

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) for 8550 Aviation Drive, (Old Dominion Freight Line, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 8550 Aviation Drive for Old Dominion Freight Line, Inc. (Confirming Resolution R-73-12) 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 and economic revitalization area designation application submitted by Old Dominion Freight Line, Inc. and approved under Confirming Resolution R-73-12 was for \$5,800,000 in real property improvements; and

WHEREAS, construction of the real property improvements for Old Dominion Freight Line, Inc. was completed in April 2013; and

WHEREAS, representatives of Old Dominion Freight Line, Inc. have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322 /RE) for 2013 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Old Dominion Freight Line, Inc.; and

WHEREAS, the Common Council finds that Old Dominion Freight Line, Inc. has fulfilled its pledge to construct the real property improvements; and

WHEREAS, Old Dominion Freight Line, Inc. has retained its workforce as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Old Dominion Freight Line, Inc. has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Old Dominion Freight Line, Inc. receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

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

1 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non
2 compliance events such as the untimely filing of deduction application paperwork to be
3 waived; and

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

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

8 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors
9 and nonconformities that are waiveable under State and local law, including without limitation
10 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.

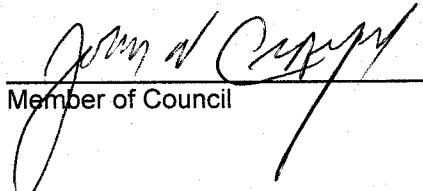
11 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will
12 permit Old Dominion Freight Line, Inc. to receive the economic revitalization area deduction
13 amount in accordance with the following schedule

Tax Year	Real Property Tax Deduction Amount
2013 pay 2014	\$1,758,200
TOTAL	\$1,758,200

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16 The foregoing numbers represent deductions from assessed valuation from real property, not
17 tax liability. The total deduction amounts set forth in the preceding table represent
18 deductions Old Dominion Freight Line, Inc. will lose in 2013 payable 2014. The Allen County
19 Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon
20 passage, and instructed to apply the deduction amounts in accordance with this schedule.
21 This resolution shall have no effect on the assessed value, tax abatement deductions or
22 taxes payable with respect to Old Dominion Freight Line, Inc. personal property.
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SECTION 3. 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 Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) for Old Dominion Freight Line, Inc.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for late-filed real property deduction forms for Old Dominion Freight Line, Inc.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Old Dominion Freight Line, Inc. to recoup their real property deduction due to late filed deduction forms.

EFFECT OF NON-PASSAGE: Potential loss of future development by Old Dominion Freight Line, Inc.

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 8-26-14

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-72-14 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 AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-14-08-05

REPORT OF THE COMMITTEE ON FINANCE

AUGUST 26, 2014

JOHN CRAWFORD - CHAIR
RUSSELL JEHL - CO- CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED A **RESOLUTION** approving a Waiver of Non-Compliance for a late-filed Application for the deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) for 8550 Aviation Drive, (Old Dominion Freight Line, Inc.) HAVE HAD SAID RESOLUTION UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMON COUNCIL THAT SAID RESOLUTION

DO PASS

DO NOT PASS

ABSTAIN

NO REC

John Crawford
Russell Jehl
Paul Miller
Howard Miller
Mark Byrd
Walt Lee
Donna
John Hoff
Johnnie

SANDRA E. KENNEDY
CITY CLERK