

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2015 for Artek, Inc./Dammeyer, LLC for property at 6707 Gabion Way under Confirming Resolution R-80-11 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 Artek, Inc./Dammeyer, 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**, Artek, Inc./Dammeyer, LLC did not file Compliance with Statement of Benefits Form CF-1/Real Property; and

**WHEREAS**, Common Council made a determination on July 14, 2015 that Artek, Inc./Dammeyer, 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 Artek, Inc./Dammeyer, LLC 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 Artek, Inc./Dammeyer, LLC's Compliance with Statement of Benefits; and

1                   **WHEREAS**, in said notice to Artek, Inc./Dammeyer, LLC, Common Council directed  
2 Artek, Inc./Dammeyer, LLC to apply for and file a Waiver of Non-Compliance pursuant to  
3 either 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  
4 waiver by Common Council, for said non-compliance, which request and resolutions and  
5 forms were to be submitted to Common Council prior to the subsequent hearing that will be  
6 afforded to Artek, Inc./Dammeyer, LLC; and

7                   **WHEREAS**, the aforementioned notice was properly prepared and served upon  
8 Artek, Inc./Dammeyer, LLC on August 5, 2015; and

9                   **WHEREAS**, a Waiver of Non-Compliance **has** been requested and otherwise  
10 applied for by Artek, Inc./Dammeyer, LLC; and


11                   **WHEREAS**, Common Council conducted a hearing on September 1, 2015 for the  
12 purpose of further considering Artek, Inc./Dammeyer, LLC's Compliance with Statement of  
13 Benefits; and

14                   **WHEREAS**, Artek, Inc./Dammeyer, LLC **APPEARED AND TESTIFIED/DID NOT**  
15 **APPEAR** at the hearing.

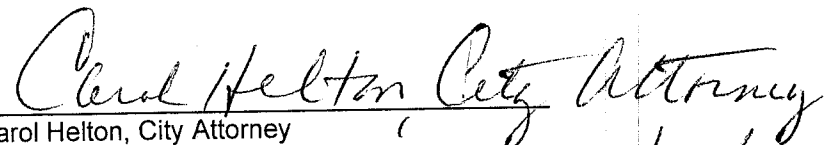
16                   **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**  
17 **CITY OF FORT WAYNE, INDIANA:**

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

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

26   
27 \_\_\_\_\_  
28 Member of Council

29 APPROVED AS TO FORM A LEGALITY

30   
Carol Helton, City Attorney

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>7</u>	<u>1</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-76-15 on the 8<sup>th</sup> day of  
September, 2015

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

John M. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9<sup>th</sup> day  
of September, 2015, at the hour of 4:30 O'clock PM. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10<sup>th</sup> day of September  
2015, at the hour of 8:30 O'clock AM. E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. R-15-08-11**

**REPORT OF THE COMMITTEE ON FINANCE**

**SEPTEMBER 1, 2015**

**RUSSELL JEHL - CHAIR  
THOMAS DIDIER - CO-CHAIR  
ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED

HAVE HAD SAID RESOLUTUION UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMON COUNCIL THAT SAID RESOLUTION COFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE WITH STATEMENT OF BENEFITS (CF-1) FORM FILINGS FOR 2015 FOR ARTEK, INC./DAMMEYER, LLC FOR PROPERTY AT 6707 GABION WAYN UNDER CONFIRMING RESOLUTION R-80-11 WITH AN "ECONOMIC REVITALIZATIONA AREA" APPROVED UNDERR I.C. 6-1.1-12.1 (NON-FILER)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Handwritten signatures in the 'DO PASS' column]*

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SANDRA E. KENNEDY  
CITY CLERK

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**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

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**WHEREAS**, Common Council made a determination on July 14, 2015 that Artek, Inc./Dammeyer, 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

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4 waiver by Common Council, for said non-compliance, which request and resolutions and  
5 forms were to be submitted to Common Council prior to the subsequent hearing that will be  
6 afforded to Artek, Inc./Dammeyer, LLC; and

7                   **WHEREAS**, the aforementioned notice was properly prepared and served upon  
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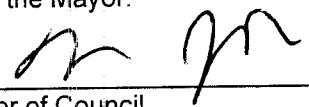
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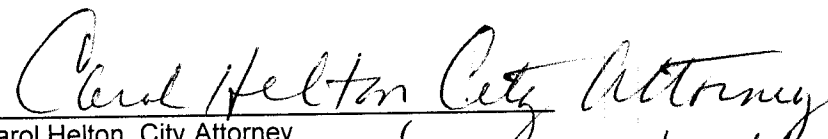
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21 a compliance or non-compliance determination and otherwise consider abatement  
22 termination issues at a subsequent hearing as part of its determination of Artek,  
23 Inc./Dammeyer, LLC's waiver request and application.

24                   **SECTION 1b.** Artek, Inc./Dammeyer, LLC has failed to file a waiver of non-  
25 compliance and has otherwise failed to make any reasonable efforts to substantially comply  
26 as is required, as such Common Council finds and resolves that Artek, Inc./Dammeyer,  
27 LLC's real property deduction under R-80-11 is hereby terminated.

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

30  
  
\_\_\_\_\_  
Member of Council

APPROVED AS TO FORM A LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

by LES

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance/Non-Compliance with Statement of Benefits (CF-1) Form Filings for 2015 (Non-Filer) under I.C. 6-1.1-12.1**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that Artek, Inc./Dammeyer, LLC with an approved economic revitalization area 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 2015 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): Russ Jehl and Tom Didier**

**BILL NO. R-15-08-11**

**REPORT OF THE COMMITTEE ON FINANCE**

**SEPTEMBER 1, 2015**

**RUSSELL JEHL - CHAIR  
THOMAS DIDIER - CO-CHAIR  
ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED




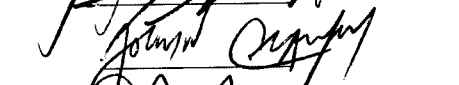
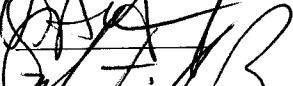
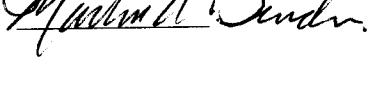
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DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY  
CITY CLERK