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BILL NO. R-18-08-15

RESOLUTION NO. R- 80-18

**A RESOLUTION approving a Waiver of Noncompliance  
for a Late-Filed Statement of Benefits Real Estate  
Improvements (Form CF-1/Real Property) for 5130  
Executive Boulevard, Fort Wayne, Indiana 46808  
(Heritage Food Service Equipment, Inc.)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4041 Parnell Avenue for Heritage Food Service Equipment, Inc. (Confirming Resolution R-12-10 (Amended R-48-11)) 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 and economic revitalization area designation application submitted by Heritage Food Service Equipment, Inc. and approved under Confirming Resolution R-12-10 (Amended R-48-11) was for \$695,250 in real property improvements and \$545,000 in personal property improvements; and

**WHEREAS**, construction of the real property improvements for Heritage Food Service Equipment, Inc. were completed in June 2012; and

**WHEREAS**, representatives of Heritage Food Service Equipment, Inc. have informed the City of Fort Wayne that their Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2018 was not filed in a timely manner; and

**WHEREAS**, this oversight was an unusual occurrence for Heritage Food Service Equipment, Inc.; and

**WHEREAS**, the Common Council finds that Heritage Food Service Equipment, Inc. is in the process of completing its pledge to construct the real property improvements; and

**WHEREAS**, the Common Council acknowledges that Heritage Food Service Equipment, Inc. 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 Heritage Food Service Equipment, Inc. receive the tax abatement benefits to which they would have been entitled had no non-compliance event occurred, so long as the waiver of non-compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

**WHEREAS**, the Common Council has concluded that granting of the ERA deduction for 2018 payable 2019 tax year would not create a strain on the City of Fort Wayne's fiscal budget; and

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**WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

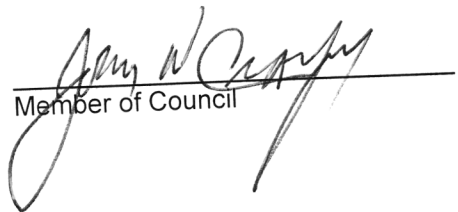
**WHEREAS**, the non-compliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

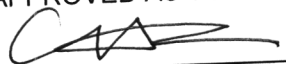
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**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 Heritage Food Service Equipment, Inc. to receive the real property economic revitalization area deductions for 2018 payable 2019 under Confirming Resolution R-12-10 (Amended R-48-11). The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule. This resolution shall have no effect on the assessed value, tax abatement deductions or taxes payable with respect to Heritage Food Service Equipment, Inc.'s personal property.

**SECTION 3.** 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 Non-compliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for Heritage Food Service Equipment, Inc.**

**DEPARTMENT REQUESTING RESOLUTION: Community Development Division**

**SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property statement of benefits for Heritage Food Service Equipment, Inc.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Heritage Food Service Equipment, Inc. to retain their real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by Heritage Food Service Equipment, Inc.**

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

**ASSIGNED TO COMMITTEE (CO-CHAIRS): John Crawford and Jason Arp**

# The Journal Gazette

Account # 1063561 - 1336256

Allen County, Indiana

**FW City Clerk's Office**

## 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 **40**

### COMPUTATION OF CHARGES

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

40 equivalent lines at \$ 0.460 cents per line \$ 18.40

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 \$ 18.40**

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8    Size of type . . . . 7point.  
Number of Insertions . . . . 1

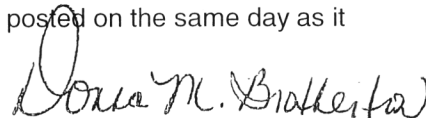
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

8/17/2018

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: August 17, 2018

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(RESOLUTION NO. R-18-08-15)**

ON AUGUST 28, 2018, AT 5:30 P.M., IN THE CONFERENCE ROOM Q30, 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:

5130 EXECUTIVE BOULEVARD FORT WAYNE, IN 46808 FOR HERITAGE FOOD SERVICE EQUIPMENT, INC.

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) 427-1200 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.  
8--17 1336256 hspaxlp

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<u>40</u> equivalent lines at <u>\$ 0.460</u> cents per line	\$ 18.40
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>	<u>\$ 18.40</u>

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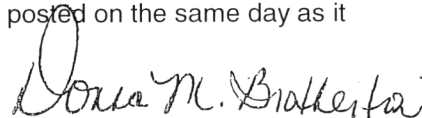
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8--17 1336256 hspaxlp

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**BILL NO. R-18-08-15**

**REPORT OF COMMITTEE ON FINANCE**

**August 28, 2018**

***John Crawford Chair***

***Jason Arp Co-Chair***

***All Council Members***

A Resolution approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 5130 Executive Boulevard, Fort Wayne, Indiana 46808

*Heritage Food Service Equipment, Inc.*

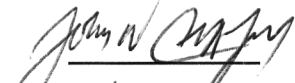
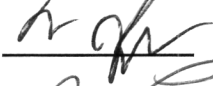



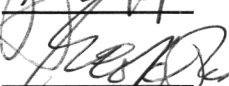
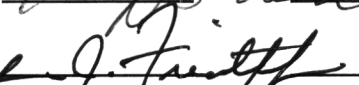

**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

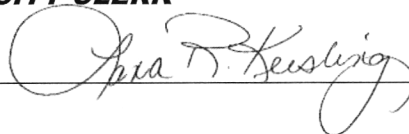
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: August 28, 2018

Read the first time in full and on motion by Councilman Crawford.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilman Crawford, placed on passage by the following vote:

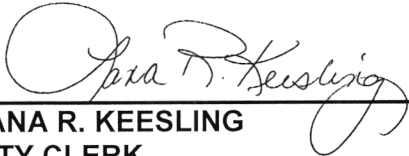
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

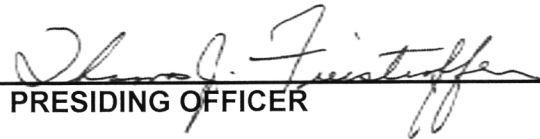
DATED: August 28, 2018

\_\_\_\_\_  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-18-08-15 on the 28th day of August, 2018

  
\_\_\_\_\_  
LANA R. KEESLING  
CITY CLERK

  
\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th of August 2018, at the hour of 8:55 o'clock A.M. E.S.T.

  
\_\_\_\_\_  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29<sup>th</sup> day of August 2018, at the hour of 12:30 O'clock PM E.S.T.

  
\_\_\_\_\_  
THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA  
**RECEIVED**  
**AUG 30 2018**  
LANA R. KEESLING  
CITY CLERK