

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2015 for Inquest Health System, PC dba Upright MRI for property at 6819 Lima Road under Confirming Resolution R-72-09 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 Inquest Health System, PC dba Upright MRI 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, Inquest Health System, PC dba Upright MRI 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 Inquest Health System, PC dba Upright MRI 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 Inquest Health System, PC dba Upright MRI 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 Inquest Health System, PC dba Upright MRI's Compliance with Statement of Benefits; and

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WHEREAS, in said notice to Inquest Health System, PC dba Upright MRI, Common Council directed Inquest Health System, PC dba Upright MRI to apply for and file a Waiver of Non-Compliance pursuant to 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 waiver by Common Council, for said non-compliance, which request and resolutions and forms were to be submitted to Common Council prior to the subsequent hearing that will be afforded to Inquest Health System, PC dba Upright MRI; and

WHEREAS, the aforementioned notice was properly prepared and served upon Inquest Health System, PC dba Upright MRI on August 5, 2015; and

WHEREAS, a Waiver of Non-Compliance **has/has not** been requested and otherwise applied for by Inquest Health System, PC dba Upright MRI; and

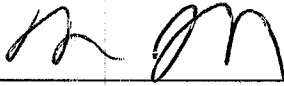
WHEREAS, Common Council conducted a hearing on September 1, 2015 for the purpose of further considering Inquest Health System, PC dba Upright MRI 's Compliance with Statement of Benefits; and

WHEREAS, Inquest Health System, PC dba Upright MRI **APPEARED AND TESTIFIED/DID NOT APPEAR** at the hearing.

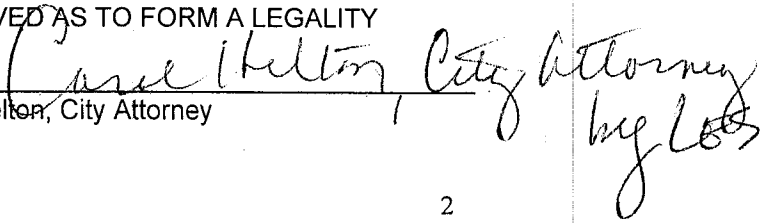
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1b. Inquest Health System, PC dba Upright MRI has failed to file a waiver of non-compliance and has otherwise failed to make any reasonable efforts to substantially comply as is required, as such Common Council finds and resolves that Inquest Health System, PC dba Upright MRI's real property deduction under R-72-09 is hereby terminated.

SECTION 2. 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 A LEGALITY


Carol Helton, City Attorney

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 Inquest Health System, PC dba Upright MRI 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

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Russ Jahl

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-78-15 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 4:30 O'clock PM 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 AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-15-08-14

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

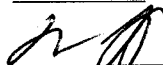
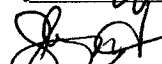
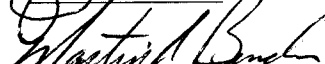
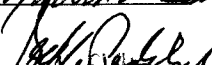


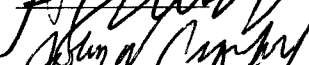
HAVE HAD SAID RESOLUTION UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMON COUNCIL THAT SAID RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON-COMPLIANCE WITH STATEMENT OF 2015 FOR INQUEST HEALTH SYSTEM, PC dba UPRIGHT MRI FOR PROPERTY AT 6819 LIMA ROAD UNDER CONFIRMING RESOLUTION R-72-09 WITH AN "ECONOMIC REVITALIZATIONA AREA" APPROVED UNDERR I.C. 6-1.1-12.1 (NON-FILER)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY
CITY CLERK

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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

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1 **WHEREAS**, in said notice to Inquest Health System, PC dba Upright MRI, Common
2 Council directed Inquest Health System, PC dba Upright MRI to apply for and file a Waiver
3 of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may
4 be applicable, and request a waiver by Common Council, for said non-compliance, which
5 request and resolutions and forms were to be submitted to Common Council prior to the
subsequent hearing that will be afforded to Inquest Health System, PC dba Upright MRI; and

6 **WHEREAS**, the aforementioned notice was properly prepared and served upon
7 Inquest Health System, PC dba Upright MRI on August 5, 2015; and

8 **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and
9 otherwise applied for by Inquest Health System, PC dba Upright MRI; and

10 **WHEREAS**, Common Council conducted a hearing on September 1, 2015 for the
11 purpose of further considering Inquest Health System, PC dba Upright MRI 's Compliance
12 with Statement of Benefits; and

13 **WHEREAS**, Inquest Health System, PC dba Upright MRI **APPEARED AND**
14 **TESTIFIED/DID NOT APPEAR** at the hearing.

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

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

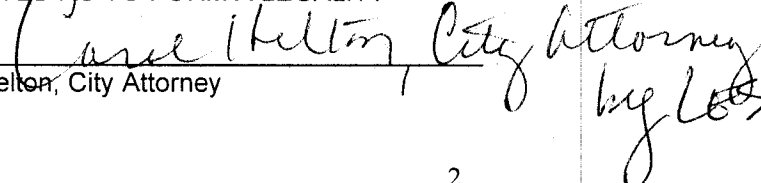
22 **SECTION 1b.** Inquest Health System, PC dba Upright MRI has failed to file a
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25 Health System, PC dba Upright MRI's real property deduction under R-72-09 is hereby
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28 passage and any and all necessary approval by the Mayor.

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Member of Council

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Carol Helton, City Attorney