

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits for Real Estate Improvements (Form CF-1/Personal Property) for 3015 Cannongate Drive, Fort Wayne, Indiana 46808 (Home Reserve, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 3015 Cannongate Drive for Home Reserve, LLC (Confirming Resolution R-96-18) 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 Home Reserve, LLC and approved under Confirming Resolution R-96-18 was for \$255,000 in real property improvements and \$1,358,000 in personal property improvements; and

WHEREAS, Home Reserve, LLC's Statement of Benefits Personal Property Improvements (Form CF-1/Personal Property) for 2019 was not filed in a timely manner with the Allen County Assessor; and

WHEREAS, Home Reserve, LLC 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, Home Reserve, LLC did file its CF-1 paperwork for personal property approved under Resolution R-98-18 timely with the City of Fort Wayne and, per the information provided, Common Council found Home Reserve, LLC 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 Home Reserve, LLC's request for a waiver of clerical and technical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved deduction real property is terminated.~~

SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Home Reserve, LLC's annual deduction compliance filing requirements that are waivable under State 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, upon passage, and is instructed to apply the deduction.

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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

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits for Real Estate Improvements (Form CF-1/Personal Property) for 3015 Cannongate Drive, Fort Wayne, Indiana 46808 (Home Reserve, LLC)

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WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Home Reserve, LLC and approved under Confirming Resolution R-96-18 was for \$255,000 in real property improvements and \$1,358,000 in personal property improvements; and

WHEREAS, representatives of Home Reserve, LLC have informed the City of Fort Wayne that their Home Reserve, LLC's Statement of Benefits Personal Property Improvements (Form CF-1/Personal Property) for 2019 was not filed in a timely manner with the Allen County Assessor; and

WHEREAS, this oversight was an unusual occurrence for Home Reserve, LLC; and

WHEREAS, the Common Council finds that Home Reserve, LLC has completed its pledge to construct the real property improvements; and

WHEREAS, Home Reserve, LLC has retained its workforce as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Home Reserve, LLC 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 Home Reserve, LLC 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, Home Reserve, LLC did file its CF-1 paperwork for personal property approved under Resolution R-98-18 timely with the City of Fort Wayne and, per the information provided, Common Council found Home Reserve, LLC 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 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.

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

SECTION 1. OPTION A That Home Reserve, LLC's request for a waiver of clerical and technical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved deduction real property is terminated.

SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Home Reserve, LLC's annual deduction compliance filing requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-

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1.1-12.1-9.5, are hereby waived. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the deduction.

SECTION 1. ~~That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable 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 Home Reserve, LLC to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-96-18. 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 Home Reserve, LLC'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

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4 **A RESOLUTION approving a Waiver of Noncompliance for a**
5 **Late-Filed Statement of Benefits Real Estate Improvements**
6 **(Form CF-1/Personal Property) for 3015 Cannongate Drive,**
7 **Fort Wayne, Indiana 46808 (Home Reserve, LLC)**

8 **WHEREAS**, Common Council has previously designated and declared by Declaratory
9 Resolution and Confirming Resolution property at 3015 Cannongate Drive for Home Reserve,
10 LLC (Confirming Resolution R-96-18) under Sections 153.13-153.24 of the Municipal Code of the
11 City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

12 **WHEREAS**, the original Statement of Benefits and economic revitalization area
13 designation application submitted by Home Reserve, LLC and approved under Confirming
14 Resolution R-96-18 was for \$255,000 in real property improvements and \$1,358,000 in personal
15 property improvements; and

16 **WHEREAS**, representatives of Home Reserve, LLC have informed the City of Fort
17 Wayne that their Statement of Benefits Personal Property Improvements (Form CF-1/Personal
18 Property) for 2019 was not filed in a timely manner; and

19 **WHEREAS**, this oversight was an unusual occurrence for Home Reserve, LLC; and

20 **WHEREAS**, the Common Council finds that Home Reserve, LLC has completed its
21 pledge to construct the real property improvements; and

22 **WHEREAS**, Home Reserve, LLC. has retained its workforce as reported on the
23 approved statement of benefits forms; and

24 **WHEREAS**, the Common Council acknowledges that Home Reserve, LLC has
25 requested a waiver of noncompliance which the Common Council has the power and authority to
26 approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

27 **WHEREAS**, the Common Council intends that Home Reserve, LLC receive the tax
28 abatement benefits to which they would have been entitled had no non-compliance event
29 occurred, so long as the waiver of non-compliance and the granting of those benefits does not
30 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 Home
Reserve, LLC to receive the real property economic revitalization area deductions for 2019
payable 2020 under Confirming Resolution R-96-18. 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 Home Reserve, LLC's personal property.

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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 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 Home Reserve, 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 Home Reserve, LLC.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Home Reserve, LLC to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Home Reserve, LLC.

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 4:29 PM
To: Lisa Harris
Subject: RE: Public Hearing Bills

Res R-19-08-12

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

AD#1366940

Date:8--16

Publication:JG

Total Cost: \$17.50

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

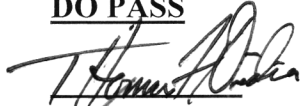
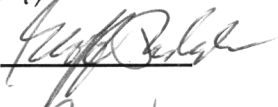
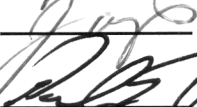
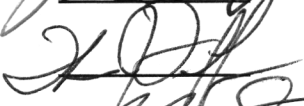
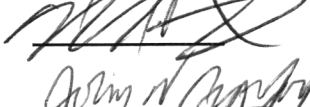
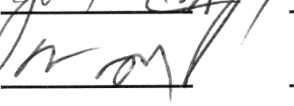
BILL NO. R-19-08-12

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

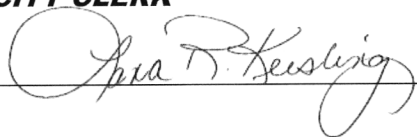
Russ Jehl Chair
Jason Arp Co-Chair
All Council Members

A Resolution approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Personal Property) for 3015 Cannongate Drive, Fort Wayne, Indiana 46808 (Home Reserve, LLC)

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**



**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-19-08-12)**

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 3015 CANNONGATE DRIVE FOR HOME RESERVE, 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) 427-1120.
8-16 1366940 hspaxlp

The Journal Gazette

Account # 1063561 - 1366940

FW City Clerk's Office

Allen County, Indiana

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	37

COMPUTATION OF CHARGES

<u>37</u> lines, <u>1</u> column(s) wide equals	
<u>37</u> equivalent lines at \$ <u>0.473</u> cents per line	\$ 17.50
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	\$ 17.50

DATA FOR COMPUTING COST

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

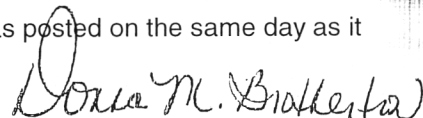
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

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-19-08-12)**

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 3015 CANNONGATE DRIVE FOR HOME RESERVE, LLC

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8-16 1366940 hspaxlp

Public Hearing Date: 8/27/2019

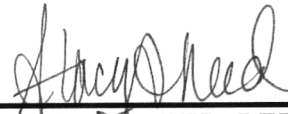
Read the first time in full and on motion by Councilman Jehl.

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"/>

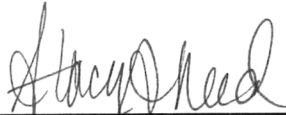
DATED: August 27, 2019



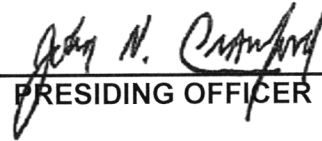
STACY A. REED, DEPUTY CITY CLERK

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

Resolution No. R-19-08-12 AA on the 27th day of August, 2019

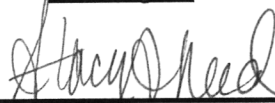


STACY A. REED
DEPUTY CITY CLERK



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 PM. 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.

FORT WAYNE, INDIANA
RECEIVED

AUG 30 2019

LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR