

**A RESOLUTION approving a Waiver of Noncompliance
for Late-Filed Compliance with Statement of Benefits
Real Estate Improvements (CF-1/Real Property) and
determining Substantial Compliance/Non-Compliance
for 9100 Airport Drive, Fort Wayne, IN 46809 (Global
Seal Logistics, Inc. for Pro Seal & Plastics, LLC)**

WHEREAS, Pursuant to Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana and I.C. 6-1.1-12.1, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9100 Airport Drive (Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC) to be an economic revitalization area; and

WHEREAS, the Statement of Benefits (SB-1) and economic revitalization area designation application submitted by Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC stated that four full-time jobs would be created by December 31, 2010.

WHEREAS, each year for the duration of a tax abatement, the owner/applicant is required by the Fort Wayne Code of Ordinances and State law to submit a Compliance with Statement of Benefits (CF-1/Real Property) so Common Council can determine whether the owner/applicant is in substantial compliance with its SB-1; and

WHEREAS, Common Council has defined substantial compliance under Section 153.21 of the Municipal Code of the City of Ft. Wayne as:

1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to be created and/or retained as delineated in the original SB-1 approved by Common Council; and/or
2. Meeting 75% or more of the total payroll stated to be created or retained as delineated in the original Statement of Benefits Form SB-1 approved by Common Council; and

WHEREAS, for Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC, meeting 75% of four full time jobs stated to be created on the original SB-1 means creating three jobs; and

WHEREAS, due to an oversight, Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC did not timely file its CF-1/Real Property; and

WHEREAS, this oversight was an unusual occurrence for Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC, which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

1 **WHEREAS**, Common Council made a determination on June 28, 2016, that Global
2 Seal Logistics, Inc. for Pro Seal & Plastics, LLC was not in substantial compliance by failing
3 to comply with I.C. 6-1.1-12.1 et seq. And Section 153.21(A) of the Fort Wayne Code of
4 Ordinances for failing to file their CF-1/Real Property; and

5 **WHEREAS**, Common Council directed the Community Development Division to mail
6 written notice to Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC explaining the
7 reasons for Council's determination and a date, time, place of a hearing to be conducted by
8 Council for the purpose of further considering Global Seal Logistics, Inc. for Pro Seal &
9 Plastics, LLC's CF-1/Real Property; and

10 **WHEREAS**, Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC has submitted its
11 CF-1/Real Property Form.

12 **WHEREAS**, A Waiver of Non-Compliance has been also been requested by Global
13 Seal Logistics, Inc. for Pro Seal & Plastics, LLC; and

14 **WHEREAS**, the Common Council acknowledges that Global Seal Logistics, Inc. for
15 Pro Seal & Plastics, LLC has requested a Waiver of Non-Compliance which the Common
16 Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-
17 12.1-11.3; and

18 **WHEREAS**, the Common Council may, in its discretion, permit Global Seal Logistics,
19 Inc. for Pro Seal & Plastics, LLC to receive the tax abatement benefits to which it would have
20 been entitled had no non compliance event occurred, so long as the waiver of non
21 compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

22 **WHEREAS**, the Common Council has concluded that granting of the ERA deduction
23 for 2016 payable 2017 tax year would not create a strain on the City of Fort Wayne's fiscal
24 budget; and

25 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non
26 compliance events such as the untimely filing of a Compliance with Statement of Benefits
27 form to be waived; and

28 **WHEREAS**, the noncompliance event has been corrected and a public hearing of
29 the Common Council on the waiver was held on May 9, 2017.

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

SECTION 1a. That Common Council hereby waives all clerical and technical errors
and nonconformities that are waivable under State and local law, including failure to timely
file a Compliance with Statement of Benefits Real Estate Improvements and further finds,
based on the information furnished at the hearing on the Waiver of Non-Compliance, that

1 Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC is in substantial compliance with its
2 Statement of Benefits Form. Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC shall
3 receive its real property abatement for 2016 payable 2017 under Confirming Resolution R-
4 52-07. A copy of this Resolution shall be furnished to the Auditor to apply the abatement for
5 2016 payable 2017.

6 **SECTION 1b.** That Common Council hereby waives all clerical and technical errors
7 and nonconformities that are waivable under State and local law, including failure to timely
8 file a Compliance with Statement of Benefits Real Estate Improvements, but finds, based on
9 the information furnished at the hearing on the Waiver of Non-Compliance, that Global Seal
10 Logistics, Inc. for Pro Seal & Plastics, LLC is not in substantial compliance with its Statement
11 of Benefits Form. The abatement is therefore terminated.

12 **SECTION 1c.** That Common Council does not waive Global Seal Logistics, Inc. for
13 Pro Seal & Plastics, LLC's non-compliance for failure to file a Compliance with Statement of
14 Benefits Form Real Estate Improvements and the abatement is terminated.

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

17 _____
18 Member of Council

19 APPROVED AS TO FORM AND LEGALITY

20 _____
21 Carol Helton, City Attorney



Pro Seal & Plastics, LLC
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Fort Wayne, IN 46809
www.ProSealPlastics.com

P: (260) 436-7805
F: (260) 436-9046

CITY OF FT WAYNE

AUG 12 2016 *CRJ*

COMMUNITY DEVL.

Division of Community Development
City of Fort Wayne-Citizens Square
200 E. Berry St Suite 320
Fort Wayne, IN 46802

To Whom It May Concern:

With this letter we hereby request a Waiver of Non Compliance of filing the 2016 CF-1/Real Estate for Global Seal Logistics, Inc.

The original CF-1 was filed May 2 from 233 Airport North Office Park, Fort Wayne, IN 46825 by normal post to the 200 E Berry Street, Suite 320 office. It was never recorded by the taxing office so at this point we can offer no explanation where it became "lost in the mail". We have filed timely all filings previous to this so request your consideration in this matter.

Sincerely

Melinda Hasselman
Treasurer

Melinda Hasselman

att: check to City of Fort Wayne for \$500.00 for application fee.

**COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51766 (R3 / 2-13)

Prescribed by the Department of Local Government Finance

FILE COPY20 16 PAY 20 17

FORM CF-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

CITY OF FT WAYNE**AUG 12 2016**

CRA

COMMUNITY DEVI

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer	GLOBAL SEAL LOGISTICS, INC		County
Address of taxpayer (number and street, city, state, and ZIP code)	233 AIRPORT N OFFICE PK., FORT WAYNE, IN 46825		DLGF taxing district number
Name of contact person	MELINDA HASSELMAN		Telephone number
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY	
Name of designating body	Resolution number	Estimated start date (month, day, year)	
FORT WAYNE COMMON COUNCIL	R-52-07	12/17/2007	
Location of property	Actual start date (month, day, year)		
9100 AIRPORT DRIVE	01/01/2008		
Description of real property improvements	Estimated completion date (month, day, year)		
17,600 SQ. FT. STEEL BUILDING W/6,000 FT. ENCLOSED OFFICES (2 FLOORS)	04/30/2009		
Actual completion date (month, day, year)		04/30/2009	
SECTION 3		EMPLOYEES AND SALARIES	
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		12	14
Salaries		1,000,000.00	900,000.00
Number of employees retained		12	14
Salaries		1,000,000.00	900,000.00
Number of additional employees		4	2
Salaries		160,000.00	100,000.00
SECTION 4		COST AND VALUES	
COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	
Values before project			
Plus: Values of proposed project	1,000,000.00		
Less: Values of any property being replaced			
Net values upon completion of project	1,000,000.00		
ACTUAL	COST	ASSESSED VALUE	
Values before project			
Plus: Values of proposed project	875,000.00		
Less: Values of any property being replaced			
Net values upon completion of project	875,000.00		
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted			
Amount of hazardous waste converted			
Other benefits:			
SECTION 6		TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.			
Signature of authorized representative	Title	Date signed (month, day, year)	
Melinda Hasselman	TREASURER	05/02/2016	

**COMPLIANCE WITH A STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51766 (R2 / 1-07)

Prescribed by the Department of Local Government Finance

CITY OF FORT WAYNE

MAY 13 2008

20 08 PAY 20 09

FORM CF-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

COMMUNITY DEVL.**INSTRUCTIONS:**

1. This form does not apply to property located in a residentially distressed area. (IC 6-1.1-12.1-2 (b))
2. Property owners must file this form with the County Auditor and the Designating Body for their review regarding the compliance of the project with the Statement of Benefits (SB-1 / Real Property).
3. This form must accompany the initial deduction application that is filed with the County Auditor.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must file an updated form with the County Auditor and the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1)
5. The updated form must be filed annually by May 15, or by the due date for the real property owner's personal property return that is filed in the township where the project is located, whichever is later. (IC 6-1.1-12.1-5.1 (b))
6. With the approval of the Designating Body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1 / Real Property).

SECTION 1 TAXPAYER INFORMATION			
Name of taxpayer GLOBAL SEAL LOGISTIC, INC.			
Address of taxpayer (number and street, city, state, and ZIP code) 3702 VANGUARD DRIVE, FORT WAYNE, IN 46809			
Name of contact person JAY WITTE		Telephone number (260) 436-7805	
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY			
Name of designating body FORT WAYNE COMMON COUNCIL		Resolution number R-52-07	
Location of property 9100 AIRPORT DRIVE, FORT WAYNE.		County ALLEN	DLGF taxing district number 80
Description of real property improvements: 17,500 SQ.FT. STEEL BUILDING W/6,000 FT ENCLOSED OFFICES (2 FLOORS)		Estimated starting date (month, day, year) 07/07/2007 Estimated completion date (month, day, year) 12/17/2007	
SECTION 3 EMPLOYEES AND SALARIES			
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		12	14
Salaries		1,000,000.00	1,035,000.00
Number of employees retained		12	11
Salaries		1,000,000.00	905,000.00
Number of additional employees		4	3
Salaries		160,000.00	130,000.00
SECTION 4 COST AND VALUES			
COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	
Values before project	0.00		
Plus: Values of proposed project	1,000,000.00		
Less: Values of any property being replaced	0.00		
Net values upon completion of project	1,000,000.00		
ACTUAL	COST	ASSESSED VALUE	
Values before project	0.00	0.00	
Plus: Values of proposed project	880,500.00		
Less: Values of any property being replaced	0.00	0.00	
Net values upon completion of project			
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		0	0
Amount of hazardous waste converted		0	0
Other benefits:		0	0
SECTION 6 TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.			
Signature of authorized representative <i>Jay A Witte</i>		Title Owner/Partner	Date signed (month, day, year) <i>5/12/08</i>

Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form CF-1/Real Property) for Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC under confirming resolution R-52-07.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for late-filed real property deduction forms for Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC to continue to receive their personal property deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC.

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Geoff Paddock and Jason Arp