLASS/
DON SAYLOR INVESTMENTS 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 PUBLIC INFORMATION OFFICE (260) 427-1120 TTY (260) 427-1200 AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK

4--12 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: HgVKGrHzXLBUYJJVW4r3

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 59

COMPUTATION OF CHARGES

59 lines, 1 column(s) wide equal:
59 equivalent lines at \$ 0.5120 cents per line \$30.21

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$30.21

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:

4/12/24 _____ _____
_____ _____ _____

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: 4/12/2024


Legal Clerk

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INDIANA 46808 (CLEAR CHOICE GLASS/
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LANA R. KEESLING
CITY CLERK

4-12 hspaxlp

BILL NO. R-24-04-07

REPORT OF COMMITTEE ON FINANCE

April 23, 2024

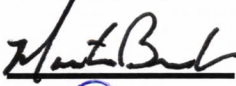


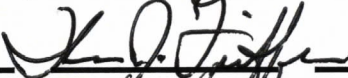


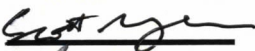
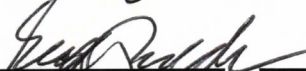
Chair

Marty Bender Co-Chair

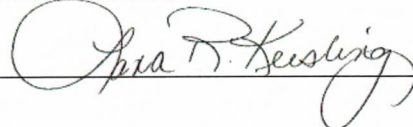
All Council Members

A Resolution considering a Waiver of Non-Compliance for Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and 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-34-20 for 4051 Kraft Parkway, Fort Wayne, Indiana 46808 (Clear Choice Glass/Don Saylor Investments LLC)

COMMITTEE ON FIANANCE 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>BENDER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 04/23/24

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

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

Read the third time in full and on motion by Councilperson Bender, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<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"/>
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"/>
HARTMAN	<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"/>
MYERS	<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"/>

DATED: April 23, 2024


LANA R. KEESLING, CITY CLERK

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

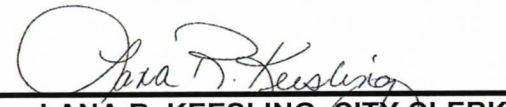
Resolution No. R-24-04-07 on the 23rd day of April, 2024

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th of April 2024, at the hour of 9:10 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 24th day of April 2024, at the hour of 6:00 o'clock PM E.S.T.


SHARON TUCKER, MAYOR

