

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 700 Broadway (Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 700 Broadway for Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC (Confirming Resolution R-37-07) 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 economic revitalization area designation application submitted by Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC and approved under Confirming Resolution R-37-07 was for \$7,000,000 in real property improvements; and

WHEREAS, construction of the real property improvements for Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC was completed in 2008; and

WHEREAS, Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC 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 June 24, 2014 under resolution R-35-14 that Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC 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, 2014; 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 Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC 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

1 **WHEREAS**, said hearing was held by Common Council on August 5, 2014 for further
2 consideration of each owner's circumstances and whether the economic revitalization area
3 deduction should be terminated; and

4 **WHEREAS**, representatives of Atlee Ft. Wayne, Ltd. now filed under Healthcare
5 Trust of America, Inc./St. Joseph Health System, LLC have informed the City of Fort Wayne
6 that their Compliance with Statement of Benefits Real Estate Improvements (Form CF-
7 1/Real Property) due May 15, 2014 was not filed in a timely manner; and

8 **WHEREAS**, this oversight was an unusual occurrence for Atlee Ft. Wayne, Ltd. now
9 filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC and

10 **WHEREAS**, the Common Council finds that Atlee Ft. Wayne, Ltd. now filed under
11 Healthcare Trust of America, Inc./St. Joseph Health System, LLC has fulfilled its pledge to
12 construct the real property improvements; and

13 **WHEREAS**, Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America,
14 Inc./St. Joseph Health System, LLC has created and retained at least 75% of the jobs which
15 were to be created as reported on the approved Statement of Benefits forms; and

16 **WHEREAS**, the Common Council acknowledges that Atlee Ft. Wayne, Ltd. now filed
17 under Healthcare Trust of America, Inc./St. Joseph Health System, LLC has requested a
18 waiver of noncompliance which the Common Council has the power and authority to
19 approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

20 **WHEREAS**, the Common Council intends that Atlee Ft. Wayne, Ltd. now filed under
21 Healthcare Trust of America, Inc./St. Joseph Health System, LLC receive the tax abatement
22 benefits to which they would have been entitled had no non compliance event occurred, so
23 long as the waiver of non compliance and the granting of those benefits does not prejudice
24 the City of Fort Wayne; and

25 **WHEREAS**, the Common Council has concluded that granting of the ERA deduction
26 for 2014 payable 2015 tax year would not create a strain on the City of Fort Wayne's fiscal
27 budget; and

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

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

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

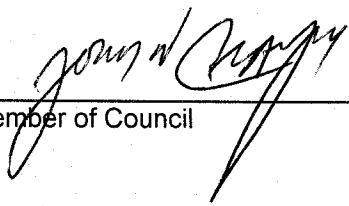
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SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 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 Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC to continue to receive the economic revitalization area real property deductions remaining under R-37-07.

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 Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC 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 700 Broadway (Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC)

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 Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC on real property improvements at 700 Broadway. Fort Wayne Common Council designated and confirmed 700 Broadway as an economic revitalization area for tax abatement purposes under Confirming Resolution R-37-07.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC to continue to receive their remaining real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Atlee Ft. Wayne, Ltd. now filed under Healthcare Trust of America, Inc./St. Joseph Health System, LLC

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Russell Jehl and John Crawford

Public Hearing Date, if applicable August 26, 2014

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>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: 8-26-14 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-71-14 on the 26th 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 27th day
of August, 2014, at the hour of 1:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of August
2014, at the hour of 11:00 o'clock A.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-14-08-04

REPORT OF COMMITTEE ON FINANCE

AUGUST 26, 2014

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

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DO PASS

DO NOT PASS

ABSTAIN

NO REC

John Crawford
Russ Jehl
Michael He
Greg Puller
Thomas Fletcher
John Brown
Mark
Martin A. B...

**SANDRA E. KENNEDY
CITY CLERK**