

A RESOLUTION considering a Waiver of Noncompliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Statement of Benefits (CF-1) for 4725 Arden Drive, Fort Wayne, Indiana 46809 (Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4725 Arden Drive for Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. (Confirming Resolution R-60-17) 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 Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. and approved under Confirming Resolution R-60-17 was for \$2,000,000 in real property improvements and \$2,000,000 in personal property improvements; and

WHEREAS, construction of the real property improvements and instillation of personal property improvements for Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. are in progress and the applicant is working towards completing its pledge to construct the real property improvements and install personal property equipment; and

WHEREAS, Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.'s application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) and Statement of Benefits (CF-1) for 2019 were not filed in a timely manner with the Allen County Auditor; and

WHEREAS, Paul A. Walters LLC/Quality Engineering, Inc./PAW International, 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, Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. did file its CF-1 paperwork timely with the City of Fort Wayne and, per the information provided, Common Council found Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. 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 deduction application 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 Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.'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. This termination shall have no impact on the personal property for manufacturing, research and development, and information technology equipment property abatement approved under Confirming Resolution R-60-17, said personal property abatement for manufacturing, research and development, and information technology equipment shall continue.~~

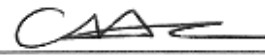
SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.'s annual deduction compliance filing requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3, are hereby

1 waived. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage,
2 and is instructed to apply the deduction.

3 **SECTION 2.** That, this Resolution shall be in full force and effect from and after its passage and
4 any and all necessary approval by the Mayor.

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6 _____
7 Member of Council

8 APPROVED AS TO FORM AND LEGALITY

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10 _____
11 Carol Helton, City Attorney

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1 BILL NO. R-19-08-18

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3 RESOLUTION NO. R-_____

4 **A RESOLUTION ~~approving~~ considering a Waiver of**
5 **Noncompliance for a Late-Filed Application for the**
6 **Deduction from Assessed Valuation of Structures in**
7 **Economic Revitalization Areas (Form 322/RE) and**
8 **Statement of Benefits (CF-1) for 4725 Arden Drive, Fort**
9 **Wayne, Indiana 46809 (Paul A. Walters LLC/Quality**
10 **Engineering, Inc./PAW International, Inc.)**

11 **WHEREAS**, Common Council has previously designated and declared by Declaratory
12 Resolution and Confirming Resolution property at 4725 Arden Drive for Paul A. Walters
13 LLC/Quality Engineering, Inc./PAW International, Inc. (Confirming Resolution R-60-17) under
14 Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-
15 12.1; and

16 **WHEREAS**, the original Statement of Benefits and economic revitalization area
17 designation application submitted by Paul A. Walters LLC/Quality Engineering, Inc./PAW
18 International, Inc. and approved under Confirming Resolution R-60-17 56-16 was for \$2,000,000
19 in real property improvements and \$2,000,000 in personal property improvements; and

20 **WHEREAS**, construction of the real property improvements and installation of personal
21 property improvements for Paul A. Walters LLC/Quality Engineering, Inc./PAW International,
22 Inc. are in progress and the applicant is working towards completing its pledge to construct the
23 real property improvements and install personal property equipment; and

24 **WHEREAS**, representatives of Paul A. Walters LLC/Quality Engineering, Inc./PAW
25 International, Inc. have informed the City of Fort Wayne that their Paul A. Walters LLC/Quality
26 Engineering, Inc./PAW International, Inc.'s application for deduction from assessed valuation of
27 structures in economic revitalization areas (322/RE) and Statement of Benefits (CF-1) for 2019
28 were not filed in a timely manner with the Allen County Auditor; and

29 **WHEREAS**, this oversight was an unusual occurrence for Paul A. Walters LLC/Quality
30 Engineering, Inc./PAW International, Inc.; and

WHEREAS, the Common Council finds that Paul A. Walters LLC/Quality Engineering,
Inc./PAW International, Inc. working towards completing its pledge to construct the real property
improvements and install personal property improvements; and

WHEREAS, the Common Council acknowledges that Paul A. Walters LLC/Quality
Engineering, Inc./PAW International, Inc. Paul A. Walters LLC/Quality Engineering, Inc./PAW
International, 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 Paul A. Walters LLC/Quality Engineering,
Inc./PAW International, 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

WHEREAS, Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. did
file its CF-1 paperwork timely with the City of Fort Wayne and, per the information provided,
Common Council found Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. 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 deduction application 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.

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

3 SECTION 1. OPTION A That Paul A. Walters LLC/Quality Engineering, Inc./PAW International,
4 Inc.'s request for a waiver of clerical and technical errors and nonconformities with its annual
5 deduction compliance filing requirements is hereby denied and as such the previously approved
6 deduction real property is terminated. This termination shall have no impact on the personal
7 property for manufacturing, research and development, and information technology equipment
8 property abatement approved under Confirming Resolution R-60-17, said personal property
9 phase-in for manufacturing, research and development, and information technology equipment
10 shall continue.

11 SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Paul A.
12 Walters LLC/Quality Engineering, Inc./PAW International, Inc.'s annual deduction compliance
13 filing requirements that are waivable under State and local law, including without limitation those
14 errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3, are hereby
15 waived. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage,
16 and is instructed to apply the deduction.

17 ~~SECTION 1. That, Common Council hereby waives all clerical and technical errors and~~
18 ~~nonconformities that are waiveable under State and local law, including without limitation those~~
19 ~~errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.~~

20 ~~SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Paul A.~~
21 ~~Walters LLC/Quality Engineering, Inc./PAW International, Inc. to receive the real property~~
22 ~~economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-~~
23 ~~56-16. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage,~~
24 ~~and instructed to apply the deduction amounts in accordance with this schedule. This resolution~~
25 ~~shall have no effect on the assessed value, tax abatement deductions or taxes payable with~~
26 ~~respect to Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.'s personal~~
27 ~~property.~~

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

30 _____
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 Application for the Deduction from Assessed**
6 **Valuation of Structures in Economic Revitalization Areas**
7 **(Form 322/RE) for 4725 Arden Drive, Fort Wayne, Indiana**
8 **46809 (Paul A. Walters LLC/Quality Engineering, Inc./PAW**
9 **International, Inc.)**

10 **WHEREAS**, Common Council has previously designated and declared by Declaratory
11 Resolution and Confirming Resolution property at 4725 Arden Drive for Paul A. Walters
12 LLC/Quality Engineering, Inc./PAW International, Inc. (Confirming Resolution R-60-17) under
13 Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-
14 12.1; and

15 **WHEREAS**, the original Statement of Benefits and economic revitalization area
16 designation application submitted by Paul A. Walters LLC/Quality Engineering, Inc./PAW
17 International, Inc. and approved under Confirming Resolution R-56-16 was for \$2,000,000 in real
18 property improvements and \$2,000,000 in personal property improvements; and

19 **WHEREAS**, construction of the real property improvements and instillation of personal
20 property improvements for Paul A. Walters LLC/Quality Engineering, Inc./PAW International,
21 Inc. is in progress; and

22 **WHEREAS**, representatives of Paul A. Walters LLC/Quality Engineering, Inc./PAW
23 International, Inc. have informed the City of Fort Wayne that their application for deduction from
24 assessed valuation of structures in economic revitalization areas (322/RE) and Statement of
25 Benefits (CF-1) for 2019 were not filed in a timely manner; and

26 **WHEREAS**, this oversight was an unusual occurrence for Paul A. Walters LLC/Quality
27 Engineering, Inc./PAW International, Inc.; and

28 **WHEREAS**, the Common Council finds that Paul A. Walters LLC/Quality Engineering,
29 Inc./PAW International, Inc. working towards completing its pledge to construct the real property
30 improvements and install personal property improvements; and

WHEREAS, the Common Council acknowledges that Paul A. Walters LLC/Quality
Engineering, Inc./PAW International, 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 Paul A. Walters LLC/Quality Engineering,
Inc./PAW International, 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

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 deduction application 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.

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

27 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and
28 nonconformities that are waiveable under State and local law, including without limitation those
29 errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.
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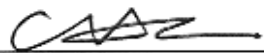
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SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-56-16. 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 Paul A. Walters LLC/Quality Engineering, Inc./PAW International, 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 Application for the Deduction from Assessed Valuation of Structures (Form 322/RE) for Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property deduction forms and statement of benefits for Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc. to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.

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

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

The Journal Gazette

Account # 1063561 - 1366937

FW City Clerk's Office

Allen County, Indiana

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 **38**

COMPUTATION OF CHARGES

38 lines, 1 column(s) wide equals _____

38 equivalent lines at \$ 0.473 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 \$ 17.97

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

Donna M. Brotherton
Legal Clerk

Date: August 16, 2019

ATTACH COPY OF ADVERTISEMENT HERE

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-19-08-18)**

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 4725 ARDEN DRIVE FOR PAUL A. WALTERS, LLC/QUALITY ENGINEERING, INC./PAW INTERNATIONAL, 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) 427-1120.
8-16 1366937 hspaxlp

The Journal Gazette

Account # 1063561 - 1366937

FW City Clerk's Office

Allen County, Indiana

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8-16 1366937 hspaxlp

BILL NO. R-19-08-18

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 Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) for 4725 Arden Drive, Fort Wayne, Indiana 46809 (Paul A. Walters LLC/Quality Engineering, Inc./PAW International, Inc.)

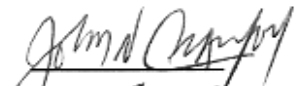




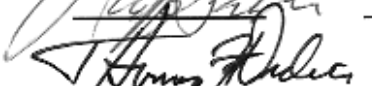
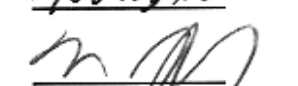
COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS


DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: August 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:

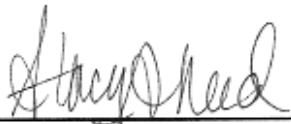
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
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DATED: August 27, 2019

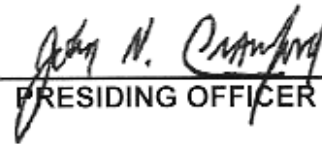

STACY A. REED, DEPUTY CITY CLERK

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

Resolution No. R-19-08-18AA 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 4:00 o'clock P.M. E.S.T.

FORT WAYNE, INDIANA

RECEIVED

AUG 30 2019

LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR