

A RESOLUTION terminating an "Economic Revitalization Area" deduction under I.C. 6-1.1-12.1 for Aptimise Composites for property at 8301 North Clinton Park Drive under Confirming Resolution Number 29-08

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 8301 North Clinton Park Drive, Fort Wayne, Indiana for Aptimise Composites (hereinafter referred to as "Aptimise") under Confirming Resolution Number 29-08; and

WHEREAS, Aptimise 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 Aptimise 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

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 Aptimise 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 Aptimise's circumstances; and

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

WHEREAS, the above-referenced hearing was held by Common Council on December 10, 2013 for further consideration of Aptimise's circumstances and whether the economic revitalization area deduction should be terminated; and

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

5 **WHEREAS**, Aptimise 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 to substantially comply by Aptimise.

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 Aptimise
12 Composites has failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21
13 of the Fort Wayne Code of Ordinances and that the (real/personal property) deduction
14 associated with confirming Resolution Number 29-08 is hereby terminated by the adoption of
15 this resolution.

16 **SECTION 2.** A certified copy of this resolution shall be mailed immediately to
17 Aptimise 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 Member of Council

23
24 APPROVED AS TO FORM A LEGALITY

25
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>	_____	_____	_____
SHOAFF	<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-118-13 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 P.M. 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 8:00 o'clock A.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-13-12-19

REPORT OF THE COMMITTEE ON FINANCE

DECEMBER 17, 2013

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

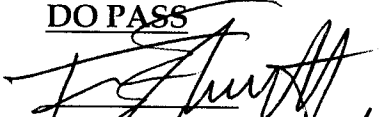
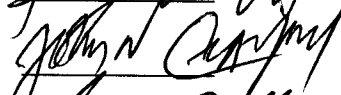
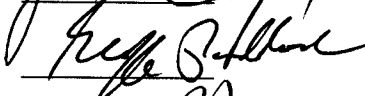
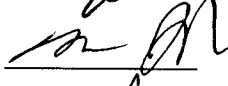

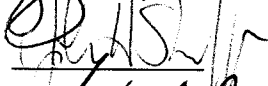
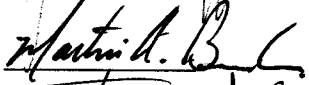

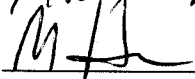
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DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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SANDRA E. KENNEDY
CITY CLERK