

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 620 East Berry Street, Fort Wayne, IN 46802 (Prairie**  
8 **Quest, Inc./525 W Jefferson now filed under Haley &**  
9 **Summers Realty, LLC)**

10 **WHEREAS**, Common Council has previously designated and declared by  
11 Declaratory Resolution and Confirming Resolution property at 1211 Progress Road for  
12 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC  
13 (Confirming Resolution R-13-09) an economic revitalization area under Sections 153.13-  
14 153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

15 **WHEREAS**, the original Statement of Benefits forms (SB-1/Real Property and SB-  
16 1/PP) and economic revitalization area designation application submitted by Prairie Quest,  
17 Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC and approved under  
18 Confirming Resolution R-13-09 was for \$149,500 in real property improvements and \$16,000  
19 in personal property improvements; and

20 **WHEREAS**, construction of the real property improvements for Prairie Quest,  
21 Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC was completed in 2009;  
22 and

23 **WHEREAS**, Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers  
24 Realty, LLC was required to file under I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne  
25 Code of Ordinances, a Compliance with Statement of Benefits Real Estate Improvements  
26 (Form CF-1/Real Property) with the Allen County Auditor and the City of Fort Wayne; and

27 **WHEREAS**, Common Council has previously determined on July 14, 2015 under  
28 resolution R-61-15 that Prairie Quest, Inc./525 W Jefferson now filed under Haley &  
29 Summers Realty, LLC failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section  
30 153.21 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 Prairie Quest,  
Inc./525 W Jefferson now filed under Haley & Summers 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

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

4                   **WHEREAS**, representatives of Prairie Quest, Inc./525 W Jefferson now filed under  
5 Haley & Summers Realty, LLC have informed the City of Fort Wayne that their Compliance  
6 with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) due May  
7 15, 2015 was not filed in a timely manner; and

8                   **WHEREAS**, this oversight was an unusual occurrence for Prairie Quest, Inc./525 W  
9 Jefferson now filed under Haley & Summers Realty, LLC; and

10                   **WHEREAS**, the Common Council finds that Prairie Quest, Inc./525 W Jefferson now  
11 filed under Haley & Summers Realty, LLC has fulfilled its pledge to construct the real  
12 property improvements and install new information technology equipment; and

13                   **WHEREAS**, Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers  
14 Realty, LLC has created at least 75% of the jobs which were to be created and retained as  
15 reported on the approved Statement of Benefits forms; and

16                   **WHEREAS**, the Common Council acknowledges that Prairie Quest, Inc./525 W  
17 Jefferson now filed under Haley & Summers Realty, LLC has requested a waiver of  
18 noncompliance which the Common Council has the power and authority to approve, under  
19 I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

20                   **WHEREAS**, the Common Council intends that Prairie Quest, Inc./525 W Jefferson  
21 now filed under Haley & Summers Realty, LLC receive the tax abatement benefits to which  
22 they would have been entitled had no non compliance event occurred, so long as the waiver  
23 of non compliance and the granting of those benefits does not prejudice the City of Fort  
24 Wayne; and

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

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

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**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 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC to continue to receive the economic revitalization area real property deductions remaining under R-13-09.

**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 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers 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 620 East Berry Street (Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers 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 statement of benefits forms for Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC on real property improvements at 620 East Berry Street. Fort Wayne Common Council designated and confirmed 620 East Berry Street as an economic revitalization area for tax abatement purposes under Confirming Resolution R-13-09.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC to continue to receive their remaining real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Wealth 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>5</u>	<u>3</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-84-15 on the 22<sup>nd</sup> 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 23<sup>rd</sup> 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 24<sup>th</sup> 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-15-09-10

# REPORT OF COMMITTEE ON FINANCE

## SEPTEMBER 22, 2015

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

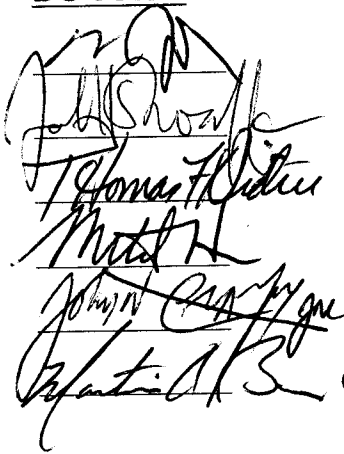
A RESOLUTION approving a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 602 East Berry Street, Fort Wayne, IN 46802 (Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC. **COMMITTEE OF FINANCE HAVE HAD SAID ORDINANCE** under Consideration and beg leave to report back to the Common Council that said ordinance

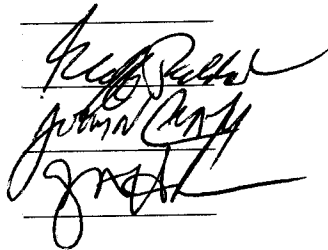
DO PASS

DO NOT PASS

ABSTAIN

NO REC

  
Russ Jehl  
Tom Didier  
Matt  
John  
Robert

  
Russ Jehl  
John  
John

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**SANDRA E. KENNEDY**  
**CITY CLERK**

# The Journal Gazette

Account # 1060008 - 1205150

**FW Common Council**

Allen County, Indiana

## PUBLISHER'S CLAIM

### 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 **46**

### COMPUTATION OF CHARGES

46 lines, 1 column(s) wide equals \_\_\_\_\_

46 equivalent lines at \$ 0.424 cents per line **\$ 19.50**

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 \$ 19.50**

### DATA FOR COMPUTING COST

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

Number of Insertions . . . . 1

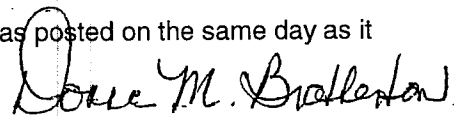
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. R-15-09-10)**

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:

620 EAST BERRY STREET FOR PRAIRIE QUEST, INC./525 W JEFFERSON NOW FILED UNDER HALEY & SUMMERS REALTY, LLC, FORT WAYNE, INDIANA 46802

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  
1205150 hspaxip

# The News-Sentinel

Account # 1060008 - 1205150  
**FW Common Council**

Allen County, Indiana

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Head -- number of lines	_____
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Tail -- number of lines	_____
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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)		-
<b>TOTAL AMOUNT OF CLAIM</b>	<b>\$</b>	<b><u>19.50</u></b>

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*Donna M. Brotherton*

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Legal Clerk

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SANDRA E. KENNEDY  
CITY CLERK  
1205150 hspaxlp