

A RESOLUTION CONCERNING Compliance with Statement of Benefits (CF-1) form filings for 2014 for properties with approved "Economic Revitalization Areas" under I.C. 6-1.1-12.1

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

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

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

WHEREAS, property owners on the attached Exhibit A 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

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

SECTION 1. That the property owners listed in Exhibit A in approved Economic Revitalization areas have failed to comply with I.C. 6-1.1-12-.1, *et. seq.*, and Section 153.21 of the Fort Wayne Code of Ordinances by failing to file their Compliance with Statement of Benefits forms (CF-1/PP and/or CF-1/Real Property) and further failing to file an appropriate Waiver of Non-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 applicable. Therefore subject to the rights of said property owners to be heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 3 of this Resolution,


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Common Council finds that all of those property owners listed on Exhibit A have failed to substantially comply as a result of their failure to file Compliance with Statement of Benefits forms, and failure to file an appropriate Waiver of Non-Compliance. Council further directs those property owners listed on Exhibit B to apply for and file a Waiver of Non-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 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 A as set forth in subsection 3 of this Resolution.

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


SECTION 3. That, Common Council, pursuant to I.C. 6-1.1-12.1-5.9, shall mail a written notice to the property owners listed on Exhibit A, and such notice shall state the reasons for Council's determination and a date, time and place of the hearing for the purpose of further consideration of each owner's circumstances for its failure to file, or file timely its Compliance with Statement of Benefits Forms (CF-1/PP and/or CF-1/Real Property) or for other substantial non-compliance. Common Council does hereby direct Fort Wayne Community Development Division to prepare and send the aforementioned notices.

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 A LEGALITY



Carol Helton, City Attorney

EXHIBIT A

FORT WAYNE ERA DESIGNATIONS 2014 COMPLIANCE WITH STATEMENT OF BENEFITS FILINGS - NONFILER

CF-1 RE RECEIVED	CF-1 PP RECEIVED	CF-1/VBD RECEIVED	COMPANY NAME	RES #	TYPE	DESIGNATION ADDRESS
No filing	N/A	N/A	Atlee Ft. Wayne Ltd./St. Joseph Health System	37-07	R	700 Broadway
N/A	No Filing	N/A	CNC Industries, Inc.	68-08	B	3810 Fourier Drive
N/A	No Filing	N/A	CNC Industries, Inc.	19-12	P	3810 Fourier Drive
No filing	N/A	N/A	Sweetwater Holdings, LLC and Sweetwater Sound, Inc.	36-06	B	5003 US Highway 30 West

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Concerning Compliance with Statement of Benefits (CF-1) Form Filings for 2014 for Properties with Approved "Economic Revitalization Areas" under I.C. 6-1.1-12.1

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution affirms that certain companies with approved economic revitalization areas are not in substantial compliance pursuant to both Council policy and Indiana law because they did not file Compliance with Statement of Benefits (CF-1) Forms in May 2014

EFFECT OF PASSAGE: Provides notice to company that it has been found to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential loss of economic revitalization area deduction (property tax abatement/phase-in)

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

ASSIGNED TO COMMITTEE (PRESIDENT): Russ Jehl and John Crawford

Public Hearing Date, if applicable _____

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

Read the second time by title and referred to the Finance

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	✓	_____	_____	_____
CRAWFORD	✓	_____	_____	_____
DIDIER	✓	_____	_____	_____
HARPER	✓	_____	_____	_____
HINES	✓	_____	_____	_____
JEHL	✓	_____	_____	_____
PADDOCK	✓	_____	_____	_____
SHOAFF	✓	_____	_____	_____
SMITH	✓	_____	_____	_____

DATED: 6-24-14 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-35-14 on the 24th day of June, 2014

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Robert A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of June, 2014, at the hour of 2 o'clock PM E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30 day of June 2014, at the hour of 11:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-14-06-10

COMMITTEE ON FINANCE

JUNE 17, 2014

*RUSS JEHL – CHAIR
JOHN CRAWFORD – CO-CHAIR
ALL COUNCIL MEMBERS*

A RESOLUTION CONCERNING Compliance with State of Benefits (CF-1) form filings for 2014 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

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**SANDRA E. KENNEDY
CITY CLERK**