

4 **A RESOLUTION Considering a Waiver of Non-Compliance**
5 **for Late-Filed Compliance with Statement of Benefits (Form**
6 **CF-1/Real Property and Form CF-1/Personal Property) and**
7 **Determination of Substantial Compliance or Non-**
8 **Compliance with Statement of Benefits Approved under R-**
9 **21-21 for 3955 West Washington Center Road, Fort Wayne,**
10 **Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/FWBH,**
11 **LLC/Acadia Healthcare Co. Inc.)**

12 **WHEREAS**, Common Council has previously designated and declared by Declaratory
13 Resolution and Confirming Resolution property at 3955 West Washington Center Road for Acadia
14 Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. (Confirming Resolution R-
15 21-21) under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana,
16 and I.C. 6-1.1-12.1; and

17 **WHEREAS**, The original Statement of Benefits and economic revitalization area
18 designation application submitted by Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia
19 Healthcare Co. Inc. and approved under Confirming Resolution R-21-21 was for \$30,400,000 in
20 real property improvements and \$1,800,000 in personal property improvements; and

21 **WHEREAS**, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co.
22 Inc.'s 2023 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal
23 Property) were not filed in a timely manner on, or prior to, May 15, 2023 with the City; and

24 **WHEREAS**, the City has given Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia
25 Healthcare Co. Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real
26 Property and CF-1/Personal Property) and to submit an application for a waiver of non-
27 compliance for a late filed Compliance with Statement of Benefits (Form CF-1/Real Property and
28 CF-1/Personal Property); and

29 **WHEREAS**, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co.
30 Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-
1/Personal Property) and submitted an application for a waiver of non-compliance for failure to
file their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal
Property) with the City; and

WHEREAS, the Common Council acknowledges that Acadia Fort Wayne JV Holdings,
LLC/FWBH, LLC/Acadia Healthcare Co. 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, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co.
Inc. is still in the process of fulfilling its pledge to complete the project and construct an
approximately 80,000 square foot 120 bed inpatient/outpatient behavioral health treatment center
and purchase and install new personal property informational technology equipment; and

1 **WHEREAS**, Based on the application and Statement of Benefits (Form SB-1/ Real
2 Property and Form SB-1/Personal Property) approved under Confirming Resolution R-21-21 and
3 CF-1 statement of benefits recently submitted, the project is not due to be complete until
4 December 2024 and as such, is not yet subject to compliance based on jobs and annual payroll
to be created as a result of the project; and

5 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as
6 the untimely filed Compliance with Statement of Benefits (Form CF-1/Real Property and CF-
1/Personal Property) paperwork to be waived; and

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

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

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

13 **[OPTION 1]**

14 **SECTION 1.** That, ~~Acadia Fort Wayne JV Holdings, LLC/EWBH, LLC/Acadia Healthcare Co.~~
15 ~~Inc.'s request for a waiver of clerical and technical errors and nonconformities with its~~
16 ~~Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property)~~
17 ~~requirements is hereby denied and as such the phase-in granted under Confirming Resolution R-~~
18 ~~21-21 for real and personal property is terminated.~~

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

21 **[OPTION 2]**

22 **SECTION 1.** That all clerical and technical errors and nonconformities of Acadia Fort Wayne JV
23 Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.'s Compliance with Statement of Benefits
24 (Form CF-1/Real Property and CF-1/Personal Property) requirements that are waivable under
25 State and local law, including without limitation those errors and nonconformities described in I.C.
26 6-1.1-12.1-9.5 are hereby waived.

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DIGEST SHEET

TITLE OF ORDINANCE: Resolution Considering a Waiver of Non-Compliance for Late-Filed Compliance with Benefits (Form CF-1/Real Property and CF-1/Personal Property) and a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits approved under R-21-21 for 3955 West Washington Center Road, Fort Wayne, Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.)

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution considers a waiver of non-compliance for late filed documents and a determination of compliance with statement of benefits for filings made in May 2023 for Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.)

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

EFFECT OF NON-PASSAGE:

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

ASSIGNED TO COMMITTEE (CHAIR & CO-CHAIR): Geoff Paddock and Jason Arp

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

RESOLUTION NO. R-23-07-21

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 8, 2023, AT 5:30 P.M., IN ROOM 035 – COUNCIL COURTROOM – GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802; CONSIDERING A WAIVER OF NON-COMPLIANCE FOR LATE-FILED COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1/REAL PROPERTY) AND DETERMINATION OF SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE WITH STATEMENT OF BENEFITS APPROVED UNDER R-21-21 FOR A PROPERTY COMMONLY KNOWN AS:

**3955 WEST WASHINGTON CENTER ROAD, FORT WAYNE, INDIANA 46818
(ACADIA FORT WAYNE JV HOLDINGS, LLC/FWBH, LLC/ACADIA
HEALTHCARE CO. 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 PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

*LANA R. KEESLING
CITY CLERK*



INTERIM AD DRAFT

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

Notice ID: dxltZ2u66ZXy9Ytz6uL8 | **Proof Updated: Jul. 26, 2023 at 09:24am EDT**
Notice Name: R-23-07-20

See Proof on Next Page

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.

FILER

Iliana Phillips
iliana.phillips@cityoffortwayne.org
(260) 427-1221

FILING FOR

Journal Gazette

Columns Wide: 1

Ad Class: Legals

07/28/2023: Other 27.45

Subtotal	\$27.45
Tax %	0
Total	\$27.45

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
RESOLUTION NO. R-23-07-20**

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 8, 2023, AT 5:30 P.M., IN ROOM 035 - COUNCIL COURTROOM - GARDEN LEVEL CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46802, CONSIDERING A WAIVER OF NON-COMPLIANCE FOR LATE-FILED COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1/REAL PROPERTY) AND DETERMINATION OF SUBSTANTIAL COMPLIANCE OR NON-COMPLIANCE WITH STATEMENT OF BENEFITS APPROVED UNDER R-35-18 FOR A PROPERTY COMMONLY KNOWN AS:

**9403 AVIONICS DRIVE, FORT WAYNE,
INDIANA 46809 (TWE NONWOVENS
US, 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.

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LANA R. KEESLING
CITY CLERK
7--28 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: mE3P5IMBtNorbWYQacmG

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 57

COMPUTATION OF CHARGES

57 lines, 1 column(s) wide equal:
57 equivalent lines at \$ 0.4990 cents per line \$28.44

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$28.44

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.

The dates of publication being as follows:

7/28/23 _____

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: 7/28/2023


Legal Clerk

ATTACH COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL

RESOLUTION NO. R-23-07-21

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ROAD, FORT WAYNE, INDIANA 46818
(ACADIA FORT WAYNE JV HOLDINGS,
LLC/FWBH, LLC/ACADIA HEALTHCARE
CO. INC.)

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LANA R. KEESLING
CITY CLERK
7--28 hspaxlp

BILL NO. R-23-07-21

REPORT OF COMMITTEE ON FINANCE

August 8, 2023

Geoff Paddock Chair

Jason Arp Co-Chair

All Council Members

A Resolution Considering a Waiver of Non-Compliance for Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property and Form CF-1/Personal Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-21-21 for 3955 West Washington Center Road, Fort Wayne, Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. 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>
<u>ARP</u>	<u> </u>	<u> </u>	<u> </u>
<u>CHAMBERS</u>	<u> </u>	<u> </u>	<u> </u>
<u>DIDIER</u>	<u> </u>	<u> </u>	<u> </u>
<u>ENSLEY</u>	<u> </u>	<u> </u>	<u> </u>
<u>FREISTROFFER</u>	<u> </u>	<u> </u>	<u> </u>
<u>HINES</u>	<u> </u>	<u> </u>	<u> </u>
<u>JEHL</u>	<u> </u>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u> </u>	<u> </u>	<u> </u>
<u>TUCKER</u>	<u> </u>	<u> </u>	<u> </u>

**LANA R. KEESLING
CITY CLERK**

Lana R. Keesling

Public Hearing Date: 8/8/23

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

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

Read the third time in full and on motion by Councilperson Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAMBERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 8, 2023

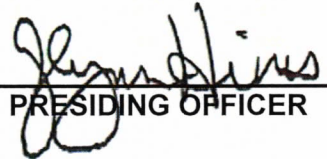

LANA R. KEESLING, CITY CLERK

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

Resolution No. R-23-07-21 on the 8th day of August, 2023

ATTEST:

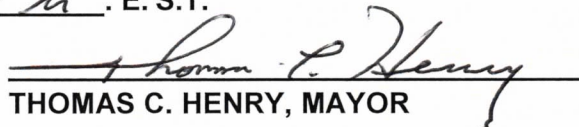

LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of August 2023, at the hour of 10:10 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of AUGUST 2023, at the hour of 1:30 o'clock PM E. S.T.


THOMAS C. HENRY, MAYOR

