

A RESOLUTION Considering a Waiver of Non-Compliance for Late Filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-25-11 for 8727 Clinton Park Drive, Fort Wayne, Indiana 46825 (Nemcomed FW, LLC/Avalign Technologies, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 8727 Clinton Park Drive for Nemcomed FW, LLC/Avalign Technologies, Inc. (Confirming Resolution R-25-11) 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 Nemcomed FW, LLC/Avalign Technologies, Inc. and approved under Confirming Resolution R-25-11 was for \$1,259,000 in real property improvements and \$1,523,000 in personal property improvements; and

WHEREAS, The real property tax phase-in approved under R-25-11 has expired; and

WHEREAS, Nemcomed FW, LLC/Avalign Technologies, Inc.'s 2026 Compliance with Statement of Benefits (Form CF-1/Personal Property) was not filed in a timely manner on, or prior to, May 15, 2026 with the City of Fort Wayne; and

WHEREAS, the City has given Nemcomed FW, LLC/Avalign Technologies, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the City of Fort Wayne; and

WHEREAS, the City has given Nemcomed FW, LLC/Avalign Technologies, Inc. notice to submit an application for a waiver of non-compliance for a late filed Compliance with Statement of Benefits (Form CF-1/Personal Property); and

WHEREAS, Nemcomed FW, LLC/Avalign Technologies, Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the City of Fort Wayne and the Allen County Assessor's Office and also submitted an application for a waiver of non-compliance for failure to file their Compliance with Statement of Benefits (Form CF-1/Personal Property); and

WHEREAS, the Common Council acknowledges that Nemcomed FW, LLC/Avalign Technologies, 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, Nemcomed FW, LLC/Avalign Technologies, Inc. has fulfilled its pledge to complete the project to construct an approximately 13,000 square foot addition to their existing facility and purchase and install new personal property equipment; and

WHEREAS, Based on the Compliance with Statement of Benefits (Form CF-1/Personal Property) statement of benefits submitted, Nemcomed FW, LLC/Avalign Technologies, Inc. has established that they have substantially complied with its approved statement of benefits; and

WHEREAS, I.C. 6-1.1-12.1-9.5 permits tax abatement non-compliance events such as the untimely filed Compliance with Statement of Benefits (Form CF-1/Personal Property) paperwork to be waived; and

WHEREAS, if Common Council approves the waiver of non-compliance for the

late filed Compliance with Statement of Benefits (Form CF-1/Personal Property) then Common Council will also determine substantial compliance or non-compliance with statement of benefits.

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

[OPTION 1]

~~**SECTION 1.** That, Nemcomed FW, LLC/Avalign Technologies, Inc.'s request for a waiver of clerical and technical errors and nonconformities with its Compliance with Statement of Benefits (Form CF-1/Personal Property) requirements is hereby denied and as such the tax phase in granted under Confirming Resolution R-25-11 for Personal 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.~~

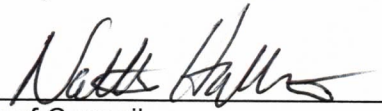
[OPTION 2]

SECTION 1. That all clerical and technical errors and nonconformities of Nemcomed FW, LLC/Avalign Technologies, Inc.'s Compliance with Statement of Benefits (Form CF-1/Personal Property) requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

SECTION 2. [OPTION A] That Common Council finds that the Compliance with Statement of Benefits (Form CF-1/Personal Property) form filed by Nemcomed FW, LLC/Avalign Technologies, Inc. with an approved Economic Revitalization Area for 2026 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. Therefore, the continuation of Nemcomed FW, LLC/Avalign Technologies, Inc.'s tax phase-in is hereby approved. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and are instructed to apply the tax phase-in.

~~**SECTION 2. [OPTION B]** That Common Council finds that the Compliance with Statement of Benefits (Form CF-1/Personal Property) forms filed by Nemcomed FW, LLC/Avalign Technologies, Inc. with an approved Economic Revitalization Area with an approved Economic Revitalization Area for 2026 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. Therefore, Nemcomed FW, LLC/Avalign Technologies, Inc.'s tax phase-in is hereby terminated. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and are instructed to terminate the tax phase-in for real and personal property.~~

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 Helmy, City Attorney



INTERIM AD DRAFT

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

Notice ID: qPi4uy8lRDFlukTaaay3 | **Proof Updated: Aug. 12, 2026 at 08:54am EDT**
Notice Name: R-26-08-32

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

08/14/2026: Government Notice 28.08

Subtotal	\$28.08
Tax %	0
Processing Fee	\$0.00
Total	\$28.08

See Proof on Next Page

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

RESOLUTION NO. R-26-08-32

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 25, 2026, 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-25-11 FOR A PROPERTY COMMONLY KNOWN AS:

**8727 Clinton Park Drive, Fort Wayne,
Indiana 46825 (Nemcomed FW, LLC/
Avalign Technologies, Inc.)**

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY OF FORT WAYNE WILL MAKE REASONABLE ACCOMMODATIONS TO PEOPLE WITH DISABILITIES. ANY PERSON WITH SPECIAL NEEDS SHOULD CONTACT THE ADA COORDINATOR, HEATHER VANWAGNER AT 260-427-1176 AT LEAST 72 HOURS BEFORE THE SCHEDULED MEETING TO DISCUSS NECESSARY SPECIAL ACCOMMODATIONS.

JOHN D. MCGAULEY
CITY CLERK

8--14 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name

Gov: Fort Wayne City Clerk's Office

Notice ID: qPi4uy8lRDFlukTaaay3

PUBLISHER'S CLAIM**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

52

COMPUTATION OF CHARGES52 lines, 1 column(s) wide equal:52 equivalent lines at \$ 0.5400 cents per line

\$28.08

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

\$

Electronic processing fee

\$0.00

TOTAL AMOUNT OF CLAIM

\$28.08

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:

8/14/26

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:

8/14/26



Legal Clerk

ATTACH COPY OF ADVERTISEMENT

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JOHN D. MCGAULEY
CITY CLERK

8--14 hspaxlp

BILL NO. R-26-08-32

REPORT OF COMMITTEE ON FINANCE

August 25, 2026

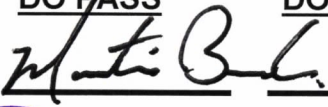
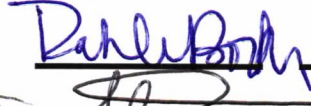
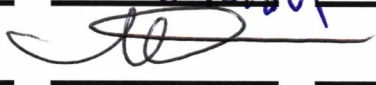
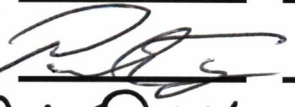
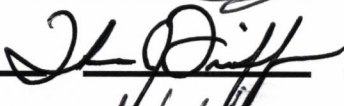
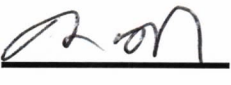
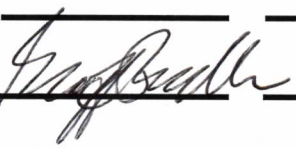
Nathan Hartman Chair

Geoff Paddock Co-Chair

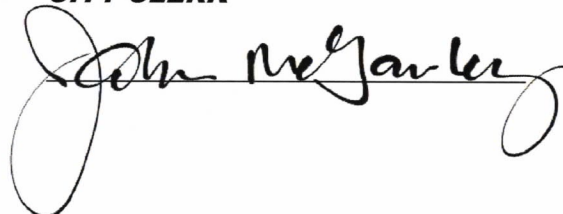
All Council Members

A Resolution considering a Waiver of Non-Compliance for Late Filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-25-11 for 8727 Clinton Park Drive, Fort Wayne, Indiana 46825 (Nemcomed FW, LLC/Avalign Technologies, Inc.)

COMMITTEE ON FINANCE 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>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**JOHN D. MCGAULEY
CITY CLERK**



Public Hearing Date: 08/25/2026

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

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	☒	☐	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☒	☐	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☒	☐	☐	☐
HARTMAN	☒	☐	☐	☐
JEHL	☒	☐	☐	☐
MYERS	☐	☐	☐	☒
PADDOCK	☒	☐	☐	☐

DATED: August 25, 2026


JOHN D. MCGAULEY, CITY CLERK

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

Resolution No. R-26-08-32 on the 25th day of August, 2026

ATTEST:

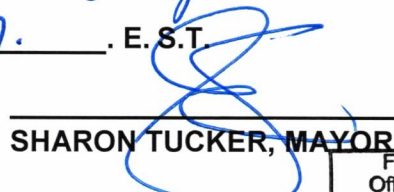

JOHN D. MCGAULEY
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th
of August 2026, at the hour of 11:55 o'clock A.M. E.S.T.


JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 26th day of August 2026, at the
hour of 3:35 o'clock p.m. E.S.T.


SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk

AUG 26 2026

RECEIVED