

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-30-15 for 9190 Yeager Lane, Fort Wayne, Indiana 46809 (Zaremba Holdings, LLC/American Sealants, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9109 Yeager Lane for Zaremba Holdings, LLC/American Sealants, Inc. (Confirming Resolution R-30-15) 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 Zaremba Holdings, LLC/American Sealants, Inc. and approved under Confirming Resolution R-30-15 was for \$2,900,00 in real property improvements and \$210,000 in personal property improvements; and

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

WHEREAS, Zaremba Holdings, LLC/American Sealants, Inc.'s tax phase-in for personal property approved under Confirming Resolution R-30-15 has expired; and

WHEREAS, the City has given Zaremba Holdings, LLC/American Sealants, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne; and

WHEREAS, the City has given Zaremba Holdings, LLC/American Sealants, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne; and

WHEREAS, the City has given Zaremba Holdings, LLC/American Sealants, Inc. notice 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, Zaremba Holdings, LLC/American Sealants, Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne 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); and

WHEREAS, the Common Council acknowledges that Zaremba Holdings, LLC/American Sealants, 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, Zaremba Holdings, LLC/American Sealants, Inc. has fulfilled its pledge to complete the project to construct a new 61,224 square foot manufacturing facility and purchase and install new personal property equipment; and

WHEREAS, Based on the Compliance with Statement of Benefits (Form CF-1/Real Property) statement of benefits submitted, Zaremba Holdings, LLC/American Sealants, Inc. has established that they have substantially complied with its approved statement of benefits; and

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

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

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

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

12 **[OPTION 1]**

13 **SECTION 1.** That, Zaremba Holdings, LLC/American Sealants, Inc.'s request for a
14 waiver of clerical and technical errors and nonconformities with its Compliance with
15 Statement of Benefits (Form CF-1/Real Property) requirements is hereby denied and as
16 such the tax phase-in granted under Confirming Resolution R-30-15 for real property is
17 terminated.

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

20 **[OPTION 2]**

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

26 **SECTION 2. [OPTION A]** That Common Council finds that the Compliance with
27 Statement of Benefits (Form CF-1/Real Property) form filed by Zaremba Holdings,
28 LLC/American Sealants, Inc. with an approved Economic Revitalization Area for 2026 is
29 in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
30 Municipal Code of the City of Fort Wayne. Therefore, the continuation of Zaremba
Holdings, LLC/American Sealants, 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/Real Property) forms filed by Zaremba Holdings,
LLC/American Sealants, 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, Zaremba Holdings, LLC/American Sealants, 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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