

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 530 Home Avenue, Fort Wayne, Indiana 46807 (Fairfield Community Home, LP)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 530 Home Avenue for Fairfield Community Home, LP (Confirming Resolution R-9-13) 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 Fairfield Community Home, LP and approved under Confirming Resolution R-9-13 was for \$5,170,282 in real property improvements; and

WHEREAS, construction of the real property improvements for Fairfield Community Home, LP was completed in December 2013; and

WHEREAS, representatives of Fairfield Community Home, LP have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) for 2015 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Fairfield Community Home, LP; and

WHEREAS, the Common Council finds that Fairfield Community Home, LP has fulfilled its pledge to construct the real property improvements; and

WHEREAS, Fairfield Community Home, LP has created its workforce as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Fairfield Community Home, LP 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 Fairfield Community Home, LP 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

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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:

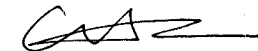
SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Fairfield Community Home, LP to receive the real property economic revitalization area deductions for 2015 payable 2016 under Confirming Resolution R-9-13. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule. This resolution shall have no effect on the assessed value, tax abatement deductions or taxes payable with respect to Fairfield Community Home, LP's personal 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

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 Fairfield Community Home, LP

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 Fairfield Community Home, LP

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Fairfield Community Home, LP to retain their real property deduction due to late filed deduction forms.

EFFECT OF NON-PASSAGE: Potential loss of future development by Fairfield Community Home, LP

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>
TOTAL VOTES	<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: 9-22-15 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-81-15 on the 22nd day of September, 2015

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

John W. 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 PM . 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 AM . E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-15-09-07

REPORT OF COMMITTEE ON FINANCE

SEPTEMBER 22, 2015

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

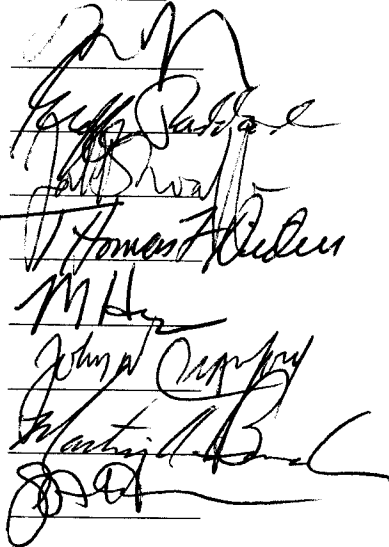
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DO PASS

DO NOT PASS

ABSTAIN

NO REC


The 'DO PASS' column contains seven handwritten signatures. The first signature is the most prominent, followed by several others that are less legible but appear to be initials or names.

**SANDRA E. KENNEDY
CITY CLERK**

The Journal Gazette

Account # 1060008 - 1205145

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	41

COMPUTATION OF CHARGES

<u>41</u> lines, <u>1</u> column(s) wide equals	
<u>41</u> equivalent lines at <u>\$ 0.424</u> cents per line	\$ 17.38
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	\$ 17.38

DATA FOR COMPUTING COST

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

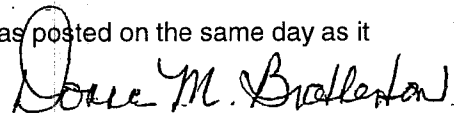
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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-15-09-07)**

ON AUGUST 26, 2014, AT 5:30 P.M., IN THE CONFERENCE ROOM Q30, 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 530 HOME AVENUE, FOR FAIRFIELD COMMUNITY HOME, LP

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

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1205145 hspaxlp

The News-Sentinel

Account # 1060008 - 1205145
FW Common Council

Allen County, Indiana

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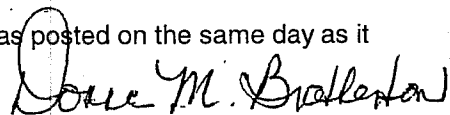
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