

A RESOLUTION Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-33-12 for 1515 Profit Drive, Fort Wayne, Indiana 46808 (Meijer Stores Limited Partnership)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 1515 Profit Drive for Meijer Stores Limited Partnership (Confirming Resolution R-101-13) 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 Meijer Stores Limited Partnership and approved under Confirming Resolution R-33-12 was for \$2,261,000 in real property improvements and \$8,080,000 in personal property improvements; and

WHEREAS, Meijer Stores Limited Partnership's 2020 Compliance with Statement of Benefits (Form CF-1/Real Property) was filed in a timely manner on, or prior to, June 15, 2020 with the City and Allen County Auditor; and

WHEREAS, Meijer Stores Limited Partnership's Compliance with Statement of Benefits (Form CF-1/Personal Property) was not filed in a timely manner on, or prior to, June 15, 2020 with the Allen County Assessor; and

WHEREAS, the City has given Meijer Stores Limited Partnership notice to file their Compliance with Statement of Benefits (Form CF-1/Personal Property) and to submit an application for a waiver of non-compliance for their late filed Statement of Benefits Form (CF-1/Personal Property); and

WHEREAS, Meijer Stores Limited Partnership has filed their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the Assessor and submitted an application for a waiver of non-compliance for their late filed Compliance with Statement of Benefits Form (CF-1/Personal Property) with the City; and

WHEREAS, the Common Council acknowledges that Meijer Stores Limited Partnership 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

WHEREAS, Meijer Stores Limited Partnership has fulfilled its pledge to complete the project to occupy and refurbish a vacant facility and purchase and install new personal property equipment; and

1 **WHEREAS**, Based on the CF-1 statement of benefits recently submitted, Meijer Stores
2 Limited Partnership has established that they have substantially complied with its approved
3 statement of benefits; and

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

6 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
7 Compliance with Statement of Benefits (Form CF-1/Personal Property) then Common Council will
8 also determine substantial compliance or non-compliance with statement of benefits; and

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

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

12 **[OPTION 1]**

13 **SECTION 1.** That, Meijer Stores Limited Partnership's request for a waiver of clerical and
14 technical errors and nonconformities with its Statement of Benefits Form CF-1/Personal Property
15 requirements is hereby denied and as such the phase-in granted under Confirming Resolution R-
16 33-12 for Personal property is terminated.

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

19 **[OPTION 2]**

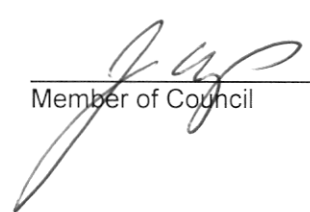
20 **SECTION 1.** That all clerical and technical errors and nonconformities of Meijer Stores Limited
21 Partnership's Compliance with Statement of Benefits (Form CF-1/Personal Property)
22 requirements that are waivable under State and local law, including without limitation those errors
23 and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

24 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by Meijer
25 Stores Limited Partnership with an approved Economic Revitalization Area for 2020 is in
26 substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of
27 the City of Fort Wayne by virtue of creating 75% of the 33 full-time jobs or 24 full-time jobs as
28 were stated to be created and creating \$1,617,087 in annual payroll or \$1,212,815 in annual
29 payroll that was stated to be created. Therefore, the continuation of Meijer Stores Limited
30 Partnership's tax phase-in is hereby approved. The Allen County Auditor shall be supplied with a
copy of this Resolution, upon passage, and is instructed to apply the tax phase-in.

1 ~~SECTION 2. [OPTION B] That Common Council finds that the CF-1 forms filed by Meijer~~
2 ~~Stores Limited Partnership with an approved Economic Revitalization Area with an approved~~
3 ~~Economic Revitalization Area for 2020 are not in substantial compliance pursuant to I.C. 6-1.1-~~
4 ~~42.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne for failure to create 75%~~
5 ~~of the 33 full-time jobs or 24 full-time jobs as were stated to be created and creating \$1,617,087~~
6 ~~in annual payroll or \$1,212,815 in annual payroll that was stated to be created. Meijer Stores~~
7 ~~Limited Partnership did make reasonable efforts to substantially comply with the statement of~~
8 ~~benefits and Meijer Stores Limited Partnership's failure to substantially comply was caused by~~
9 ~~factors beyond the control of Meijer Stores Limited Partnership. Therefore, the continuation of~~
10 ~~Meijer Stores Limited Partnership's tax phase in is hereby approved. The Allen County Auditor~~
11 ~~shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax~~
12 ~~phase in.~~

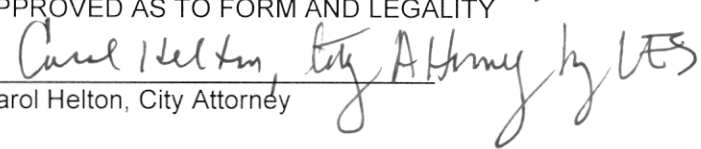
13 ~~SECTION 2. [OPTION C] That Common Council finds that the CF-1 form filed by Meijer~~
14 ~~Stores Limited Partnership with an approved Economic Revitalization Area for 2020 is not in~~
15 ~~substantial compliance pursuant to I.C. 6-1.1-42.1 and Section 153.21 of the Municipal Code of~~
16 ~~the City of Fort Wayne for failure to create 75% of the 33 full-time jobs or 24 full-time jobs as~~
17 ~~were stated to be created and creating \$1,617,087 in annual payroll or \$1,212,815 in annual~~
18 ~~payroll that was stated to be created. Meijer Stores Limited Partnership did not make reasonable~~
19 ~~efforts to substantially comply with the statement of benefits and Meijer Stores Limited~~
20 ~~Partnership's failure to substantially comply was not caused by factors beyond the control of~~
21 ~~Meijer Stores Limited Partnership. As a result of said failure, the tax phase in for Meijer Stores~~
22 ~~Limited Partnership is hereby terminated by Common Council. The Allen County Auditor shall be~~
23 ~~supplied with a copy of this Resolution, upon passage, and is instructed to terminate the tax~~
24 ~~phase in.~~

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

27
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29
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Member of Council

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Considering a Waiver of Non-compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-33-12 for 1515 Profit Drive, Fort Wayne, IN 46808 (Meijer Stores Limited Partnership)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to consider a waiver of non-compliance for late-filed real property statement of benefits and to determine substantial compliance or non-compliance with statement of benefits for 2020 for Meijer Stores Limited Partnership.

EFFECT OF PASSAGE: Approval of this resolution, granting of a waiver of non-compliance and a determination of substantial compliance will allow Meijer Stores Limited Partnership to retain their real property economic revitalization area tax phase-in.

EFFECT OF NON-PASSAGE: Potential loss of future development by Meijer Stores Limited Partnership.

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 - 1393182

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 **41**

COMPUTATION OF CHARGES

41 lines, 1 column(s) wide equals _____

41 equivalent lines at \$ 0.474 cents per line **\$ 19.44**

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 **\$ 19.44**

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-20-09-14)**

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 REDUCTION OF PROPERTY AT 1515 PROFIT DRIVE AND APPROVED UNDER RESOLUTION R-33-12 FOR MEIJER STORES LIMITED PARTNERSHIP.

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 1393182 hspaxlp

The Journal Gazette

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REPORT OF COMMITTEE ON FINANCE

September 22, 2020

Jason Arp Chair

Sharon Tucker Co-Chair

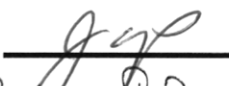

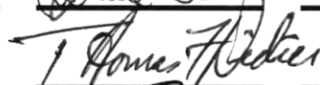



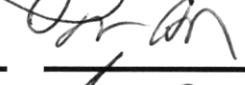


All Council Members

2A

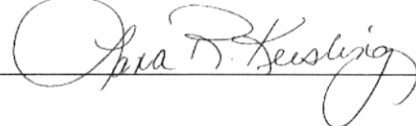
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Meijer Stores Limited Partnership

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>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: September 22, 2020

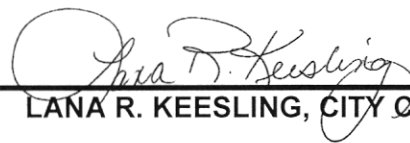
Read the first time in full and on motion by Councilperson Arp.

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-20-09-14 on the 22nd day of September, 2020

ATTEST:

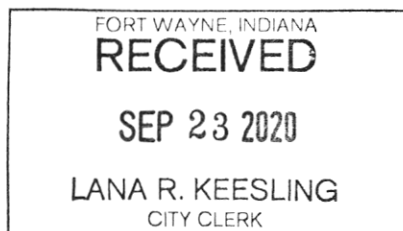

LANA R. KEESLING
CITY CLERK


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