

4 **A RESOLUTION "CONCERNING" Compliance with**  
5 **Statement of Benefits (CF-1) form filings for 2013 for**  
6 **properties with approved "Economic Revitalization**  
7 **Areas" under I.C. 6-1.1-12.1**

8 **WHEREAS**, Common Council has previously designated and declared by  
9 Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-  
10 1) forms property for the following property owners as "Economic Revitalization Areas" under  
11 Sections 153.13-153.24 of the Fort Wayne Code of Ordinances, and I.C. 6-1.1-12.1; and

12 **WHEREAS**, property owners whose Statement of Benefits (SB-1) form was  
13 approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C.  
14 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, Indiana, must file a  
15 Compliance with Statement of Benefits Form (CF-1/Personal Property and/or CF-1/Real  
16 Property) with the Allen County Auditor, the Allen County Assessor and the City of Fort  
17 Wayne showing there has been compliance with the approved Statement of Benefits for the  
18 project; and

19 **WHEREAS**, Common Council designated the City of Fort Wayne Community  
20 Development Division as the entity for the administration, application, processing and  
21 monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of  
22 the City of Fort Wayne; and

23 **WHEREAS**, the City of Fort Wayne Community Development Division has previously  
24 provided Common Council an annual report on property owners that filed, failed to file, or  
25 filed late their Compliance with Statement of Benefits Forms (CF-1/Real Property and/or CF-  
26 1/Personal Property) and whether there was substantial compliance; and

27 **WHEREAS**, property owners on the attached Exhibit A did not file a Compliance with  
28 Statement of Benefits Form (CF-1/Real Property and/or CF-1/PP) or a corrective filing and  
29 either the personal or real property subject to the deduction was **sold** or otherwise relocated;  
30 and

**WHEREAS**, property owners on the attached Exhibit B have failed to comply with  
I.C. 6-1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by  
**failing to file** their Compliance with Statement of Benefits pertaining to their deduction and  
subsequently failed to file a Waiver of Non-Compliance pursuant to I.C. 6-1.1-12.1-9.5, or  
I.C. 6-1.1-12.1-11.3(a)(5); and

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

3                   **SECTION 1.**     That, the property owners listed in Exhibit A in approved Economic  
4 Revitalization Areas have failed to comply with I.C. 6-1.1-12.1 *et. seq.*, and Section 153.21 of  
5 the Fort Wayne Code of Ordinances as a result of their failure to file the appropriate  
6 Compliance with Statement of Benefit Forms (CF-1/Personal Property and/or CF-1/Real  
7 Property) and have failed to file an appropriate Waiver of Non-Compliance pursuant to either  
8 I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable, or any other corrective  
9 filing, Council also finds that the property owners listed on Exhibit A have either sold real  
10 property or personal property or both, or have otherwise relocated their operations or  
11 relocated personal property. Therefore, subject to the rights of said property owners to be  
12 heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 4 of this  
13 Resolution, Common Council finds that all of those property owners listed on Exhibit A have  
14 failed to substantially comply as a result of their respective failures to file Compliance with  
15 Statement of Benefit Forms, their failures to file appropriate Waiver of Non-Compliance or  
16 other corrective filings, and as a result of their respective sale of real property or personal  
17 property or relocation of business operations and/or personal property.

18                   **SECTION 2.**     That the property owners listed in Exhibit B in approved Economic  
19 Revitalization areas have failed to comply with I.C. 6-1.1-12-.1, *et. seq.*, and Section 153.21 of  
20 the Fort Wayne Code of Ordinances by **failing to file**, their Compliance with Statement of  
21 Benefits forms (CF-1/Personal Property and/or CF-1/Real Property) and further failing to file  
22 an appropriate Waiver of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-  
23 12.1-11.3(a)(5) as may be applicable. Therefore subject to the rights of said property owners  
24 to be heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 4 of this  
25 Resolution, Common Council finds that all of those property owners listed on Exhibit B have  
26 failed to substantially comply as a result of their failure to file Compliance with Statement of  
27 Benefits forms, and failure to file an appropriate Waiver of Non-Compliance. Council further  
28 directs those property owners listed on Exhibit B to apply for and file a Waiver of Non-  
29 Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be  
30 applicable, and request a waiver by Common Council, for said non-compliance, which  
request and resolutions and forms shall be submitted to Common Council prior to the  
subsequent hearing that will be afforded property owners listed on Exhibit B as set forth in  
subsection 4 of this Resolution.

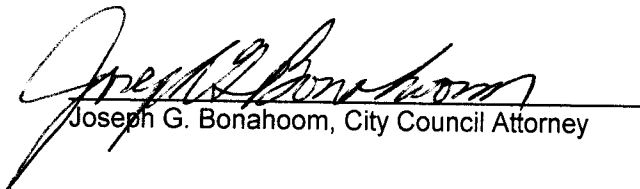
1                   **SECTION 3.** Nothing contained in this Resolution shall be construed by any  
2 property owners to mean that a subsequently filed Waiver of Non-Compliance, subsequently  
3 filed Compliance with Statement of Benefit form or subsequent filing of any nature, will be  
4 approved by Common Council, but only that Common Council will consider approval of such  
5 Waiver of Non-Compliance filing or other corrective filing, if properly and timely filed. Further,  
6 all property owners listed on Exhibits A and B to this Resolution may have their abatement  
7 rescinded as a result of non-compliance by resolution of Common Council at the hearing  
8 referenced in Section 4 of this resolution.

9                   **SECTION 4.** That, Common Council, pursuant to I.C. 6-1.1-12.1-5.9, shall mail a  
10 written notice to the property owners listed on Exhibit's A and B, and such notice shall state  
11 the reasons for Council's determination and a date, time and place of the hearing for the  
12 purpose of further consideration of each owner's circumstances for its failure to file, or file  
13 timely its Compliance with Statement of Benefits Forms (CF-1/Personal Property and/or CF-  
14 1/Real Property) or for other substantial non-compliance. Common Council does hereby  
15 direct Fort Wayne Community Development Division to prepare and send the  
16 aforementioned notices.

17                   **SECTION 5.** That, this Resolution shall be in full force and effect from and after  
18 its passage and any and all necessary approval by the Mayor.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
  
Member of Council

APPROVED AS TO FORM A LEGALITY

  
Joseph G. Bonahoom, City Council Attorney

# EXHIBIT A

## FORT WAYNE ERA DESIGNATIONS RELOCATED OPERATIONS OR SOLD PERSONAL PROPERTY OR REAL PROPERTY

CF-1 RE RECEIVED	CF-1 PP RECEIVED	CF-1/VBD RECEIVED	COMPANY NAME	RES #	TYPE	DESIGNATION ADDRESS
No Filing	No Filing	N/A	Progressive Hospital of Fort Wayne (Real Estate Sold)	88-06	B	2626 Fairfield Avenue
No Filing	No Filing	N/A	SWS Trimac Indiana, Inc. (Real Estate Sold)	66-07	B	6712 High Point Drive
N/A	No Filing	N/A	Keefer Printing (Sold Equipment)	10-08	P	3824 Transportation Drive







Public Hearing Date, if applicable \_\_\_\_\_

Read the first time in full and on motion by Councilman Smith

Read the second time by title and referred to the Finance

Committee. Read the third time in full and on motion by Councilman Smith, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	✓	_____	_____	_____
CRAWFORD	✓	_____	_____	_____
DIDIER	✓	_____	_____	_____
HARPER	✓	_____	_____	_____
HINES	✓	_____	_____	_____
JEHL	✓	_____	_____	_____
PADDOCK	✓	_____	_____	_____
SHOAFF	✓	_____	_____	_____
SMITH	✓	_____	_____	_____

DATED: 10-22-13 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. R-90-13 on the 22nd day of October, 2013

ATTEST: Sandra E. Kennedy SANDRA E. KENNEDY, CITY CLERK  
T. Thomas F. Didier PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of October, 2013, at the hour of 11 o'clock AM E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23<sup>rd</sup> day of October 2013, at the hour of 1:30 o'clock Pm E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-13-09-25

**REPORT OF THE COMMITTEE ON FINANCE**

**OCTOBER 1, 2013**

TOM SMITH – CHAIR  
JOHN CRAWFORD – CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED A RESOLUTION  
"CONCERNING" Compliance with Statement of Benefits (CF-1) form  
filings for 2013 for properties with approved "Economic  
Revitalization Areas" under I.C. 6-1.1-12.1. COMMITTEE OF FINANCE  
HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO  
REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SANDRA E. KENNEDY  
CITY CLERK


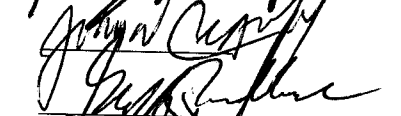

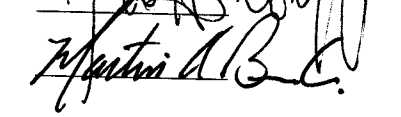

BILL NO. R-13-09-25

**REPORT OF THE COMMITTEE ON FINANCE**

**OCTOBER 8, 2013**

**TOM SMITH – CHAIR**  
**JOHN CRAWFORD – CO-CHAIR**  
**ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED A RESOLUTION "CONCERNING" Compliance with State of Benefits (CF-1) form filings for 2013 for properties with approved "Economic Revitalization Areas" under I.C. 6-1.1-12.1. COMMITTEE OF FINANCE HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SANDRA E. KENNEDY  
CITY CLERK