

A RESOLUTION Considering a Waiver of Non-Compliance for Late Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and 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-85-20 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-85-20) 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 Zaremba Holdings, LLC/American Sealants, Inc. and approved under Confirming Resolution R-85-20 was for \$1,400,000 in real property improvements and \$1,500,000 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 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 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/Personal 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 late filed Compliance with Statement of Benefits (Form CF-1/Personal Property); and

WHEREAS, Zaremba Holdings, LLC/American Sealants, Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) and Compliance with Statement of Benefits (Form CF-1/Personal 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 Compliance with Statement of Benefits (Form CF-1/Personal 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 25,000 square foot addition to their existing manufacturing facility and purchase and install new personal property equipment; and

1 **WHEREAS**, Based on the Compliance with Statement of Benefits (Form CF-
2 1/Real Property) and Compliance with Statement of Benefits (Form CF-1/Personal
3 Property) submitted, Zaremba Holdings, LLC/American Sealants, Inc. has established
4 that they have substantially complied with its approved statement of benefits; and

5 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement non-compliance events
6 such as the untimely filed Compliance with Statement of Benefits (Form CF-1/Real
7 Property) and untimely filed Compliance with Statement of Benefits (Form CF-
8 1/Personal Property) paperwork to be waived; and

9 **WHEREAS**, if Common Council approves the waiver of non-compliance for the
10 late filed Compliance with Statement of Benefits (Form CF-1/Real Property) and late
11 filed Compliance with Statement of Benefits (Form CF-1/Personal Property) then
12 Common Council will also determine substantial compliance or non-compliance with
13 statement of benefits.

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

16 **[OPTION 1]**

17 **SECTION 1.** That, Zaremba Holdings, LLC/American Sealants, Inc.'s request for a
18 waiver of clerical and technical errors and nonconformities with its Compliance with
19 Statement of Benefits (Form CF-1/Real Property) and Compliance with Statement of
20 Benefits (Form CF-1/Personal Property) requirements is hereby denied and as such the
21 tax phase-in granted under Confirming Resolution R-85-20 for real property is
22 terminated.

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

25 **[OPTION 2]**

26 **SECTION 1.** That all clerical and technical errors and nonconformities of Zaremba
27 Holdings, LLC/American Sealants, Inc.'s Compliance with Statement of Benefits (Form
28 CF-1/Real Property) and Compliance with Statement of Benefits (Form CF-1/Personal
29 Property) requirements that are waivable under State and local law, including without
30 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/Real Property) and Compliance with Statement of
Benefits (Form CF-1/Personal Property) form filed by Zaremba Holdings, LLC/American
Sealants, 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 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) and Compliance with Statement of
Benefits (Form CF-1/Personal 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.

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