

A RESOLUTION terminating an "Economic Revitalization Area" deduction under I.C. 6-1.1-12.1 for McDonalds Corporation for property at 7640 South Anthony Boulevard under Confirming Resolution Number 80-07

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 7640 South Anthony Boulevard, Fort Wayne, Indiana for McDonalds Corporation (hereinafter referred to as "McDonalds") under Confirming Resolution Number 80-07; and

WHEREAS, McDonalds 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 McDonalds 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 McDonalds 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 McDonalds' circumstances; and

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

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

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

WHEREAS, McDonalds is therefore non-compliant for failure to file; and

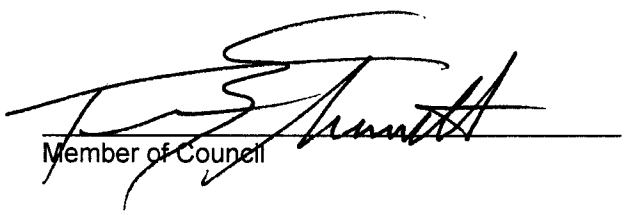
WHEREAS, at the hearing it was further determined that there were no efforts made to substantially comply by McDonalds.

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

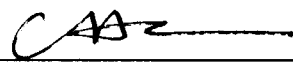
SECTION 1. That, Common Council now confirms, adopts and approves its determination of October 22, 2013, Resolution Number 90-13, and further finds that McDonalds Corporation has failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21 of the Fort Wayne Code of Ordinances and that the (real/personal property) deduction associated with confirming Resolution Number 80-07 is hereby terminated by the adoption of this resolution.

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

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 A LEGALITY



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-120-13 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 9:00 o'clock A.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

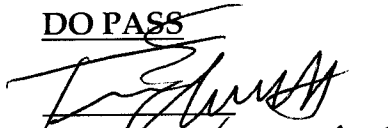
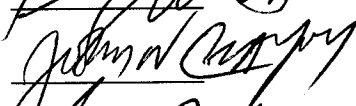
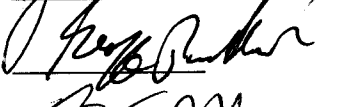
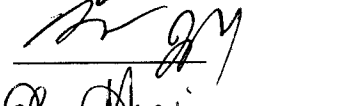
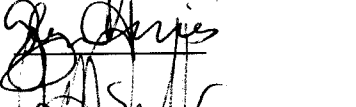
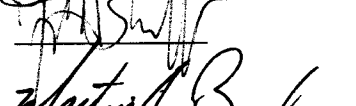
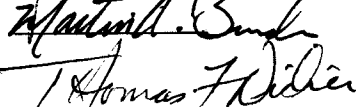
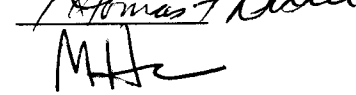
BILL NO. R-13-12-21

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 McDonalds Corporation for property at 7640 South Anthony Boulevard under Confirming Resolution Number 80-07. **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