

4 **A RESOLUTION approving a Waiver of Noncompliance**
5 **for a Late-Filed Compliance with Statement of Benefits**
6 **Real Estate Improvements (Form CF-1/Real Property)**
7 **for 1211 Progress Road, Fort Wayne, IN 46808 (Calico**
8 **Precision Molding, LLC filed under CC Realty, LLC)**

9 **WHEREAS**, Common Council has previously designated and declared by
10 Declaratory Resolution and Confirming Resolution property at 1211 Progress Road for Calico
11 Precision Molding, LLC (Confirming Resolution R-45-12) an economic revitalization area
12 under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and
13 I.C. 6-1.1-12.1; and

14 **WHEREAS**, the original Statement of Benefits forms (SB-1/Real Property and SB-
15 1/PP) and economic revitalization area designation application submitted by Calico Precision
16 Molding, LLC filed under CC Realty, LLC and approved under Confirming Resolution R-45-12
17 was for \$43,000 in real property improvements and \$500,500 in personal property
18 improvements; and

19 **WHEREAS**, construction of the real property improvements for Calico Precision
20 Molding, LLC filed under CC Realty, LLC was completed in 2014; and

21 **WHEREAS**, Calico Precision Molding, LLC filed under CC Realty, LLC was required
22 to file under I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, a
23 Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real
24 Property) with the Allen County Auditor and the City of Fort Wayne; and

25 **WHEREAS**, Common Council has previously determined on July 14, 2015 under
26 resolution R-61-15 that Calico Precision Molding, LLC filed under CC Realty, LLC failed to
27 substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21 of the Fort Wayne Code
28 of Ordinances for not filing a Compliance with Statement of Benefits Real Estate
29 Improvements (Form CF-1/Real Property) or a corrective filing due May 15, 2015; and

30 **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 Calico
Precision Molding, LLC filed under CC Realty, 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 Calico Precision Molding, LLC filed under CC Realty,
2 LLC have informed the City of Fort Wayne that their Compliance with Statement of Benefits
3 Real Estate Improvements (Form CF-1/Real Property) due May 15, 2015 was not filed in a
4 timely manner; and

5 **WHEREAS**, this oversight was an unusual occurrence for Calico Precision Molding,
6 LLC filed under CC Realty, LLC; and

7 **WHEREAS**, the Common Council finds that Calico Precision Molding, LLC filed
8 under CC Realty, LLC has fulfilled its pledge to construct the real property improvements and
9 install new manufacturing, research and development, logistical distribution and information
10 technology equipment; and

11 **WHEREAS**, Calico Precision Molding, LLC filed under CC Realty, LLC has created
12 at least 75% of the jobs which were to be created and retained as reported on the approved
13 Statement of Benefits forms; and

14 **WHEREAS**, the Common Council acknowledges that Calico Precision Molding, LLC
15 filed under CC Realty, LLC has requested a waiver of noncompliance which the Common
16 Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-
17 12.1-11.3; and

18 **WHEREAS**, the Common Council intends that Calico Precision Molding, LLC filed
19 under CC Realty, LLC receive the tax abatement benefits to which they would have been
20 entitled had no non compliance event occurred, so long as the waiver of non compliance and
21 the granting of those benefits does not prejudice the City of Fort Wayne; and

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

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

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

30
**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.

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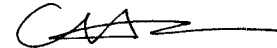
SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Calico Precision Molding, LLC filed under CC Realty, LLC to continue to receive the economic revitalization area real property deductions remaining under R-45-12.

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 Calico Precision Molding, LLC filed under CC Realty, 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 1211 Progress Road (Calico Precision Molding, LLC filed under CC Realty, 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 Calico Precision Molding, LLC filed under CC Realty, LLC on real property improvements at 1211 Progress Road. Fort Wayne Common Council designated and confirmed 1211 Progress Road as an economic revitalization area for tax abatement purposes under Confirming Resolution R-45-12.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Calico Precision Molding, LLC filed under CC Realty, LLC to continue to receive their remaining real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Calico Precision Molding, LLC filed under CC Realty, 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: 9-22-15 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-82-15 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 22nd day
of September, 2015, at the hour of 12:00 O'clock Am. 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-15-09-08

REPORT OF COMMITTEE ON FINANCE

SEPTEMBER 22, 2015

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

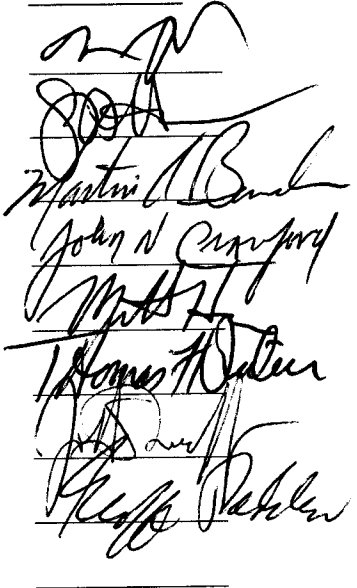
A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 1211 Progress Road, Fort Wayne, IN 46808 (Calico Precision Molding, LLC filed under CC Realty, LLC). **COMMITTEE OF FINANCE HAVE HAD SAID ORDINANCE** under Consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC



SANDRA E. KENNEDY
CITY CLERK

The Journal Gazette

Account # 1060008 - 1205148

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 **45**

COMPUTATION OF CHARGES

45 lines, 1 column(s) wide equals _____

45 equivalent lines at \$ 0.424 cents per line \$ 19.08

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 \$ 19.08

DATA FOR COMPUTING COST

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

Number of Insertions 1

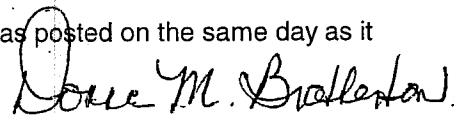
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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-15-09-08)**

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:

1211 PROGRESS ROAD FOR CALICO PRECISION MOLDING, LLC FILED UNDER CC REALTY, LLC, FORT WAYNE, INDIANA 46808

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
1205148 hspaxip

9--11

The News-Sentinel

Account # 1060008 - 1205148
FW Common Council

Allen County, Indiana

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9--11
