

**A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 620 East Berry Street, Fort Wayne, Indiana 46802 (Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 8231 Smith Road for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC (Confirming Resolution R-13-09) 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 Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC and approved under Confirming Resolution R-13-09 was for \$149,500 in real property improvements and \$16,000 in personal property improvements; and

**WHEREAS**, construction of the real property improvements for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC were completed in March 2009; and

**WHEREAS**, representatives of Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC 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 Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC; and

**WHEREAS**, the Common Council finds that Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC has fulfilled its pledge to construct the real property improvements; and

**WHEREAS**, the Common Council acknowledges that Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC has requested a waiver of non-compliance 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 Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC receive the tax abatement benefits to which

1 they would have been entitled had no non-compliance event occurred, so long as the waiver  
2 of non-compliance and the granting of those benefits does not prejudice the City of Fort  
3 Wayne; and

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

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


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

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


14 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and  
15 nonconformities that are waiveable under State and local law, including without limitation  
16 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.

17 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Prairie  
18 Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC to receive the  
19 real property economic revitalization area deductions for 2018 payable 2019 under  
20 Confirming Resolution R-13-09. The Allen County Auditor shall be supplied with a copy of  
21 this Resolution, upon passage, and instructed to apply the deduction amounts in accordance  
22 with this schedule.

23 **SECTION 3.** That, this Resolution shall be in full force and effect from and after its passage  
24 and any and all necessary approval by the Mayor.

25   
26 Member of Council

27 APPROVED AS TO FORM AND LEGALITY

28   
29 Carol Helton, City Attorney  
30

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 Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC**

**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 Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC to retain their real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC.**

**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 - 1336235

Allen County, Indiana

**FW City Clerk's Office**

ATTACH COPY OF ADVERTISEMENT HERE

## 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 **42**

### COMPUTATION OF CHARGES

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

42 equivalent lines at \$ 0.460 cents per line \$ 19.32

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 \$ 19.32**

### 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.

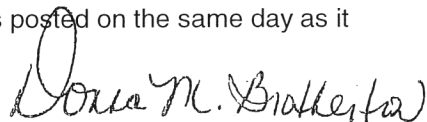
I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

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

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(RESOLUTION NO. R-18-08-16)

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:

620 EAST BERRY STREET, FORT WAYNE, IN 46802 FOR PRAIRIE QUEST, INC/525 W. JEFFERSON NOW FILED UNDER HALEY & SUMMERS REALTY, LLC.

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 1336235 hspaxlp



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**BILL NO. R-18-08-16**

**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 620 East Berry Street, Fort Wayne, Indiana 46802

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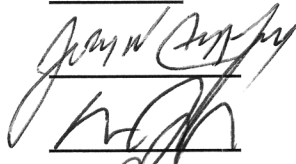
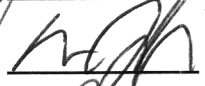
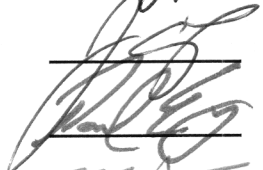
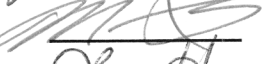


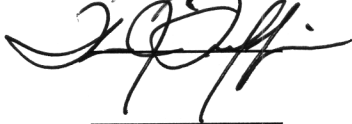
**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

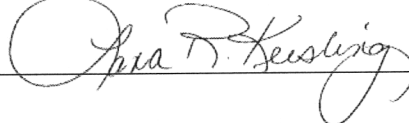
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



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:

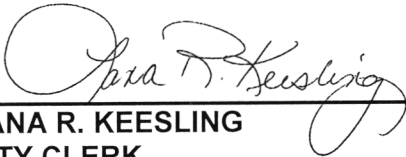
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ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input 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"/>

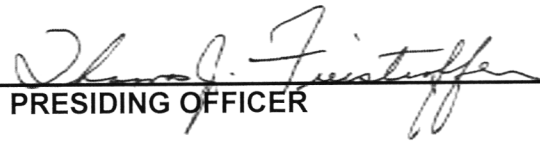
DATED: August 28, 2018

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

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

Resolution No. R-18-08-16 on the 28th day of August, 2018

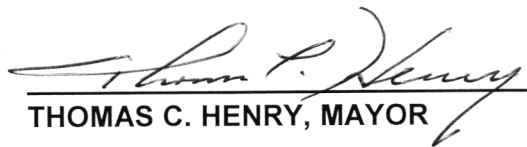
  
\_\_\_\_\_  
LANA R. KEESLING  
CITY CLERK

  
\_\_\_\_\_  
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