

**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 the Northeast Corner of Wayne Trace and McKinnie Avenue, Fort Wayne, IN 46806 (Village at Wayne Trace, LP)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at the Northeast corner of Wayne Trace and McKinnie Avenue for Village at Wayne Trace, LP (Confirming Resolution R-82-06) 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 economic revitalization area designation application submitted by Village at Wayne Trace, LP and approved under Confirming Resolution R-82-06 was for \$4,075,687 in real property improvements; and

**WHEREAS**, construction of the real property improvements for Village at Wayne Trace, LP was completed in 2008; and

**WHEREAS**, Village at Wayne Trace, LP 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**, representatives of Village at Wayne Trace, LP informed the City of Fort Wayne that their Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) due May 15, 2015 was not filed in a timely manner; and

**WHEREAS**, this oversight was an unusual occurrence for Village at Wayne Trace, LP; and

**WHEREAS**, the Common Council finds that Village at Wayne Trace, LP has fulfilled its pledge to construct the real property improvements; and

**WHEREAS**, Village at Wayne Trace, LP has retained at least 75% of the jobs which were to be retained as reported on the approved Statement of Benefits forms; and

**WHEREAS**, the Common Council acknowledges that Village at Wayne Trace, LP has requested a waiver of noncompliance 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 Village at Wayne Trace, LP receive the tax abatement benefits to which they would have been entitled had no noncompliance

1 event occurred, so long as the waiver of noncompliance and the granting of those benefits  
2 does not prejudice the City of Fort Wayne; and

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

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

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


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

13 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors  
14 and nonconformities that are waiveable under State and local law, including without limitation  
15 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.

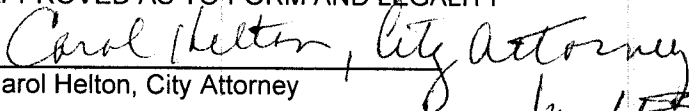
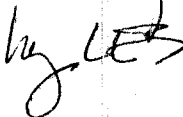
16 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will  
17 permit Village at Wayne Trace, LP to continue to receive the economic revitalization area real  
18 property deductions remaining under R-82-06.

19 **SECTION 3.** The Allen County Auditor and Allen County Assessor shall be supplied  
20 with a copy of this Resolution, upon passage. This resolution shall have no effect on the  
21 assessed value, economic revitalization area deductions, or taxes payable with respect to  
22 Village at Wayne Trace, LP's personal property.

23 **SECTION 4.** That, this Resolution shall be in full force and effect from and after its  
24 passage and any and all necessary approval by the Mayor.

25   
26 \_\_\_\_\_  
27 Member of Council

28 APPROVED AS TO FORM AND LEGALITY

29   
30 \_\_\_\_\_  
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 Northeast Corner of Wayne Trace and McKinnie Avenue (Village at Wayne Trace, LP)**

**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 Village at Wayne Trace, LP on real property improvements at the Northeast corner of Wayne Trace and McKinnie Avenue. Fort Wayne Common Council designated and confirmed the property as an economic revitalization area for property tax abatement purposes under Confirming Resolution R-82-06.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Village at Wayne Trace, LP to continue to receive their remaining real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by Village at Wayne Trace, 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 10-27-15

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>9</u>	<u>      </u>	<u>      </u>	<u>      </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: 10-27-15 Angela K Davis  
ANGELA K. DAVIS, DEPUTY 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-97-15 on the 27<sup>th</sup> day of  
October, 2015

Angela K Davis ATTEST: John N. Crawford  
ANGELA K. DAVIS, DEPUTY CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28<sup>th</sup> day  
of October, 2015, at the hour of 2:00 o'clock PM. E.S.T.

Angela K Davis  
ANGELA K. DAVIS, DEPUTY CITY CLERK

Approved and signed by me this 28<sup>th</sup> day of October  
2015, at the hour of 4:30 o'clock PM. E.S.T.  
Thomas C. Henry  
THOMAS C. HENRY, MAYOR

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. R-15-10-08)

ON OCTOBER 27, 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 REAL PROPERTY DEDUCTION OF PROPERTY AT THE NORTHEAST CORNER OF MCKINNIE AVENUE AND WAYNE TRACE FOR VILLAGE AT WAYNE TRACE, 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.

BILL NO. R-15-10-08

# REPORT OF COMMITTEE ON FINANCE

## OCTOBER 27, 2015

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

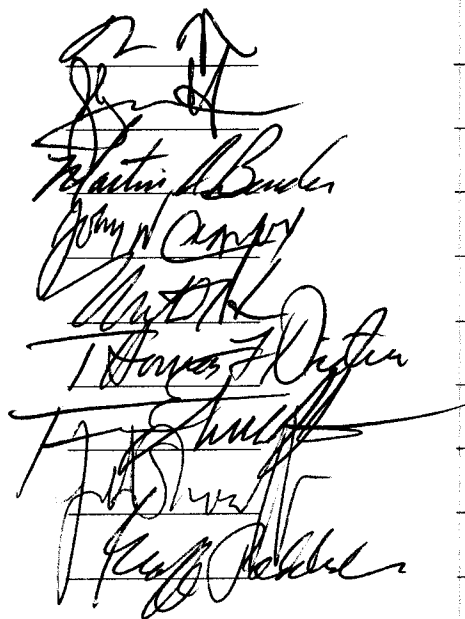
A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for the Northeast Corner of Wayne Trace and McKinnie Avenue, Fort Wayne, IN 46806 (Village at Wayne Trace, LP). **COMMITTEE OF FINANCE HAVE HAD SAID 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. The signatures are written over horizontal lines. The names are difficult to read due to cursive, but some appear to include 'Russ Jehl', 'Tom Didier', and other council members.

**SANDRA E. KENNEDY  
CITY CLERK**

# The Journal Gazette

Account # 1060008 - 1210629

**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

**39**

### COMPUTATION OF CHARGES

39 lines, 1 column(s) wide equals

39 equivalent lines at \$ 0.424 cents per line

\$ 16.54

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

\$ 16.54

### DATA FOR COMPUTING COST

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

Number of Insertions . . . . 1

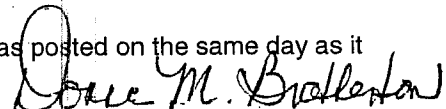
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

10/16/2015

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: October 16, 2015

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10--16 1210629 hspaxlp

# The News-Sentinel

Account # 1060008 - 1210629  
**FW Common Council**

Allen County, Indiana

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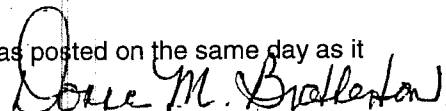
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