

**A RESOLUTION approving a Waiver of Noncompliance  
for a Late-Filed Compliance with Statement of Benefits  
Real Estate Improvements (Form CF-1/Real Property)  
for 2515 Charleston Place, (Murray Equipment, Inc.)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2515 Charleston Place for Murray Equipment, Inc. (Confirming Resolution R-16-07) an economic revitalization area 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 forms (SB-1/Real Property and SB-1/PP) and economic revitalization area designation application submitted by Murray Equipment, Inc. and approved under Confirming Resolution R-16-07 was for \$650,000 in real property improvements and \$1,535,000 in personal property improvements; and

**WHEREAS**, construction of the real property improvements for Murray Equipment, Inc. was completed in 2008; and

**WHEREAS**, Murray Equipment, Inc. was required to file under I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, a Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) with the Allen County Auditor and the City of Fort Wayne; and

**WHEREAS**, Common Council has previously determined on October 22, 2013 under resolution (R-90-13) that Murray Equipment, Inc. 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 for not filing a Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) or a corrective filing due May 15, 2013; 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 Murray Equipment, Inc. 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 each owner's circumstances; and

**WHEREAS**, said hearing was held by Common Council on December 10, 2013 for further consideration of each owner's circumstances and whether the economic revitalization area deduction should be terminated; and

1                   **WHEREAS**, representatives of Murray Equipment, Inc. have informed the City of  
2 Fort Wayne that their Compliance with Statement of Benefits Real Estate Improvements  
3 (Form CF-1/Real Property) due May 15, 2013 was not filed in a timely manner; and

4                   **WHEREAS**, this oversight was an unusual occurrence for Murray Equipment, Inc.;  
5 and

6                   **WHEREAS**, the Common Council finds that Murray Equipment, Inc. has fulfilled its  
7 pledge to construct the real property improvements and install new manufacturing,  
8 information technology, logistical distribution and information technology equipment; and

9                   **WHEREAS**, Murray Equipment, Inc. has created at least 75% of the jobs which were  
10 to be created as reported on the approved Statement of Benefits forms; and

11                   **WHEREAS**, the Common Council acknowledges that Murray Equipment, Inc. has  
12 requested a waiver of noncompliance which the Common Council has the power and  
13 authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

14                   **WHEREAS**, the Common Council intends that Murray Equipment, Inc. receive the  
15 tax abatement benefits to which they would have been entitled had no non compliance event  
16 occurred, so long as the waiver of non compliance and the granting of those benefits does  
17 not prejudice the City of Fort Wayne; and

18                   **WHEREAS**, the Common Council has concluded that granting of the ERA deduction  
19 for 2013 payable 2014 tax year would not create a strain on the City of Fort Wayne's fiscal  
20 budget; and

21                   **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit noncompliance  
22 events such as the untimely filing of an application, statement of benefits, or another  
23 document required to be filed under I.C. 6-1.1-12.1; and

24                   **WHEREAS**, the noncompliance event has been corrected and a public hearing of  
25 the Common Council has been held on the waiver.

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

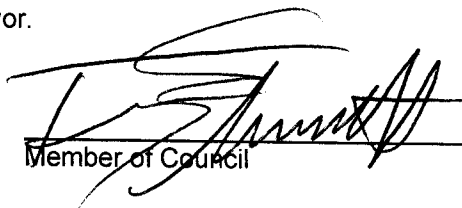
28                   **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and  
29 nonconformities that are waiveable under State and local law, including without limitation  
30 those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

**SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Murray  
Equipment, Inc. to continue to receive the economic revitalization area real property  
deductions remaining under R-16-07.

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**SECTION 3.** The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage. This resolution shall have no effect on the assessed value, economic revitalization area deductions, or taxes payable with respect to Murray Equipment, Inc.'s personal property.

**SECTION 4.** 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

  
\_\_\_\_\_  
Carol Helton, City Attorney

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF RESOLUTION: Resolution Approving a Waiver of Noncompliance for a Late-Filed Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2515 Charleston Place (Murray Equipment, Inc.)**

**DEPARTMENT REQUESTING RESOLUTION: Community Development Division**

**SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for a late-filed economic revitalization area deduction forms for Murray Equipment, Inc. on real property improvements at 2515 Charleston Place. Fort Wayne Common Council designated and confirmed 2515 Charleston Place as an economic revitalization area for tax abatement purposes under Confirming Resolution R-16-07.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Murray Equipment, Inc. to continue to receive their remaining real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by Murray Equipment, Inc.**

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.**

**ASSIGNED TO COMMITTEE (CO-CHAIRS): Russell Jehl and Glynn Hines**

Public Hearing Date, if applicable 2-11-14

Read the first time in full and on motion by Councilman Russell Jehl  
Read the second time by title and referred to the Finance Committee  
Committee. Read the third time in full and on motion by Councilman  
Jehl, 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: 2-11-14 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-14-14 on the 2-11-14 day of  
February, 2014

ATTEST: Sandra E. Kennedy SANDRA E. KENNEDY, CITY CLERK  
Martin A. Bender PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14<sup>th</sup> day  
of February, 2014, at the hour of 3:45 P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17<sup>th</sup> day of FEBRUARY  
2014, at the hour of 11:00 o'clock AM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

BILL NO. R-13-12-37

**REPORT OF THE COMMITTEE ON FINANCE**

**FEBRUARY 11, 2014**

*Russell Jehl, Chair  
John Crawford, Co-Chair  
All Council Members*

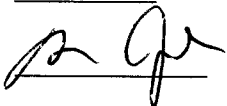
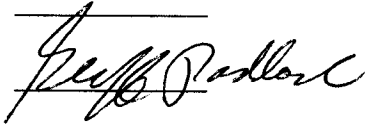
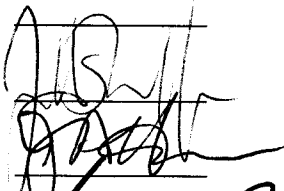
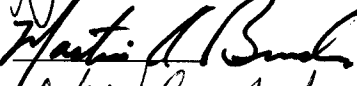
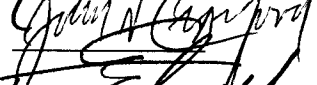
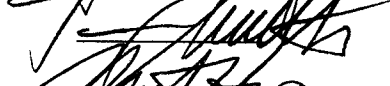
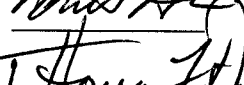

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2515 Charleston Place, (Murray Equipment, Inc.) **COMMITTEE ON FINANCE HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY  
CITY CLERK

BILL NO. R-13-12-37

# REPORT OF THE COMMITTEE ON FINANCE

## JANUARY 14, 2014

ALL COUNCIL MEMBERS

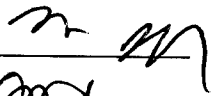


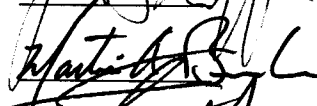



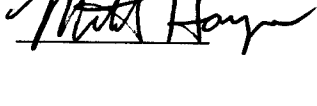
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SANDRA E. KENNEDY  
CITY CLERK

# The Journal Gazette

Allen County, Indiana

Account # 1060008 - 1103836

FW Common Council

## PUBLISHER'S CLAIM

### LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

41

### COMPUTATION OF CHARGES

41 lines, 1 column(s) wide equals

41 equivalent lines at \$ 0.413 cents per line

\$ 16.93

Additional charges for notices containing rule or tabular work  
(50 per cent of above amount)

Charge for extra proofs of publication  
(\$2.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 16.93

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.

Number of Insertions . . . . 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

1/17/2014

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

T. Brown-Smith  
Legal Clerk

Date: January 17, 2014

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL**

(RESOLUTION NO. R-13-12-37)

ON FEBRUARY 11, 2014, AT 5:30 P.M. IN CONFERENCE ROOM 030, CITIZENS SQUARE, FORT WAYNE, INDIANA, A PUBLIC HEARING WILL BE HELD ON THE MATTER OF A WAIVER OF NONCOMPLIANCE WITH THE PROCEDURAL REQUIREMENTS OF I.C. 6-1.1-12.1 RELATING TO THE ECONOMIC REVITALIZATION AREA DESIGNATION OF PROPERTY COMMONLY KNOWN AS:

2515 CHARLESTON PLACE FOR MURRAY EQUIPMENT, INC., FORT WAYNE, INDIANA 46808

THE PUBLIC HEARING ON THE WAIVER WILL BE HELD PURSUANT TO I.C. 6-1.1-12.1-9.5 AND I.C. 6-1.1-12.1-11.3.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY THE CITY OF FORT WAYNE PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.

1-31 1106314 hspaxlp

# The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1106314  
FW Common Council

## PUBLISHER'S CLAIM

### LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

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42

### COMPUTATION OF CHARGES

42 lines, 1 column(s) wide equals

42 equivalent lines at \$ 0.413 cents per line

\$ 17.35

Additional charges for notices containing rule or tabular work  
(50 per cent of above amount)

Charge for extra proofs of publication  
(\$2.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

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The dates of publication being as follows:

1/31/2014

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The News-Sentinel.

*T. Brown-Smith*

Date: January 31, 2014

T. Brown-Smith  
Legal Clerk

ATTACH COPY OF ADVERTISEMENT HERE

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