

**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 6707 Gabion Way, Fort Wayne, IN 46818 (Artek,
Inc./Dammeyer, LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 6707 Gabion Way for Artek, Inc./Dammeyer, LLC (Confirming Resolution R-60-11) 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 SB-1/PP) and economic revitalization area designation application submitted by Artek, Inc./Dammeyer, LLC and approved under Confirming Resolution R-60-11 was for \$256,000 in real property improvements and \$144,000 in personal property improvements; and

WHEREAS, construction of the real property improvements for Artek, Inc./Dammeyer, LLC was completed in 2011; and

WHEREAS, Artek, Inc./Dammeyer, 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 July 14, 2015 under resolution R-60-11 that Artek, Inc./Dammeyer, 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, 2015; 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 Artek, Inc./Dammeyer, 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

WHEREAS, said hearing was held by Common Council on September 1, 2015 for further consideration of each owner's circumstances and whether the economic revitalization area deduction should be terminated; and

1 **WHEREAS**, representatives of Artek, Inc./Dammeyer, LLC have informed the City of
2 Fort Wayne that their Compliance with Statement of Benefits Real Estate Improvements
3 (Form CF-1/Real Property) due May 15, 2015 was not filed in a timely manner; and

4 **WHEREAS**, this oversight was an unusual occurrence for Artek, Inc./Dammeyer,
5 LLC; and

6 **WHEREAS**, the Common Council finds that Artek, Inc./Dammeyer, LLC has fulfilled
7 its pledge to construct the real property improvements and install new manufacturing,
8 logistical distribution and information technology equipment; and

9 **WHEREAS**, Artek, Inc./Dammeyer, LLC has created at least 75% of the jobs which
10 were to be created and retained as reported on the approved Statement of Benefits forms;
11 and

12 **WHEREAS**, the Common Council acknowledges that Artek, Inc./Dammeyer, LLC
13 has requested a waiver of noncompliance which the Common Council has the power and
14 authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

15 **WHEREAS**, the Common Council intends that Artek, Inc./Dammeyer, LLC receive
16 the tax abatement benefits to which they would have been entitled had no non compliance
17 event occurred, so long as the waiver of non compliance and the granting of those benefits
18 does not prejudice the City of Fort Wayne; and

19 **WHEREAS**, the Common Council has concluded that granting of the ERA deduction
20 for 2015 payable 2016 tax year would not create a strain on the City of Fort Wayne's fiscal
21 budget; and

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

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

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

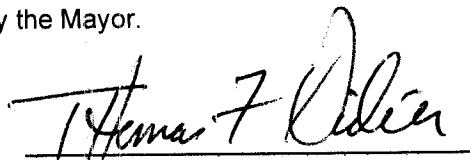
29 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors
30 and nonconformities that are waiveable under State and local law, including without limitation
those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

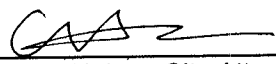
SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will
permit Artek, Inc./Dammeyer, LLC to continue to receive the economic revitalization area real
property deductions remaining under R-60-11.

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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 Artek, Inc./Dammeyer, LLC's 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 6707 Gabion Way (Artek, Inc./Dammeyer, LLC)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for a late-filed compliance with benefits forms for Artek, Inc./Dammeyer, LLC on real property improvements at 6707 Gabion Way. Fort Wayne Common Council designated and confirmed 6707 Gabion Way as an economic revitalization area for tax abatement purposes under Confirming Resolution R-60-11.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Artek, Inc./Dammeyer, LLC to continue to receive their remaining real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Artek, Inc./Dammeyer, LLC

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 September 22, 2015

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

Russ Jehl, 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> </u>	<u> </u>	<u>1</u>
BENDER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
CRAWFORD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
DIDIER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HARPER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HINES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
JEHL	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
PADDOCK	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SHOAFF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>

DATED:

9-23-15

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-80-15 on the 22nd 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 23rd day
of September, 2015, at the hour of 12:00 O'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of September
2015, at the hour of 11:00 O'clock A.M. E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-15-09-06

REPORT OF COMMITTEE ON FINANCE

SEPTEMBER 22, 2015

RUSS JEHL - CHAIR
TOM DIDIER - CO-CHAIR
ALL COUNCIL MEMBERS

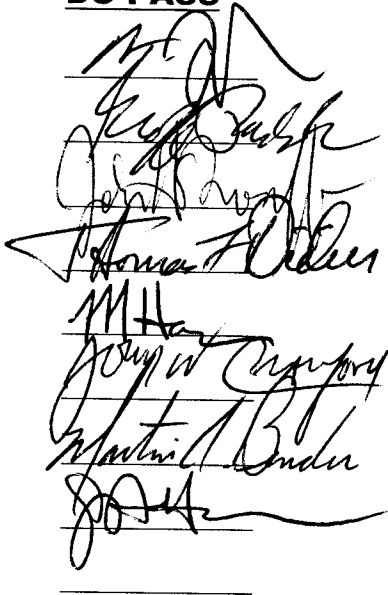
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COMMITTEE OF FINANCE HAVE HAD SAID ORDINANCE under Consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC


The 'DO PASS' column contains several handwritten signatures in black ink. From top to bottom, the signatures appear to be: Russ Jehl, Tom Didier, and several other council members. The signatures are written over horizontal lines.

SANDRA E. KENNEDY
CITY CLERK

The Journal Gazette

Account # 1060008 - 1205143
FW Common Council

Allen County, Indiana

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

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	44

COMPUTATION OF CHARGES

<u>44</u> lines, <u>1</u> column(s) wide equals	
<u>44</u> equivalent lines at \$ <u>0.424</u> cents per line	\$ 18.66
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	\$ 18.66

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:

<u>9/11/2015</u>	-	-	-
-	-	-	-
-	-	-	-

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
Legal Clerk

Date: September 11, 2015

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. R-15-09-06)**

ON SEPTEMBER 22, 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 ECONOMIC REVITALIZATION AREA DESIGNATION OF PROPERTY COMMONLY KNOWN AT:

6707 GABION WAY FOR ARTEK, INC./DAMMEYER, LLC, FORT WAYNE, INDIANA 46818

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.

SANDRA E. KENNEDY
CITY CLERK

9--11

1205143 hspaxlp

The News-Sentinel

Allen County, Indiana

Account # 1060008 - 1205143
FW Common Council

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