

A RESOLUTION Considering a Waiver of Non-Compliance for Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and Late Filed Compliance with Statement of Benefits (Form CF-1/Real Property), Late-Filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-66-21 for 6055 Innovation Boulevard, Fort Wayne, Indiana 46818 (Michael Kinder and Sons, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 6055 Innovation Boulevard for Michael Kinder and Sons, Inc. (Confirming Resolution R-66-21) 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 Michael Kinder and Sons, Inc. and approved under Confirming Resolution R-66-21 was for \$6,000,000 in real property improvements and \$450,000 in personal property improvements; and

WHEREAS, Michael Kinder and Sons, Inc.'s 2024 Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) was not filed in a timely manner on, or prior to, May 10, 2024 with the Allen County Auditor's Office; and

WHEREAS, Michael Kinder and Sons, Inc.'s 2024 Compliance with Statement of Benefits (Form CF-1/Real Property) was not filed in a timely manner on, or prior to, May 15, 2024 with the City of Fort Wayne or the Allen County Auditor's Office; and

WHEREAS, Michael Kinder and Sons, Inc.'s 2024 Compliance with Statement of Benefits (Form CF-1/Personal) was not filed in a timely manner on, or prior to, May 15, 2024 with the City of Fort Wayne or the Allen County Assessor's Office; and

WHEREAS, the City has given Michael Kinder and Sons, Inc. notice to file their Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) with the Allen County Auditor's Office; and

WHEREAS, the City has given Michael Kinder and Sons, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City and the Allen County Auditor's Office; and

WHEREAS, the City has given Michael Kinder and Sons, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the City and the Allen County Assessor's Office; and

1 **WHEREAS**, the City has given Michael Kinder and Sons, Inc. notice to submit an
2 application for a waiver of non-compliance for a late filed Application for Deduction from
3 Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE), late
4 filed Compliance with Statement of Benefits (Form CF-1/Real Property) and late filed Compliance
with Statement of Benefits (Form CF-1/Real Property); and

5 **WHEREAS**, Michael Kinder and Sons, Inc. has filed their Application for Deduction from
6 Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE),
7 Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne
8 and Allen County Auditor's Office, Compliance with Statement of Benefits (Form CF-1/Personal
9 Property) with the City of Fort Wayne and Allen County Assessor's Office and submitted an
10 application for a waiver of non-compliance for failure to file their Application for Deduction from
11 Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE),
12 Compliance with Statement of Benefits (Form CF-1/Real Property) and Compliance with
13 Statement of Benefits (Form CF-1/Personal Property) in a timely manner; and

14 **WHEREAS**, the Common Council acknowledges that Michael Kinder and Sons, Inc. has
15 requested a waiver of non-compliance which the Common Council has the power and authority
16 to approve, under I.C. 6-1.1-12.1-9.5); and

17 **WHEREAS**, Michael Kinder and Sons, Inc. has fulfilled its pledge to complete the project
18 to construct a new corporate headquarters and warehouse and purchase and install new
19 personal property equipment; and

20 **WHEREAS**, Based on the CF-1 statement of benefits submitted, Michael Kinder and
21 Sons, Inc. has established that they have substantially complied with its approved statement of
22 benefits; and

23 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement non-compliance events such as
24 the untimely filed Application for Deduction from Assessed Valuation of Structures in Economic
25 Revitalization Areas (ERA) (Form 322/RE), untimely filed Compliance with Statement of Benefits
26 (Form CF-1/Real Property) and untimely filed Compliance with Statement of Benefits (Form CF-
27 1/Personal Property) paperwork to be waived; and

28 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
29 Application for Deduction from Assessed Valuation of Structures in Economic Revitalization
30 Areas (ERA) (Form 322/RE), late filed Compliance with Statement of Benefits (Form CF-1/Real
Property) and Compliance with Statement of Benefits (Form CF-1/Personal Property) then
Common Council will also determine substantial compliance or non-compliance with statement of
benefits; and

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

1 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT
2 WAYNE, INDIANA:

3 ~~[OPTION 1]~~

4
5 ~~SECTION 1. That, Michael Kinder and Sons, Inc.'s request for a waiver of clerical and technical~~
6 ~~errors and nonconformities with its Application for Deduction from Assessed Valuation of~~
7 ~~Structures in Economic Revitalization Areas (ERA) (Form 322/RE), Compliance with Statement~~
8 ~~of Benefits (Form CF-1/Real Property) and Compliance with Statement of Benefits (Form CF-~~
9 ~~4/Personal Property) requirements is hereby denied and as such the tax phase-in granted under~~
10 ~~Confirming Resolution R-66-21 for real property is terminated.~~

11
12 ~~SECTION 2. That this Resolution shall be in full force and effect from and after its passage and~~
13 ~~any and all necessary approved by the Mayor.~~

14 [OPTION 2]

15 SECTION 1. That all clerical and technical errors and nonconformities of Michael Kinder and
16 Sons, Inc.'s Application for Deduction from Assessed Valuation of Structures in Economic
17 Revitalization Areas (ERA) (Form 322/RE), Compliance with Statement of Benefits (Form CF-
18 1/Real Property) and Compliance with Statement of Benefits (Form CF-1/Personal Property)
19 requirements that are waivable under State and local law, including without limitation those errors
20 and nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

21 SECTION 2. [OPTION A] That Common Council finds that the CF-1 forms filed by Michael
22 Kinder and Sons, Inc. with an approved Economic Revitalization Area for 2024 is in substantial
23 compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of
24 Fort Wayne. Therefore, the continuation of Michael Kinder and Sons, Inc.'s tax phase-in is
25 hereby approved. The Allen County Auditor and Allen County Assessor shall be supplied with a
26 copy of this Resolution, upon passage, and are instructed to apply the tax phase-in.

27 ~~SECTION 2. [OPTION B] That Common Council finds that the CF-1 forms filed by Michael~~
28 ~~Kinder and Sons, Inc. with an approved Economic Revitalization Area with an approved~~
29 ~~Economic Revitalization Area for 2024 are not in substantial compliance pursuant to I.C. 6-1.1-~~
30 ~~12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne. Therefore, Michael~~
31 ~~Kinder and Sons, Inc.'s tax phase-in is hereby terminated. The Allen County Auditor and Allen~~

~~County Assessor shall be supplied with a copy of this Resolution, upon passage, and are instructed to terminate the tax phase-in for real and personal property.~~

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


Malak Heiny, City Attorney

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DIGEST SHEET

TITLE OF ORDINANCE: Resolution Considering a Waiver of Non-Compliance for Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE), Late-Filed Compliance with Benefits (Form CF-1/Real Property), Late-Filed Compliance with Benefits (Form CF-1/Personal Property) and a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits approved under R-66-21 for 6055 Innovation Boulevard, Fort Wayne, Indiana 46818 (Michael Kinder and Sons, 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 or non-compliance with statement of benefits for filings made in July 2024 for Michael Kinder and Sons, 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): Martin Bender and Rohli Booker

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTION NO. R-24-07-17)

ON AUGUST 6, 2024 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 AND PERSONAL PROPERTY DEDUCTION OF PROPERTY AT 6055 INNOVATION BOULEVARD AND APPROVED UNDER RESOLUTION R-66-21 FOR MICHAEL KINDER AND SONS, 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 AT LEAST (72) HOURS PRIOR TO THE PUBLIC HEARING.

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

RESOLUTION NO. R-24-07-17

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 6, 2024, 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-66-21 FOR A PROPERTY COMMONLY KNOWN AS:

6055 Innovation Boulevard, Fort Wayne, Indiana 46818 (Michael Kinder and Sons, 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*



INTERIM AD DRAFT

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

Notice ID: LllsPTuWduU5sVEzQtb0 | **Proof Updated: Jul. 24, 2024 at 09:15am EDT**
Notice Name: R-24-07-17

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	FILING FOR
Iliana Phillips	Journal Gazette
iliana.phillips@cityoffortwayne.org	
(260) 427-1221	

Columns Wide: 1	Ad Class: Legals
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07/26/2024: Government Notice	28.16
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Subtotal	\$28.16
Tax %	0
Processing Fee	\$0.00
Total	\$28.16

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

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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. CITY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK
7--26 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office
Notice ID: LllsPTuWduU5sVEzQtb0

PUBLISHER'S CLAIM

ATTACH COPY OF ADVERTISEMENT

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 55

COMPUTATION OF CHARGES

55 lines, 1 column(s) wide equal:
55 equivalent lines at \$ 0.5120 cents per line \$28.16

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

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$28.16

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:

7/26/24 _____ _____
_____ _____ _____

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: 7/26/2024


Legal Clerk

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

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LANA R. KEESLING
CITY CLERK

7--26 hspaxlp

Public Hearing Date: 8/6/2024

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

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

Read the third time in full and on motion by Councilperson Bender, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
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"/>
HARTMAN	<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"/>
MYERS	<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"/>

DATED: August 13, 2024

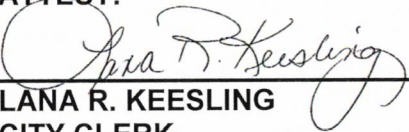


 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-24-07-17 on the 13th day of August, 2024

ATTEST:

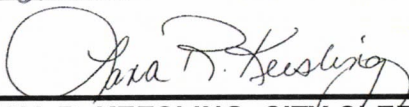


 LANA R. KEESLING
 CITY CLERK



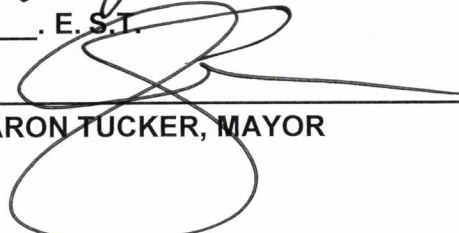
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of August 2024, at the hour of 2:10 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of August 2024, at the hour of 11:50 o'clock A.M. E.S.T.



 SHARON TUCKER, MAYOR

