

**A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 3702 Vanguard Drive, Fort Wayne, Indiana 46809 (Pro Seal & Plastics, LLC/Global Seal Logistics, LLC)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 3702 Vanguard Drive for Pro Seal & Plastics, LLC/Global Seal Logistics, LLC (Confirming Resolution R-49-18) 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 Pro Seal & Plastics, LLC/Global Seal Logistics, LLC and approved under Confirming Resolution R-49-18 was for \$1,073,000 in real property improvements and \$872,000 in personal property improvements; and

**WHEREAS**, construction of the real property improvements and instillation of personal property improvements for Pro Seal & Plastics, LLC/Global Seal Logistics, LLC is in progress; and

**WHEREAS**, representatives of Pro Seal & Plastics, LLC/Global Seal Logistics, LLC have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) and Statement of Benefits (CF-1) for 2019 were not filed in a timely manner; and

**WHEREAS**, this oversight was an unusual occurrence for Pro Seal & Plastics, LLC/Global Seal Logistics, LLC; and

**WHEREAS**, the Common Council finds that Pro Seal & Plastics, LLC/Global Seal Logistics, LLC working towards completing its pledge to construct the real property improvements and install personal property improvements; and

**WHEREAS**, the Common Council acknowledges that Pro Seal & Plastics, LLC/Global Seal Logistics, LLC has requested a waiver of noncompliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

**WHEREAS**, the Common Council intends that Pro Seal & Plastics, LLC/Global Seal Logistics, LLC receive the tax abatement benefits to which they would have been entitled had no non-compliance event occurred, so long as the waiver of non-compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

**WHEREAS**, the Common Council has concluded that granting of the ERA deduction for 2018 payable 2019 tax year would not create a strain on the City of Fort Wayne's fiscal budget; and

**WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement noncompliance events such as the untimely filing of deduction application paperwork to be waived; and

**WHEREAS**, the non-compliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

**SECTION 1.** That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

**SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Pro Seal & Plastics, LLC/Global Seal Logistics, LLC to receive the real property economic revitalization area

1 deductions for 2019 payable 2020 under Confirming Resolution R-49-18. The Allen County  
2 Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply  
3 the deduction amounts in accordance with this schedule. This resolution shall have no effect on  
4 the assessed value, tax abatement deductions or taxes payable with respect to Pro Seal &  
5 Plastics, LLC/Global Seal Logistics, LLC's personal property.

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

8 \_\_\_\_\_  
9 Member of Council

10 APPROVED AS TO FORM AND LEGALITY

11 \_\_\_\_\_  
12 Carol Helton, City Attorney  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF RESOLUTION: Resolution Approving a Waiver of Non-compliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures (Form 322/RE) for Pro Seal & Plastics, LLC/Global Seal Logistics, LLC.**

**DEPARTMENT REQUESTING RESOLUTION: Community Development Division**

**SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property deduction forms and statement of benefits for Pro Seal & Plastics, LLC/Global Seal Logistics, LLC.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Pro Seal & Plastics, LLC/Global Seal Logistics, LLC. to retain their real property economic revitalization area deductions.**

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

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

**ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and Jason Arp**