

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 4041 Parnell Avenue, Fort Wayne, Indiana 46805 (David M. Allen, D.D.S. & Associates, PC dba Afdent)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4041 Parnell Avenue for David M. Allen, D.D.S. & Associates, PC dba Afdent (Confirming Resolution R-86-06) 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 David M. Allen, D.D.S. & Associates, PC dba Afdent and approved under Confirming Resolution R-86-06 was for \$3,700,000 in real property improvements and \$400,000 in personal property improvements; and

WHEREAS, David M. Allen, D.D.S. & Associates, PC dba Afdent has completed its pledge to construct new real property improvmetns: and

WHEREAS, David M. Allen, D.D.S. & Associates, PC dba Afdent's Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner with the City and Allen County Auditor; and

WHEREAS, David M. Allen, D.D.S. & Associates, PC dba Afdent 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

WHEREAS, David M. Allen, D.D.S. & Associates, PC dba Afdent did file its CF-1 paperwork for personal property approved under Resolution R-86-06 timely with the City of Fort Wayne and, per the information provided, Common Council found David M. Allen, D.D.S. & Associates, PC dba Afdent in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; and

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

WHEREAS, 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. OPTION A.** That David M. Allen, D.D.S. & Associates, PC dba Afdent's request for a waiver of clerical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved deduction for real property is terminated. This termination shall have no impact on the personal property abatement approved under confirming resolution R-86-06, said personal property abatement shall continue.~~

SECTION 1. OPTION B. That all clerical and technical errors and nonconformities of David M. Allen, D.D.S. & Associates, PC dba Afdent's annual deduction compliance filing requirements that are waivable under State law and local law, including without limitation those errors and nonconformities described in I.C.6-1.1-12.1-9.5 are hereby waived. The Allen County Auditor shall be supplied with a copy of this resolution and is instructed to apply the deduction.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 AND LEGALITY



Carol Helton, City Attorney

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 4041 Parnell Avenue, Fort Wayne, Indiana 46805 (David M. Allen, D.D.S. & Associates, PC dba Afdent)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4041 Parnell Avenue for David M. Allen, D.D.S. & Associates, PC dba Afdent (Confirming Resolution R-86-06) 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 David M. Allen, D.D.S. & Associates, PC dba Afdent and approved under Confirming Resolution R-86-06 was for \$3,700,000 in real property improvements and \$400,000 in personal property improvements; and

~~**WHEREAS**, construction of the real property improvements for David M. Allen, D.D.S. & Associates, PC dba Afdent has completed its pledge to construct new real property improvements; and were completed in November 2007; and~~

~~**WHEREAS**, representatives of David M. Allen, D.D.S. & Associates, PC dba Afdent have informed the City of Fort Wayne that their David M. Allen, D.D.S. & Associates, PC dba Afdent's Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner with the City and Allen County Auditor; and~~

~~**WHEREAS**, this oversight was an unusual occurrence for David M. Allen, D.D.S. & Associates, PC dba Afdent; and~~

~~**WHEREAS**, the Common Council finds that David M. Allen, D.D.S. & Associates, PC dba Afdent has completed its pledge to construct the real property improvements; and~~

~~**WHEREAS**, the Common Council acknowledges that David M. Allen, D.D.S. & Associates, PC dba Afdent 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**, David M. Allen, D.D.S. & Associates, PC dba Afdent did file its CF-1 paperwork for personal property approved under Resolution R-86-06 timely with the City of Fort Wayne and, per the information provided, Common Council found David M. Allen, D.D.S. & Associates, PC dba Afdent in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; and~~

~~the Common Council intends that David M. Allen, D.D.S. & Associates, PC dba Afdent 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 2019 payable 2020 tax year would not create a strain on the City of Fort Wayne's fiscal budget; and~~

~~**WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permits 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.~~

Formatted: Indent: First line: 0"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

1
2 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

3 SECTION 1. OPTION A. That David M. Allen, D.D.S. & Associates, PC dba Afdent's request for a waiver of clerical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved deduction for real property is terminated. This termination shall have no impact on the personal property abatement approved under confirming resolution R-86-06, said personal property abatement shall continue.

Formatted: Font: Not Bold

4
5
6 SECTION 1. OPTION B. That all clerical and technical errors and nonconformities of David M. Allen, D.D.S. & Associates, PC dba Afdent's annual deduction compliance filing requirements that are waivable under State law and local law, including without limitation those errors and nonconformities described in I.C.6-1.1-12.1-9.5 are hereby waived. The Allen County Auditor shall be supplied with a copy of this resolution and is instructed to apply the deduction.

Formatted: Font: Not Bold

7
8
9 ~~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.~~

10
11 ~~SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit David M. Allen, D.D.S. & Associates, PC dba Afdent to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-86-06. 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 David M. Allen, D.D.S. & Associates, PC dba Afdent's personal property.~~

12
13
14
15 **SECTION 32.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

16
17 _____
Member of Council

18
19 APPROVED AS TO FORM AND LEGALITY

20
21 _____
Carol Helton, City Attorney

22
23
24
25
26
27
28
29
30

3
4 **A RESOLUTION approving a Waiver of Noncompliance for a**
5 **Late-Filed Statement of Benefits Real Estate Improvements**
6 **(Form CF-1/Real Property) for 4041 Parnell Avenue, Fort**
7 **Wayne, Indiana 46805 (David M. Allen, D.D.S. & Associates,**
8 **PC dba Afdent)**

9 **WHEREAS**, Common Council has previously designated and declared by Declaratory
10 Resolution and Confirming Resolution property at 4041 Parnell Avenue for David M. Allen,
11 D.D.S. & Associates, PC dba Afdent (Confirming Resolution R-86-06) under Sections 153.13-
12 153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

13 **WHEREAS**, the original Statement of Benefits and economic revitalization area
14 designation application submitted by David M. Allen, D.D.S. & Associates, PC dba Afdent and
15 approved under Confirming Resolution R-86-06 was for \$3,700,000 in real property
16 improvements and \$400,000 in personal property improvements; and

17 **WHEREAS**, construction of the real property improvements for David M. Allen, D.D.S. &
18 Associates, PC dba Afdent were completed in November 2007; and

19 **WHEREAS**, representatives of David M. Allen, D.D.S. & Associates, PC dba Afdent have
20 informed the City of Fort Wayne that their Statement of Benefits Real Estate Improvements
21 (Form CF-1/Real Property) for 2019 was not filed in a timely manner; and

22 **WHEREAS**, this oversight was an unusual occurrence for David M. Allen, D.D.S. &
23 Associates, PC dba Afdent; and

24 **WHEREAS**, the Common Council finds that David M. Allen, D.D.S. & Associates, PC
25 dba Afdent has completed its pledge to construct the real property improvements; and

26 **WHEREAS**, the Common Council acknowledges that David M. Allen, D.D.S. &
27 Associates, PC dba Afdent has requested a waiver of noncompliance which the Common
28 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-
29 11.3; and

30 **WHEREAS**, the Common Council intends that David M. Allen, D.D.S. & Associates, PC
dba Afdent 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
2019 payable 2020 tax year would not create a strain on the City of Fort Wayne's fiscal budget;
and

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 David M.
Allen, D.D.S. & Associates, PC dba Afdent to receive the real property economic revitalization
area deductions for 2019 payable 2020 under Confirming Resolution R-86-06. 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

the assessed value, tax abatement deductions or taxes payable with respect to David M. Allen, D.D.S. & Associates, PC dba Afdent'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 David M. Allen, D.D.S. & Associates, PC dba Afdent.

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 David M. Allen, D.D.S. & Associates, PC dba Afdent.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow David M. Allen, D.D.S. & Associates, PC dba Afdent to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by David M. Allen, D.D.S. & Associates, PC dba Afdent.

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and Jason Arp

Lisa Harris

From: fwn legals <fwnlegals@fwn.fortwayne.com>
Sent: Wednesday, August 14, 2019 4:24 PM
To: Lisa Harris
Subject: RE: Public Hearing Bills

Res. R-19-08-10

Please note below is your requested schedule and cost.
If there is a discrepancy, please let me know soon as possible.

AD#1366920

Date:8--16

Publication:JG

Total Cost: \$17.97

PLEASE READ: URGENT! Invoices-Receipt/Proof of Pubs/Affidavits are mailed out on Thursday a week after the last/ONLY run date...

Donna M. Brotherton

Legal Clerk

Fort Wayne Newspapers

260-461-8246

From: Lisa Harris <Lisa.Harris@cityoffortwayne.org>
Sent: Wednesday, August 14, 2019 10:07 AM
To: fwn legals <fwnlegals@fwn.fortwayne.com>
Cc: Stacy A. Reed <Stacy.Reed@cityoffortwayne.org>; Jerika Clawson <Jerika.Clawson@cityoffortwayne.org>
Subject: Public Hearing Bills

Good morning.

Please give the attached full coverage on Friday August 16, 2019 in the Journal Gazette newspaper.

1. Bill # A-19-08-06
2. Bill # R-19-08-17
3. Bill # R-19-08-16
4. Bill # R-19-05-15
5. Bill # R-19-08-19
6. Bill # R-19-08-18
7. Bill # R-19-08-14
8. Bill # R-19-08-13
9. Bill # R-19-08-12
10. Bill # R-19-08-11
11. Bill # R-19-08-21
12. Bill # R-19-08-20
13. Bill # R-19-08-10
14. Bill # R-19-08-09
15. Bill # R-19-08-08

- 16. Bill # R-19-08-28
- 17. Bill # R-19-08-07
- 18. Bill # R-19-08-24
- 19. Bill # R-19-08-26

Please send two copies of the publisher's affidavit from the newspaper *and* confirm receipt of this email.

Our account number is 1063561.

Thanks for your assistance.

Lisa M. Petretta-Harris
Assistant Deputy Clerk
City Clerk's Office
200 E Berry Street
Fort Wayne, IN 46802

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

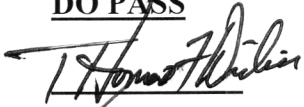




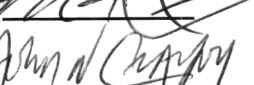
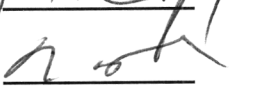
BILL NO. R-19-08-10

**REPORT OF COMMITTEE ON FINANCE
August 27, 2019**

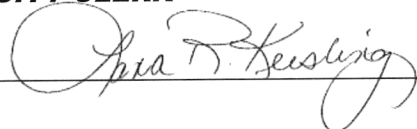
Russ Jehl Chair
Jason Arp Co-Chair
All Council Members

A Resolution approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 4041 Parnell Avenue, Fort Wayne, Indiana 46805 (David M. Allen, D.D.S. & Associates, PC dba Afdent)

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>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-19-08-10)**

ON AUGUST 27, 2019 AT 5:30 P.M., IN THE CONFERENCE ROOM 030, 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 REAL PROPERTY DEDUCTION OF PROPERTY AT 4041 PARNELL AVENUE FOR DAVID M. ALLEN, D.D.S. & ASSOCIATES, DBA AFDENT.

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) 427-1120.
8--16 1366920 hspaxlp

The Journal Gazette

Account # 1063561 - 1366920

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	<u>38</u>

COMPUTATION OF CHARGES

<u>38</u> lines, <u>1</u> column(s) wide equals	
<u>38</u> equivalent lines at \$ <u>0.473</u> cents per line	\$ 17.97
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	<u>\$ 17.97</u>

DATA FOR COMPUTING COST

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

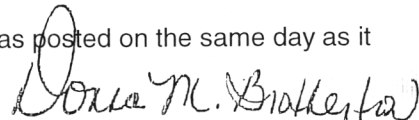
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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:

8/16/2019

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 16, 2019

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-19-08-10)**

ON AUGUST 27, 2019 AT 5:30 P.M., IN THE CONFERENCE ROOM 030, 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 REAL PROPERTY DEDUCTION OF PROPERTY AT 4041 PARNELL AVENUE FOR DAVID M. ALLEN, D.D.S. & ASSOCIATES, DBA AFDENT.

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) 427-1120.
8--16 1366920 hspaxlp

Public Hearing Date: 8/27/2019

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

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

Read the third time in full and on motion by Councilman Jehl, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

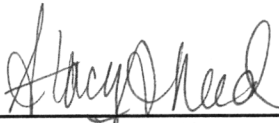
DATED: August 27, 2019



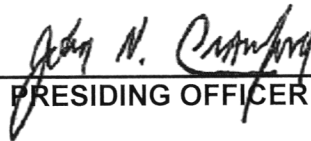
 STACY A. REED, DEPUTY CITY CLERK

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

Resolution No. R-19-08-10 AA on the 27th day of August, 2019



 STACY A. REED
 DEPUTY CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of August 2019, at the hour of 12:15 o'clock P.M. E.S.T.



 STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 29TH day of AUGUST 2019, at the hour of 5:00 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
 AUG 30 2019
 LANA R. KEESLING
 CITY CLERK