

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2014 for Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC for property at 700 Broadway under Confirming Resolution R-37-07 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1 (Non-Filer)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC as an "Economic Revitalization Area" 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, Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC did not file Compliance with Statement of Benefits Form CF-1/Real Property; and

WHEREAS, Common Council made a determination on June 24, 2014 that Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC was not in substantial compliance by failing 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 deductions 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

WHEREAS, Common Council directed the Community Development Division to mail written notice to Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC explaining the reasons for Council's determination and a date,

1 time, place of a hearing to be conducted by Council for the purpose of further considering
2 Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health
3 System, LLC's Compliance with Statement of Benefits; and

4 **WHEREAS**, in said notice to Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust
5 of America, Inc./St. Joseph Health System, LLC, Common Council directed Atlee Ft. Wayne,
6 Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC to
7 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-
8 1.1-12.1-11.3(a)(5) as may be applicable, and request a waiver by Common Council, for said
9 non-compliance, which request and resolutions and forms were to be submitted to Common
10 Council prior to the subsequent hearing that will be afforded to Atlee Ft. Wayne, Ltd. now
11 filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC; and

12 **WHEREAS**, the aforementioned notice was properly prepared and served upon
13 Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health
14 System, LLC on July 7, 2014; and

15 **WHEREAS**, a Waiver of Non-Compliance **has** been requested and otherwise
16 applied for by Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St.
17 Joseph Health System, LLC.; and

18 **WHEREAS**, Common Council conducted a hearing on August 5, 2014 for the
19 purpose of further considering Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of
20 America, Inc./St. Joseph Health System, LLC's Compliance with Statement of Benefits; and

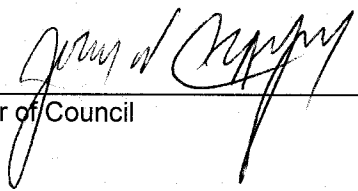
21 **WHEREAS**, Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America,
22 Inc./St. Joseph Health System, LLC **APPEARED AND TESTIFIED** at the hearing.

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

25 **SECTION 1.** Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America,
26 Inc./St. Joseph Health System, LLC has properly filed its waiver of non-compliance with the
27 Community Development Division of the City of Fort Wayne, therefore Common Council shall
28 allow the waiver of non-compliance process to proceed and will make a compliance or non-
29 compliance determination and otherwise consider abatement termination issues at a
30 subsequent hearing as part of its determination of Atlee Ft. Wayne, Ltd. now filed under
Healthcare Trust of America, Inc./St. Joseph Health System, LLC's waiver request and
application.


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SECTION 2. 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 John Crawford
Read the second time by title and referred to the Finance Committee
Committee. Read the third time in full and on motion by Councilman
John Crawford, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>1</u>	_____	<u>3</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: 8-12-14 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-54-14 on the 12th day of
August, 2014

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

Michael A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of August, 2014, at the hour of 3:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of AUGUST
2014, at the hour of 10:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR