

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103-ERA and Form 103-EL) for 4422 Airport Expressway, (GT Automation Group) under Confirming Resolutions R-30-09 and R-32-12

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4422 Airport Expressway for GT Automation Group (Confirming Resolutions R-30-09 and R-32-12) 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 GT Automation Group and approved under Confirming Resolution R-30-09 was for \$180,000 in personal property improvements; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by GT Automation Group and approved under Confirming Resolution R-32-12 was for \$200,000 in personal property improvements; and

WHEREAS, representatives of GT Automation Group have informed the City of Fort Wayne that their schedule of deduction from assessed valuation personal property in economic revitalization areas (Form 103-ERA) and the equipment list for new additions to ERA deduction personal property in an economic revitalization area (Form 103-EL) for 2015 were not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for GT Automation Group which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that GT Automation Group has fulfilled its pledge to purchase and install new equipment; and

WHEREAS, GT Automation Group has retained its workforce as reported on the approved statement of benefits forms; and

WHEREAS, GT Automation Group's Compliance with Statement of Benefits forms (CF-1/PP) for 2015 were approved by Fort Wayne Common Council on June 23, 2015; and

WHEREAS, the Common Council acknowledges that GT Automation Group 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

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WHEREAS, the Common Council intends that GT Automation Group 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 2015 payable 2016 tax year would not create a strain on the City of Fort Wayne's fiscal budget; and

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

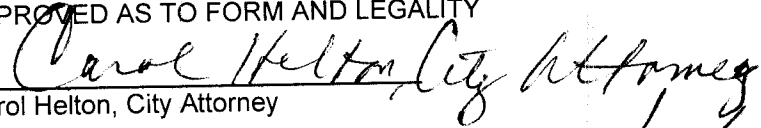
SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit GT Automation Group to receive their personal property economic revitalization area deductions for 2015 payable 2016 under Confirming Resolutions R-30-09 and R-32-12. The Allen County Assessor and the Wayne Township Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts. This resolution shall have no effect on the assessed value or taxes payable with respect to GT Automation Group's real property.

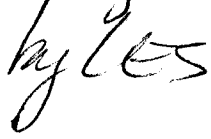
SECTION 3. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Member of Council

APPROVED AS TO FORM AND LEGALITY


Carol Helton, City Attorney

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Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103-ERA and Form 103-EL) for GT Automation Group under Confirming Resolutions R-30-09 and R-32-12

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for late-filed personal property deduction forms for GT Automation Group

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow GT Automation Group to continue to receive their personal property deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by GT Automation Group

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and Tom Didier

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Russ Jehl
Read the second time by title and referred to the Finance
Committee. Read the third time in full and on motion by Councilman
Tom Didier, placed on passage by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------|-------------|------------------|---------------|
| <u>TOTAL VOTES</u> | <u>8</u> | _____ | _____ | <u>1</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: 9-8-15 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-75-15 on the 8th day of
September, 2015

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

John N. Crawford
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day
of September, 2015, at the hour of 3:30 O'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of September
2015, at the hour of 8:30 O'clock A.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

Angie Davis

From: Elissa McGauley
Sent: Monday, August 24, 2015 12:21 PM
To: Sarah A. Rogers; Angie Davis
Subject: waiver of noncompliance
Attachments: GTAUTOMATIONWAIVHRG.doc

R-15-08-10

Sarah and Angie,

There is one waiver of noncompliance request to be introduced tomorrow night at council for GT Automation (Bill No R-15-08-10). Under state law there is a public hearing requirement as part of this request. I need discussion of this bill held until September 8th when a public hearing can be held. Attached is the notice that needs to be published in the papers for this.

Thanks.

Elissa McGauley, AICP
Economic Development Manager
FORT WAYNE COMMUNITY DEVELOPMENT DIVISION

Citizens Square
200 East Berry St., Suite # 320
260-427-2162 (direct)

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-15-08-10)

ON SEPTEMBER 8, 2015 AT 5:30 P.M., IN THE CONFERENCE ROOM 030, CITIZENS SQUARE, FORT WAYNE, INDIANA, A PUBLIC HEARING WILL BE HELD ON THE MATTER OF A WAIVER OF NONCOMPLIANCE WITH THE PROCEDURAL REQUIREMENTS OF I.C. 6-1.1-12.1, RELATING TO THE REAL PROPERTY DEDUCTION OF PROPERTY AT 4422 AIRPORT EXPRESSWAY FOR GT AUTOMATION GROUP.

THE PUBLIC HEARING ON THE WAIVER WILL BE HELD PURSUANT TO I.C. 6-1.1-12.1-9.5 AND I.C. 6-1.1-12.1-11.3.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

“REASONABLE ACCOMMODATIONS” FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A “REASONABLE ACCOMMODATION” SHOULD NOTIFY THE CITY OF FORT WAYNE PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.

The Journal Gazette

Account # 1060008 - 1203067

FW Common Council

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines; neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice **38**

COMPUTATION OF CHARGES

38 lines, 1 column(s) wide equals
38 equivalent lines at \$ 0.424 cents per line \$ 16.11

Additional charges for notices containing rule or tabular work
 (50 per cent of above amount) -

Charge for extra proofs of publication
 (\$2.00 for each proof in excess of two) -

TOTAL AMOUNT OF CLAIM \$ 16.11

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.
 Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

8/29/2015 - - -
 - - -
 - - -

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Donna M. Brotherton

Donna M. Brotherton
 Legal Clerk

Date: August 29, 2015

ATTACH COPY OF ADVERTISEMENT HERE

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8--29 1203067 hspaxlp

The News-Sentinel

Account # 1060008 - 1203067
FW Common Council

Allen County, Indiana

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