

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2014 for SWEETWATER SOUND, INC. for property at 5501 U.S. Highway 30 West under Confirming Resolution R-36-06 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 Sweetwater Sound, Inc. 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, Sweetwater Sound, Inc. did not file a Compliance with Statement of Benefits Form CF-1/Real Property; and

WHEREAS, Common Council made a determination on June 24, 2014 that Sweetwater Sound, Inc. 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 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

WHEREAS, Common Council directed the Community Development Division to mail written notice to Sweetwater Sound, Inc. explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering Sweetwater Sound, Inc.'s Compliance with Statement of Benefits; and

WHEREAS, in said notice to Sweetwater Sound, Inc., Common Council directed Sweetwater Sound, Inc. to apply for and file a Waiver of Non-Compliance pursuant to either

1 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
2 by Common Council, for said non-compliance, which request and resolutions and forms
3 were to be submitted to Common Council prior to the subsequent hearing that will be
4 afforded to Sweetwater Sound, Inc.; and

5 **WHEREAS**, the aforementioned notice was properly prepared and served upon
6 Sweetwater Sound, Inc. on July 7, 2014; and

7 **WHEREAS**, a Waiver of Non-Compliance **has** been requested and otherwise
8 applied for by Sweetwater Sound, Inc.;

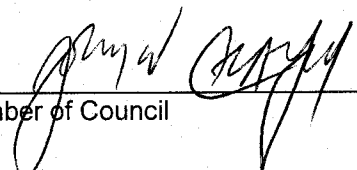
9 **WHEREAS**, Common Council conducted a hearing on August 5, 2014 for the
10 purpose of further considering Sweetwater Sound, Inc.'s Compliance with Statement of
11 Benefits; and

12 **WHEREAS**, Sweetwater Sound, Inc. **APPEARED AND TESTIFIED** at the hearing.

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

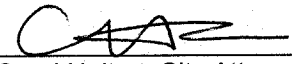
15 **SECTION 1.** Sweetwater Sound, Inc. has properly filed its waiver of non-
16 compliance with the Community Development Division of the City of Fort Wayne, therefore
17 Common Council shall allow the waiver of non-compliance process to proceed and will make
18 a compliance or non-compliance determination and otherwise consider abatement
19 termination issues at a subsequent hearing as part of its determination of Sweetwater Sound,
20 Inc.'s waiver request and application.

21 **SECTION 2.** That this Resolution shall be in full force and effect from and after its
22 passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY



Carol Helton, City Attorney

BILL NO. R-14-07-24

REPORT OF COMMITTEE ON FINANCE

AUGUST 5, 2014

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

A RESOLUTION Confirming Substantial Compliance/Non-Compliance with Statement of Benefits (CF-1) form filings for 2014 for Sweetwater Sound, Inc. for property at 5501 US Highway 20 West under Confirming Resolution R-36-06 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1 (Non-Filer).

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

*John Crawford
Russ Jehl
[Signature]
[Signature]*

*[Signature]
[Signature]
[Signature]
Martin B. C.*

Dee Bellor

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**SANDRA E. KENNEDY
CITY CLERK**

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance/Non-Compliance with Statement of Benefits (CF-1) Form Filings for 2014 (Non-Filer) under I.C. 6-1.1-12.1

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Sweetwater Sound, Inc. with approved economic revitalization areas is either 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 and a subsequent waiver of non-compliance or did file a waiver of non-compliance and Council will make determination of compliance in its consideration of the waiver.

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

EFFECT OF NON-PASSAGE:

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

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

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> </u>	<u>3</u>
BENDER	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
CRAWFORD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
DIDIER	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
HARPER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HINES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
JEHL	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
PADDOCK	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
SHOAFF	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
SMITH	<u>✓</u>	<u> </u>	<u> </u>	<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-56-14 on the 12th day of
August, 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 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