

**A RESOLUTION Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-43-18 for 3850 Concept Court, Fort Wayne, Indiana 46808 (Rogers Markets, Inc.)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 5211 Industrial Road for (Confirming Resolution R-43-18) 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 Rogers Markets, Inc. and approved under Confirming Resolution R-43-18 was for \$3,800,000 in Real Property improvements in building a speculative building; and

**WHEREAS**, Rogers Markets, Inc.'s Compliance with Statement of Benefits (Form CF-1/Real Property) was not filed in a timely manner on, or prior to, May 17, 2021 with the City and Allen County Auditor; and

**WHEREAS**, the City has given Rogers Markets, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) and to submit an application for a waiver of non-compliance for their late filed Statement of Benefits Form (CF-1/Real Property); and

**WHEREAS**, Rogers Markets, Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the Auditor and the City and submitted an application for a waiver of non-compliance for their late filed Statement of Benefits Form (CF-1/Real Property) with the City; and

**WHEREAS**, the Common Council acknowledges that Rogers Markets, Inc. 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**, Rogers Markets, Inc. has fulfilled its pledge to complete the Real Property improvements and construct a 60,000 square foot multi-tenant speculative building; and

**WHEREAS**, based on the CF-1 statement of benefits recently submitted, Rogers Markets, Inc. has established that they have substantially complied with its approved statement of benefits; and

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

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

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

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

7 ~~**[OPTION 1]**~~

8 ~~**SECTION 1.** That, Rogers Markets, Inc.'s request for a waiver of clerical and technical errors~~  
9 ~~and nonconformities with its Statement of Benefits Form CF-1/Real Property requirements is~~  
10 ~~hereby denied and as such the phase-in granted under Confirming Resolution R-48-18 for real~~  
11 ~~property is terminated.~~

12 ~~**SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and~~  
13 ~~and all necessary approvals by the Mayor.~~

14 **[OPTION 2]**


15 **SECTION 1.** That all clerical and technical errors and nonconformities of Rogers Markets, Inc.'s  
16 Compliance with Statement of Benefits (Form CF-1/Real Property) requirements that are  
17 waivable under State and local law, including without limitation those errors and nonconformities  
18 described in I.C. 6-1.1-12.1-9.5 are hereby waived.

19 **SECTION 2.** That Common Council finds that the CF-1 forms filed by Rogers Markets, Inc. with  
20 an approved Economic Revitalization Area for 2021 are in substantial compliance pursuant to  
21 I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne by virtue of  
22 completing the construction of a 60,000 square foot multi-tenant speculative building. Therefore,  
23 the continuation of Rogers Markets, Inc.'s tax phase-in is hereby approved. The Allen County  
24 Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon  
25 passage, and is instructed to apply the tax phase-in.  
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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

DIGEST SHEET

**TITLE OF RESOLUTION: Resolution Considering a Waiver of Non-compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-43-18 for 3850 Concept Court, Fort Wayne, IN 46808 (Rogers Markets, Inc.)**

**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 2021 for Rogers Markets, Inc.**

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

**EFFECT OF NON-PASSAGE: Potential loss of future development by Rogers Markets, Inc.**

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

**ASSIGNED TO COMMITTEE (CO-CHAIRS): Jason Arp and Glynn Hines**

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(RESOLUTION NO. R-21-07-23)

ON AUGUST 10, 2021 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 3850 CONCEPT COURT AND APPROVED UNDER RESOLUTION R-43-18 ROGERS MARKETS, 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 (72) HOURS PRIOR TO THE PUBLIC HEARING.



## INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Journal Gazette**.

Notice ID: DuQJUJxl7D69IJUDmyr7 | **Proof Updated: Jul. 28, 2021 at 09:20am EDT**  
Notice Name: R-21-07-23

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

<b>FILER</b>	<b>FILING FOR</b>
Lisa Petretta	Gov: Fort Wayne City
<a href="mailto:lisa.petretta@cityoffortwayne.org">lisa.petretta@cityoffortwayne.org</a>	Clerk's Office

<b>Columns Wide:</b> 1	<b>Ad Class:</b> Legals
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30 Jul 2021 - Custom	19.96
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Subtotal	\$19.96
Tax %	0.00
<b>Total</b>	<b>\$19.96</b>

### NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (RESOLUTION NO. R-21-07-23)

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7--30 hspaxlp

# The Journal Gazette

Allen County, Indiana

Account Name  
Gov: Fort Wayne City Clerk's Office  
Notice ID: DuQJUXI7D69IJUDmyr7

### 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
40

#### COMPUTATION OF CHARGES

40 lines, 1 column(s) wide equal:

40 equivalent lines at \$ 0.4990 cents per line

\$ 19.96

Additional charges for notices containing rule or tabular work  
(50 percent of above amount)

\$ \_\_\_\_\_

Electronic processing fee

\$ 0.00

TOTAL AMOUNT OF CLAIM

\$ 19.96

#### 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:

7/30/21    \_\_\_\_\_  
\_\_\_\_\_

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

Date: 7/30/2021

Karisa Harin  
Legal Clerk

ATTACH COPY OF ADVERTISEMENT

AUGUST 10, 2021 AT 5:30 P.M.  
THE CONFERENCE ROOM 030,  
ZENS SQUARE, FORT WAYNE,  
IANA. A PUBLIC HEARING WILL  
HELD ON THE MATTER OF A  
VER OF NONCOMPLIANCE WITH  
PROCEDURAL REQUIREMENTS  
I.C. 6-1.1-12.1 RELATING TO  
REAL PROPERTY DEDUCTION  
PROPERTY AT 3850 CONCEPT  
JRT AND APPROVED UNDER  
OLUTION R-43-18 ROGERS  
KETS, INC.

PUBLIC HEARING ON THE  
VER WILL BE HELD PURSUANT  
I.C. 6-1.1-12.1-9.5 AND I.C.  
1-12.1-11.3.

INTERESTED PERSONS ARE IN-  
D TO ATTEND AND BE HEARD  
HE PUBLIC HEARING.

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PERSONS WITH A KNOWN DIS-  
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TE AND FEDERAL LAW. ANY  
SON NEEDING A "REASONABLE  
OMMODATION" SHOULD NOTI-  
THE CITY OF FORT WAYNE PUB-  
INFORMATION OFFICE (260)  
-1120 (72) HOURS PRIOR TO  
PUBLIC HEARING.

**BILL NO. R-21-07-23**

**REPORT OF COMMITTEE ON FINANCE**

**August 10, 2021**

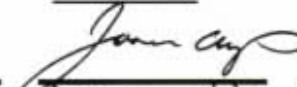
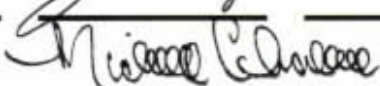
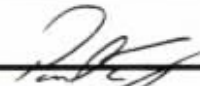
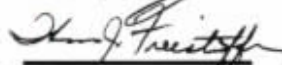
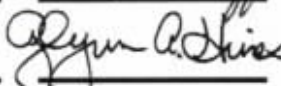

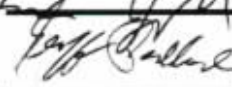

**Glynn Hines Chair**

**Jason Arp Co-Chair**

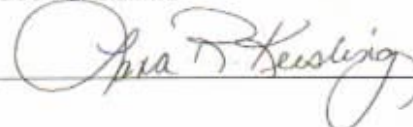
**All Council Members**

A Resolution Considering a Waiver of Non-Compliance for a Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Considering a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved Under R-43-18 for 3850 Concept Court, Fort Wayne, Indiana 46808 - Rogers Markets, Inc.

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: August 10, 2021

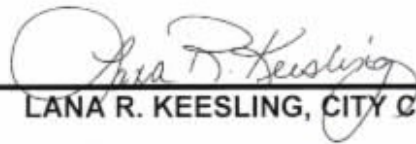
Read the first time in full and on motion by Councilperson Hines.

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

Read the third time in full and on motion by Councilperson Hines, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: August 10, 2021

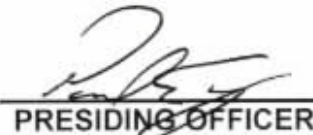
  
LANA R. KEESLING, CITY CLERK

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

Resolution No. R-21-07-23 on the 10th day of August, 2021

ATTEST:

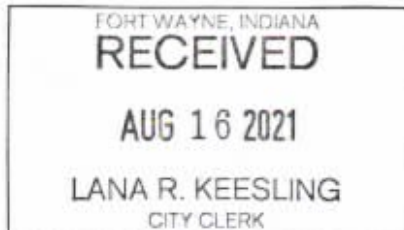
  
LANA R. KEESLING  
CITY CLERK

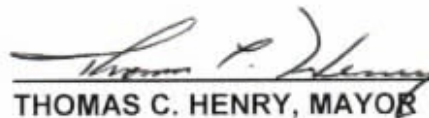
  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th of August 2021, at the hour of 12:45 o'clock ~~AM~~ PM E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13<sup>TH</sup> day of August 2021, at the hour of 10:00 o'clock AM E.S.T.



  
THOMAS C. HENRY, MAYOR