

A RESOLUTION Considering a Waiver of Non-Compliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-2-18 for 223 W. Jefferson Boulevard, Fort Wayne, Indiana 46802 (Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 223 W. Jefferson Boulevard for Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation (Confirming Resolution R-2-18) 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 Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation and approved under Confirming Resolution R-19-12 was for \$17,553,000 in real property improvements and \$236,500 in personal property improvements; and

WHEREAS, Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation's 2020 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) were filed in a timely manner on, or prior to, June 15, 2020 with the City; and

WHEREAS, Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation's Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) was not filed in a timely manner on, or prior to, June 15, 2020 with the Allen County Auditor; and

WHEREAS, the City has given Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation notice to file their Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and to submit an application for a waiver of non-compliance for a late filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE); and

WHEREAS, Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation has filed their Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) with the Auditor and submitted an application for a waiver of non-compliance for failure to file their Application for the

1 Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form
2 322/RE) with the City; and

3 **WHEREAS**, the Common Council acknowledges that Hampton Inn & Suites Downtown
4 Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation has requested a waiver
5 of non-compliance which the Common Council has the power and authority to approve, under
6 I.C. 6-1.1-12.1-9.5); and

7 **WHEREAS**, Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White
8 Lodging Services Corporation has fulfilled its pledge complete the project and construct a 130+
9 room Hampton Inn & Suites by Hilton Hotel with roof top food and beverage venue and ground
10 level retail; and

11 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, Hampton Inn &
12 Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation has
13 established that they have substantially complied with its approved statement of benefits; and

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

16 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
17 Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization
18 Areas (Form 322/RE), then Common Council will also determine substantial compliance or non-
19 compliance with statement of benefits; and

20 **WHEREAS**, a public hearing of the Common Council has been held on the waiver.

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

23 **[OPTION 1]**

24 **SECTION 1.** That, Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White
25 Lodging Services Corporation's request for a waiver of clerical and technical errors and
26 nonconformities with its Application for the Deduction from Assessed Valuation of Structures in
27 Economic Revitalization Areas (Form 322/RE) requirements is hereby denied and as such the
28 phase-in granted under Confirming Resolution R-2-18 for real property is terminated.

29 **SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and
30 any and all necessary approved by the Mayor.

[OPTION 2]

SECTION 1. That all clerical and technical errors and nonconformities of Hampton Inn & Suites
Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation's Application

1 for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form
2 322/RE) requirements that are waivable under State and local law, including without limitation
3 those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

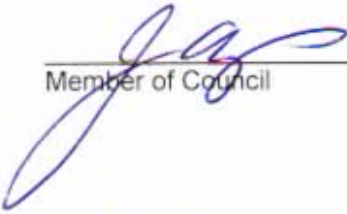
4 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by Hampton
5 Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation
6 with an approved Economic Revitalization Area for 2020 is in substantial compliance pursuant to
7 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne by virtue of
8 retaining 75% of the 23 full-time jobs and six part-time jobs or 17 full-time jobs six of the part-time
9 and that were stated to be created and creating 75% of the \$772,000 in annual payroll or
10 \$579,000 in annual payroll that was stated that would be generated by the created jobs.
11 Therefore, the continuation of Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE,
12 LLC/White Lodging Services Corporation's abatement is hereby approved. The Allen County
13 Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply
14 the tax phase-in.

15 ~~**SECTION 2. [OPTION B]** That Common Council finds that the CF-1 forms filed by Hampton
16 Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation
17 with an approved Economic Revitalization Area with an approved Economic Revitalization Area
18 for 2020 are not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the
19 Municipal Code of the City of Fort Wayne for failure to create 75% of the 23 full-time jobs and six
20 part-time jobs or 17 full-time jobs and six part-time jobs that were stated to be created and
21 creating 75% of the \$772,000 in annual payroll or \$579,000 in annual payroll. Hampton Inn &
22 Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation did
23 make reasonable efforts to substantially comply with the statement of benefits and Hampton Inn
24 & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation's
25 failure to substantially comply was caused by factors beyond the control of Hampton Inn & Suites
26 Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation. Therefore,
27 the continuation of Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White
28 Lodging Services Corporation's abatement is hereby approved. The Allen County Auditor shall
29 be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax
30 phase-in.~~


31 ~~**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 form filed by Hampton
32 Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation
33 with an approved Economic Revitalization Area for 2019 is not in substantial compliance
34 pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne
35 for failure to create 75% of the 23 full-time jobs and six part-time jobs or 17 full-time jobs and six
36 part-time jobs that were stated to be created and creating 75% of the \$772,000 in annual payroll~~

1 ~~or \$579,000 in annual payroll. Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE,~~
2 ~~LLC/White Lodging Services Corporation did not make reasonable efforts to substantially comply~~
3 ~~with the statement of benefits and Hampton Inn & Suites Downtown Fort Wayne~~
4 ~~Hotel/HIWAYNE, LLC/White Lodging Services Corporation's failure to substantially comply was~~
5 ~~not caused by factors beyond the control of Hampton Inn & Suites Downtown Fort Wayne~~
6 ~~Hotel/HIWAYNE, LLC/White Lodging Services Corporation. As a result of said failure, the~~
7 ~~abatement for Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White~~
8 ~~Lodging Services Corporation is hereby terminated by Common Council. The Allen County~~
9 ~~Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to~~
10 ~~terminate the abatement for real property improvements.~~

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

13
14 
15 _____
16 Member of Council

17 APPROVED AS TO FORM AND LEGALITY

18 
19 _____
20 Carol Helton, City Attorney

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Considering a Waiver of Non-compliance for a Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-2-18 for 223 W. Jefferson Boulevard, Fort Wayne, IN 46802 (Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to consider a waiver of non-compliance for late-filed statement of benefits and to determine substantial compliance or non-compliance with statement of benefits for 2020 for Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation.

EFFECT OF PASSAGE: Approval of this resolution, granting of a waiver of non-compliance and a determination of substantial compliance will allow Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation to retain their real property economic revitalization area tax phase-in.

EFFECT OF NON-PASSAGE: Potential loss of future development by Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation.

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Jason Arp and Sharon Tucker

The Journal Gazette

Account # 1063561 - 1393185

Allen County, Indiana

FW City Clerk's Office

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT HERE

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 \$ 0.486 cents per line \$ 20.41

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 \$ 20.41

DATA FOR COMPUTING COST

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

Number of Insertions 2

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 2 times.

The dates of publication being as follows:

9/11/2020

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Pamela K. Thornton

Pamela K. Thornton
Legal Clerk

Date: September 11, 2020

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-20-09-12)**

ON SEPTEMBER 22, 2020 AT 5:30 P.M., IN THE CONFERENCE ROOM 035, 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 223 W. JEFFERSON BOULEVARD AND APPROVED UNDER RESOLUTION R-2-18 FOR HAMPTON IN & SUITES DOWNTOWN, FORT WAYNE HOTEL/HIWAYNE, LLC/WHITE LODGING SERVICES CORPORATION.

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, TTY (260) 427-1200 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.
9--11 1393185 hspaxlp

The Journal Gazette

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REPORT OF COMMITTEE ON FINANCE

September 22, 2020

Jason Arp Chair

Sharon Tucker Co-Chair


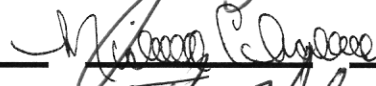
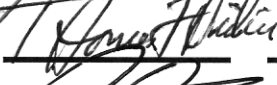


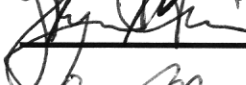
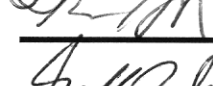


All Council Members

2A

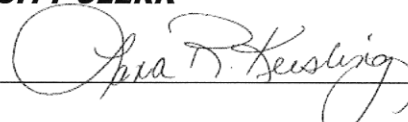
A Resolution Considering a Waiver of Non-Compliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-2-18 for 223 W. Jefferson Boulevard, Fort Wayne, Indiana 46802

Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE, LLC/White Lodging Services Corporation

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>			
<u>CHAMBERS</u>			
<u>DIDIER</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HINES</u>			
<u>JEHL</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: September 22, 2020

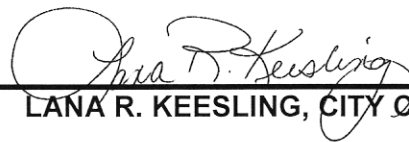
Read the first time in full and on motion by Councilperson Arp.

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

Read the third time in full and on motion by Councilperson Arp, 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"/>
CHAMBERS	<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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 22, 2020


LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-09-12 on the 22nd day of September, 2020

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of September 2020, at the hour of 10:40 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 23RD day of SEPTEMBER 2020, at the hour of 11:30 o'clock AM E.S.T.


THOMAS C. HENRY, MAYOR

