

A RESOLUTION CONFIRMING SUBSTANTIAL COMPLIANCE/NON COMPLIANCE with Statement of Benefits (CF-1) form filings for 2016 for LTHS, LLC (Abra Cadabra) for property at Lot 15 in Huegenard Industrial Park (3506 Metro Drive North) under Confirming Resolution R-75-06 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 LTHS, LLC (Abra Cadabra) 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, LTHS, LLC (Abra Cadabra) 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 LTHS, LLC (Abra Cadabra) 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 LTHS, LLC (Abra Cadabra) explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the

1 purpose of further considering LTHS, LLC (Abra Cadabra)'s Compliance with Statement of
2 Benefits; and

3 **WHEREAS**, in said notice to LTHS, LLC (Abra Cadabra), Common Council directed
4 LTHS, LLC (Abra Cadabra) to apply for and file a Waiver of Non-Compliance pursuant to
5 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
6 waiver by Common Council, for said non-compliance, which request and resolutions and
7 forms were to be submitted to Common Council prior to the subsequent hearing that will be
8 afforded to LTHS, LLC (Abra Cadabra); and

9 **WHEREAS**, the aforementioned notice was properly prepared and served upon
10 LTHS, LLC (Abra Cadabra) on August 1, 2016; and

11 **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and
12 otherwise applied for by LTHS, LLC (Abra Cadabra); and

13 **WHEREAS**, Common Council conducted a hearing on August 23, 2016 for the
14 purpose of further considering LTHS, LLC (Abra Cadabra)'s Compliance with Statement of
15 Benefits; and

16 **WHEREAS**, LTHS, LLC (Abra Cadabra) **APPEARED AND TESTIFIED/DID NOT**
17 **APPEAR** at the hearing.

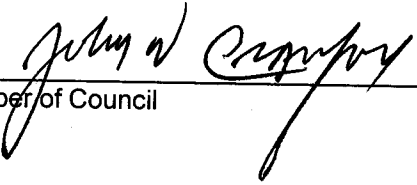
18 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
19 **CITY OF FORT WAYNE, INDIANA:**

20 ~~SECTION 1a. LTHS, LLC (Abra Cadabra) has properly filed its waiver of non-~~
21 ~~compliance with the Community Development Division of the City of Fort Wayne, therefore~~
22 ~~Common Council shall allow the waiver of non-compliance process to proceed and will make~~
23 ~~a compliance or non-compliance determination and otherwise consider abatement~~
24 ~~termination issues at a subsequent hearing as part of its determination of LTHS, LLC (Abra~~
25 ~~Cadabra)'s waiver request and application.~~

26 **NOTE SECTION 1b.** LTHS, LLC (Abra Cadabra) has failed to file a waiver of non-
27 compliance and has otherwise failed to make any reasonable efforts to substantially comply
28 as is required, as such Common Council finds and resolves that LTHS, LLC (Abra
29 Cadabra)'s real property deduction under R-75-06 is hereby terminated.
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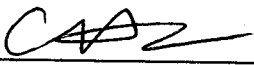
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SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



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 LTHS, LLC (Abra Cadabra) 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-16-08-09

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

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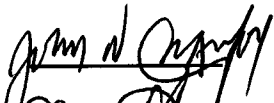

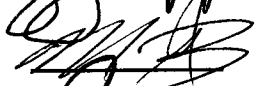
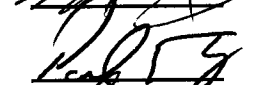
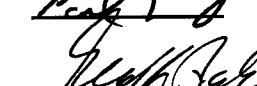


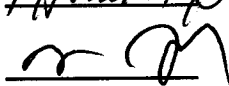
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**

