

**A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2016 for CMA Steel & Fabrication, Inc. (Filed under Updike Properties) for property at 3436 Centennial Drive under Confirming Resolution R-46-06 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1 (Non-Filer)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for CMA Steel & Fabrication, Inc. (Filed under Updike Properties) as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Fort Wayne Code of Ordinances, and I.C. 6-1.1-12.1; and

**WHEREAS**, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, Indiana, must file a Compliance with Statement of Benefits Form (CF-1/PP and/or CF-1/Real Property) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing there has been compliance with the approved Statement of Benefits for the project; and

**WHEREAS**, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

**WHEREAS**, CMA Steel & Fabrication, Inc. (Filed under Updike Properties) did not file Compliance with Statement of Benefits Form CF-1/Real Property; and

**WHEREAS**, Common Council made a determination on June 28, 2016, that CMA Steel & Fabrication, Inc. (Filed under Updike Properties) was not in substantial compliance by failing to comply with I.C. 6-1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by **failing to file** their Compliance with Statement of Benefits pertaining to their deductions and subsequently failed to file a Waiver of Non-Compliance pursuant to I.C. 6-1.1-12.1-9.5, or I.C. 6-1.1-12.1-11.3(a)(5); and

**WHEREAS**, Common Council directed the Community Development Division to mail written notice to CMA Steel & Fabrication, Inc. (Filed under Updike Properties) explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering CMA Steel & Fabrication, Inc. (Filed under Updike Properties) Compliance with Statement of Benefits; and

1                   **WHEREAS**, in said notice to CMA Steel & Fabrication, Inc. (Filed under Updike  
2 Properties), Common Council directed CMA Steel & Fabrication, Inc. to apply for and file a  
3 Waiver of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5)  
4 as may be applicable, and request a waiver by Common Council, for said non-compliance,  
5 which request and resolutions and forms were to be submitted to Common Council prior to  
6 the subsequent hearing that will be afforded to CMA Steel & Fabrication, Inc.'s (Filed under  
7 Updike Properties); and

8                   **WHEREAS**, the aforementioned notice was properly prepared and served upon  
9 CMA Steel & Fabrication, Inc. on August 1, 2016; and

10                   **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and  
11 otherwise applied for by CMA Steel & Fabrication, Inc. (Filed under Updike Properties); and

12                   **WHEREAS**, Common Council conducted a hearing on August 23, 2016 for the  
13 purpose of further considering CMA Steel & Fabrication, Inc.'s (Filed under Updike  
14 Properties) Compliance with Statement of Benefits; and

15                   **WHEREAS**, CMA Steel & Fabrication, Inc. (Filed under Updike Properties)  
16 **APPEARED AND TESTIFIED/DID NOT APPEAR** at the hearing.

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

19                   ~~**SECTION 1a.** CMA Steel & Fabrication, Inc. (Filed under Updike Properties) has  
20 properly filed its waiver of non-compliance with the Community Development Division of the  
21 City of Fort Wayne, therefore Common Council shall allow the waiver of non-compliance  
22 process to proceed and will make a compliance or non-compliance determination and  
23 otherwise consider abatement termination issues at a subsequent hearing as part of its  
24 determination of CMA Steel & Fabrication, Inc. (Filed under Updike Properties) waiver  
25 request and application.~~

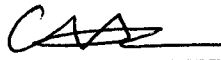
26 **NOTE SECTION 1b.** CMA Steel & Fabrication, Inc. (Filed under Updike Properties) has  
27 failed to file a waiver of non-compliance and has otherwise failed to make any reasonable  
28 efforts to substantially comply as is required, as such Common Council finds and resolves  
29 that CMA Steel & Fabrication, Inc. (Filed under Updike Properties) real property deduction  
30 under R-46-06 is hereby terminated.

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**SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
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Member of Council

APPROVED AS TO FORM A LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

DIGEST SHEET

**TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance/Non-Compliance with Statement of Benefits (CF-1) Form Filings for 2016 (Non-Filer) under I.C. 6-1.1-12.1**

**DEPARTMENT REQUESTING ORDINANCE: Community Development Division**

**SYNOPSIS OF ORDINANCE: This resolution confirms that CMA Steel & Fabrication, Inc. with an approved economic revitalization area is either not in substantial compliance pursuant to both Council policy and Indiana law because they did not file Compliance with Statement of Benefits (CF-1) Forms in May 2016 and a subsequent waiver of non-compliance or did file a waiver of non-compliance and Council will make determination of compliance in its consideration of the waiver.**

**EFFECT OF PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax abatement/phase-in)**

**EFFECT OF NON-PASSAGE:**

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.**

**ASSIGNED TO COMMITTEE (PRESIDENT): Glynn Hines and John Crawford**

**BILL NO. R-16-08-05**

**Move to pass Section 1b - Did not file, Terminate deduction**

**REPORT OF COMMITTEE ON FINANCE**

**August 23, 2016**

**John Crawford Chair**

**Glynn Hines Co-Chair**

**All Council Members**

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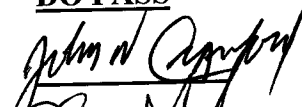
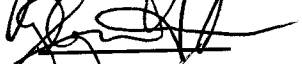




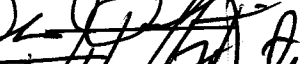

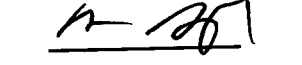
**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**

