

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2016 for Murray Equipment for property at 2515 Charleston Place under Confirming Resolution R-16-07 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 Murray Equipment 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, Murray Equipment 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 Murray Equipment 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 Murray Equipment 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 Murray Equipment's Compliance with Statement of Benefits; and

WHEREAS, in said notice to Murray Equipment, Common Council directed Murray Equipment to apply for and file a 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) as may be applicable, and request a waiver by

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1 Common Council, for said non-compliance, which request and resolutions and forms were
2 to be submitted to Common Council prior to the subsequent hearing that will be afforded to
3 Murray Equipment; and

4 **WHEREAS**, the aforementioned notice was properly prepared and served upon
5 Murray Equipment on August 1, 2016; and

6 **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and
7 otherwise applied for by Murray Equipment; and

8 **WHEREAS**, Common Council conducted a hearing on August 23, 2016 for the
9 purpose of further considering Murray Equipment's Compliance with Statement of Benefits;
10 and

11 **WHEREAS**, Murray Equipment **APPEARED AND TESTIFIED/DID NOT APPEAR**
12 at the hearing.

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

15 ~~**SECTION 1a.** Murray Equipment has properly filed its waiver of non-compliance
16 with the Community Development Division of the City of Fort Wayne, therefore Common
17 Council shall allow the waiver of non-compliance process to proceed and will make a
18 compliance or non-compliance determination and otherwise consider abatement termination
19 issues at a subsequent hearing as part of its determination of Murray Equipment's waiver
20 request and application.~~

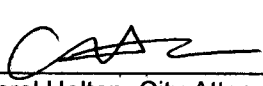
21 **NOTE SECTION 1b.** Murray Equipment has failed to file a waiver of non-compliance and
22 has otherwise failed to make any reasonable efforts to substantially comply as is required;
23 as such Common Council finds and resolves that Murray Equipment's real property
24 deduction under R-16-07 is hereby terminated.

25 **SECTION 2.** That this Resolution shall be in full force and effect from and after its
26 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

Admn. Appr. _____

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 Murray Equipment 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-16-08-06

Move to pass Section 1b of Resolution – Did not file, Terminate deduction

REPORT OF COMMITTEE ON FINANCE

August 23, 2016

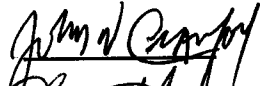
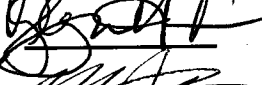


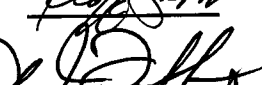
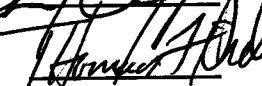
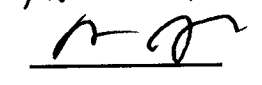
John Crawford Chair

Glynn Hines Co-Chair

All Council Members

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2016 for **Murray Equipment for property at 2515 Charleston Place** under Confirming Resolution R-16-07 with an "Economic Revitalization Area" approved under I.C. 6-1.1-12.1 (Non-Filer)

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

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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**LANA R. KEESLING
CITY CLERK**

