

A RESOLUTION terminating an "Economic Revitalization Area" deduction under I.C. 6-1.1-12.1 for RMD Resources, LLC/Gerig-Ottenweller Contracting for property at 2704-2720 Goshen Road under Confirming Resolution Number 59-11

WHEREAS, Common Council has previously designated and declared an economic revitalization area deduction, by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms for property at 2704-2720 Goshen Road, Fort Wayne, Indiana for RMD Resources, LLC/Gerig-Ottenweller Contracting (hereinafter referred to as "RMD") under Confirming Resolution Number 59-11; and

WHEREAS, RMD is required to file under I.C. 6-1.1-12.1 and Section 153.21 of the Code of Fort Wayne, a Compliance with Statement of Benefits form (CF-1/PP or CF-1/Real Property) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne; and

WHEREAS, Common Council has previously determined on October 22, 2013 by Resolution Number 90-13 that RMD failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21 of the Code of Fort Wayne as a result of its failure to file a Compliance with Statement of Benefits form (CF-1/Real Property and/or CF-1/PP) and its failure to file any corrective filing and either the personal or real property subject to the deduction was sold or otherwise relocated; and

WHEREAS, Common Council pursuant to I.C. 6-1.1-12.-5.9, directed the Fort Wayne Community Development Division to prepare and mail written notice to RMD stating the reasons for council's determination of substantial non-compliance and a date, time and place of the hearing for the purpose of further consideration of RMD's circumstances; and

WHEREAS, said Notice was prepared, and properly served on RMD or its agent or representatives; and

WHEREAS, the above-referenced hearing was held by Common Council on December 3, 2013 for further consideration of RMD's circumstances and whether the economic revitalization area deduction should be terminated; and

1 **WHEREAS**, RMD failed to appear at City Council Meeting, although properly notified,
2 failed to file a waiver of non-compliance or any corrective filing and failed to provide any
3 information which could have given Common Council cause to reconsider its previous
4 determination of non-compliance; and

5 **WHEREAS**, RMD is therefore non-compliant for failure to file; and

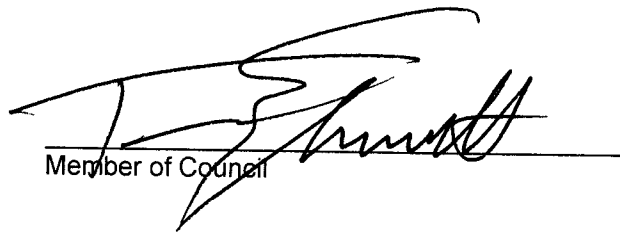
6 **WHEREAS**, at the hearing, it was further determined that there were no efforts made
7 by RMD to substantially comply.

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


10 **SECTION 1.** That, Common Council now confirms, adopts and approves its
11 determination of October 22, 2013, Resolution Number 90-13, and further finds that RMD
12 Resources, LLC/Gerig-Ottenweller Contracting has failed to substantially comply with I.C. 6-
13 1.1-12.1 et seq. and Section 153.21 of the Fort Wayne Code of Ordinances and that the
14 (real/personal property) deduction associated with confirming Resolution Number 59-11 is
15 hereby terminated by the adoption of this resolution.

16 **SECTION 2.** A certified copy of this resolution shall be mailed immediately to
17 RMD and to the Allen County Auditor and the Allen County Assessor.

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

20
21 
22 _____
23 Member of Council

24
25 APPROVED AS TO FORM A LEGALITY

26 
27 _____
28 Carol Helton, City Attorney

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Smith
Read the second time by title and referred to the Finance Committee
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 | <u>✓</u> | _____ | _____ | _____ |
| CRAWFORD | <u>✓</u> | _____ | _____ | _____ |
| DIDIER | <u>✓</u> | _____ | _____ | _____ |
| HARPER | <u>✓</u> | _____ | _____ | _____ |
| HINES | <u>✓</u> | _____ | _____ | _____ |
| JEHL | <u>✓</u> | _____ | _____ | _____ |
| PADDOCK | <u>✓</u> | _____ | _____ | _____ |
| SHOAF | <u>✓</u> | _____ | _____ | _____ |
| SMITH | <u>✓</u> | _____ | _____ | _____ |

DATED: 12-17-13 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-116-13 on the 17th day of
December, 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 18th day
of December, 2013, at the hour of 12:00 o'clock PM. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of December
2013, at the hour of 9:00 o'clock AM. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-13-12-17

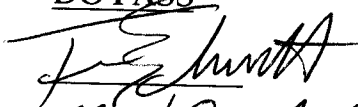
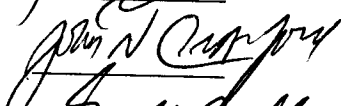



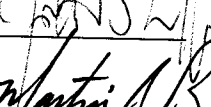
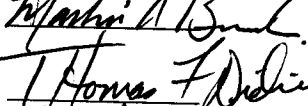


REPORT OF THE COMMITTEE ON FINANCE

DECEMBER 17, 2013

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

A RESOLUTION terminating an "Economic Revitalization Area" deduction under I.C. 6-1.1-12.1 for RMD Resources, LLC/Gerig-Ottenweller Contracting for property at 2704-2720 Goshen Road under Confirming Resolution Number 59-11.

COMMITTEE ON 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> |
|---|--------------------|----------------|---------------|
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SANDRA E. KENNEDY
CITY CLERK