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4 **A RESOLUTION CONCERNING Non-compliance for failure**
5 **to file and/or failure to file in a timely manner form filings for**
6 **2023 for properties with approved “Economic Revitalization**
7 **Areas” under I.C. 6-1.1-12.1**

8 **WHEREAS**, Common Council has previously designated and declared by Declaratory
9 Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property
10 for the following property owners as “Economic Revitalization Areas” under Sections 153.13-
11 153.24 of the Fort Wayne Code of Ordinances, and I.C. 6-1.1-12.1; and

12 **WHEREAS**, property owners whose Statement of Benefits (SB-1) form was approved after
13 July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and
14 Section 153.21 of the Fort Wayne Code of Ordinances, Indiana, must file a Compliance with
15 Statement of Benefits Form (CF-1/PP and/or CF-1/Real Property) and other form filings with the
16 Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing there has
17 been compliance with the approved Statement of Benefits for the project; and

18 **WHEREAS**, Common Council designated the City of Fort Wayne Community
19 Development Division as the entity for the administration, application, processing and monitoring
20 of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort
21 Wayne; and

22 **WHEREAS**, property owners on the attached Exhibit B have failed to comply with I.C. 6-
23 1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by failing to file their
24 Compliance with Statement of Benefits and other form filings pertaining to their deduction in a
25 timely manner; and

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

28 **SECTION 1.** That the property owners listed in Exhibit B in approved Economic
29 Revitalization areas have failed to comply with I.C. 6-1.1-12-.1, *et. seq.*, and Section 153.21 of the
30 Fort Wayne Code of Ordinances by failing to file their Compliance with Statement of Benefits forms
(CF-1/PP and/or CF-1/Real Property) and other form filings by May 15, 2023. Therefore subject to
the rights of said property owners to be heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as
specified in Section 3 of this Resolution, Common Council finds that all of those property owners
listed on Exhibit 2 have failed to substantially comply as a result of their failure to file Compliance
with Statement of Benefits forms and other form filings. Council further directs those property
owners listed on Exhibit 2 to apply for and file a Waiver of Non-Compliance pursuant to either I.C.
6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable, and request a waiver by
Common Council, for said non-compliance, which request and resolutions and forms shall be

1 submitted to Common Council prior to the subsequent hearing that will be afforded property owners
2 listed on Exhibit 2 as set forth in Section 3 of this Resolution.

3 **SECTION 2.** Nothing contained in this Resolution shall be construed by any property
4 owners to mean that a subsequently filed Waiver of Non-Compliance, subsequently filed
5 Compliance with Statement of Benefit form or subsequent filing of any nature, will be approved by
6 Common Council, but only that Common Council will consider approval of such Waiver of Non-
7 Compliance filing or other corrective filing, if properly and timely filed. Further, all property owners
8 listed on Exhibit 2 to this Resolution may have their abatement rescinded as a result of non-
9 compliance by resolution of Common Council at the hearing referenced in Section 3 of this
10 resolution.


11 **SECTION 3.** That, Common Council, pursuant to I.C. 6-1.1-12.1-5.9, will mail a written
12 notice to the property owners listed on Exhibit 2, and such notice shall state the reasons for
13 Council's determination and a date, time and place of the hearing for the purpose of further
14 consideration of each owner's circumstances for its failure to file, or file timely its Compliance with
15 Statement of Benefits Forms (CF-1/PP and/or CF-1/Real Property) or for other substantial non-
16 compliance. Common Council does hereby direct Fort Wayne Community Development Division
17 to prepare and send the aforementioned notices.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY



Malak Heiny, City Attorney

EXHIBIT B

2023 NON-COMPLIANT FOR LATE/NON-FILING OF DOCUMENTS

CF-1RE	CF-1PP		RES #		TYPE	DESIGNATION ADDRESS
5/24/2023	5/24/2023	Acadia Hospital	21-21	2021	B	3955 W. Washington Center Road
NO FILE	NO FILE	Pro Seal & Plastics Global Seal	49-18	2018	B	3702 Vanguard Drive
	NO FILE	Trelleborg Sealing Solutions, Inc.	32-10		B	5503 Distribution Drive
NO FILE	5/1/2023	Vita Nonwovens	13-15	2015	B	9403 Avionics Drive
NO FILE	5/1/2023	Vita Nonwovens	35-18	2018	B	9403 Avionics Drive

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: A Resolution concerning non-compliance for failure to file and/or failure to file in a timely manner form filings for 2023 for properties with approved “Economic Revitalization Areas” under I.C. 6-1.1-12.1

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines those entities listed in Exhibit B as non-compliant for failure to file and/or failure to file in a timely manner form filings for 2023 for properties with an approved economic revitalization area under City of Fort Wayne Code and State of Indiana Code.

EFFECT OF PASSAGE: Following approval of this resolution, as per City of Fort Wayne Code and Indiana Code, a required hearing will be scheduled for each entity listed to hear cause for the non-compliance and determine if the tax phase-in shall continue or be terminated.

EFFECT OF NON-PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax phase-in).

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

ASSIGNED TO COMMITTEE (PRESIDENT): Jason Arp and Geoff Paddock

BILL NO. R-23-06-16

REPORT OF COMMITTEE ON FINANCE

June 27, 2023

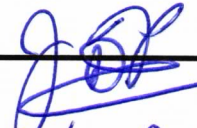

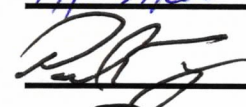





Jason Arp Chair

Geoff Paddock Co-Chair

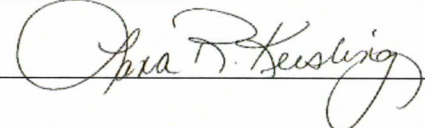
All Council Members

A Resolution concerning Non-Compliance for failure to file and/or failure to file in a timely manner form filings for 2023 for properties with approved "Economic Revitalization Areas" under I.C. 6-1.1-12.1

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: N/A

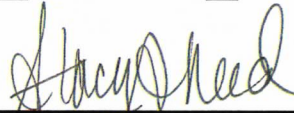
Read the first time in full and on motion by Councilperson Arp.

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: June 27, 2023

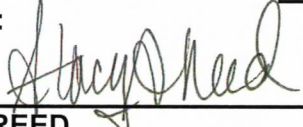


STACY REED, DEPUTY CITY CLERK

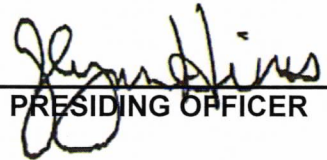
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-23-06-16 on the 27th day of June, 2023

ATTEST:

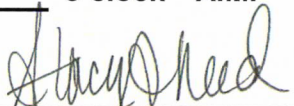


STACY REED
DEPUTY CITY CLERK



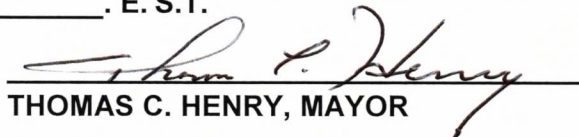
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of June 2023, at the hour of 9:15 o'clock A.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 28th day of June 2023, at the hour of 1:00 o'clock PM E. S.T.


THOMAS C. HENRY, MAYOR