

**A RESOLUTION "CONCERNING" Compliance with
Statement of Benefits (CF-1) form filings for 2013 for
properties with approved "Economic Revitalization
Areas" under I.C. 6-1.1-12.1**

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

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

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

WHEREAS, the City of Fort Wayne Community Development Division has previously provided Common Council an annual report on property owners that filed, failed to file, or filed late their Compliance with Statement of Benefits Forms (CF-1/Real Property and/or CF-1/Personal Property) and whether there was substantial compliance; and

WHEREAS, property owners on the attached Exhibit A did not file a Compliance with Statement of Benefits Form (CF-1/Real Property and/or CF-1/PP) or a corrective filing and either the personal or real property subject to the deduction was **sold** or otherwise relocated; and

WHEREAS, property owners on the attached Exhibit B have failed to comply with I.C. 6-1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by **failing to file** their Compliance with Statement of Benefits pertaining to their deduction and subsequently failed to file a Waiver of Non-Compliance pursuant to I.C. 6-1.1-12.1-9.5, or I.C. 6-1.1-12.1-11.3(a)(5); and

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

3 **SECTION 1.** That, the property owners listed in Exhibit A in approved Economic
4 Revitalization Areas have failed to comply with I.C. 6-1.1-12.1 *et. seq.*, and Section 153.21 of
5 the Fort Wayne Code of Ordinances as a result of their failure to file the appropriate
6 Compliance with Statement of Benefit Forms (CF-1/Personal Property and/or CF-1/Real
7 Property) and have failed to file an appropriate Waiver of Non-Compliance pursuant to either
8 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, or any other corrective
9 filing, Council also finds that the property owners listed on Exhibit A have either sold real
10 property or personal property or both, or have otherwise relocated their operations or
11 relocated personal property. Therefore, subject to the rights of said property owners to be
12 heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 4 of this
13 Resolution, Common Council finds that all of those property owners listed on Exhibit A have
14 failed to substantially comply as a result of their respective failures to file Compliance with
15 Statement of Benefit Forms, their failures to file appropriate Waiver of Non-Compliance or
16 other corrective filings, and as a result of their respective sale of real property or personal
17 property or relocation of business operations and/or personal property.

18 **SECTION 2.** That the property owners listed in Exhibit B in approved Economic
19 Revitalization areas have failed to comply with I.C. 6-1.1-12-.1, *et. seq.*, and Section 153.21 of
20 the Fort Wayne Code of Ordinances by **failing to file**, their Compliance with Statement of
21 Benefits forms (CF-1/Personal Property and/or CF-1/Real Property) and further failing to file
22 an appropriate Waiver of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-
23 12.1-11.3(a)(5) as may be applicable. Therefore subject to the rights of said property owners
24 to be heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 4 of this
25 Resolution, Common Council finds that all of those property owners listed on Exhibit B have
26 failed to substantially comply as a result of their failure to file Compliance with Statement of
27 Benefits forms, and failure to file an appropriate Waiver of Non-Compliance. Council further
28 directs those property owners listed on Exhibit B to apply for and file a Waiver of Non-
29 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
30 applicable, and request a waiver by Common Council, for said non-compliance, which
 request and resolutions and forms shall be submitted to Common Council prior to the
 subsequent hearing that will be afforded property owners listed on Exhibit B as set forth in
 subsection 4 of this Resolution.

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

9 **SECTION 4.** That, Common Council, pursuant to I.C. 6-1.1-12.1-5.9, shall mail a
10 written notice to the property owners listed on Exhibit's A and B, and such notice shall state
11 the reasons for Council's determination and a date, time and place of the hearing for the
12 purpose of further consideration of each owner's circumstances for its failure to file, or file
13 timely its Compliance with Statement of Benefits Forms (CF-1/Personal Property and/or CF-
14 1/Real Property) or for other substantial non-compliance. Common Council does hereby
15 direct Fort Wayne Community Development Division to prepare and send the
16 aforementioned notices.

17 **SECTION 5.** That, this Resolution shall be in full force and effect from and after
18 its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY

Joseph G. Bonahoom, City Council Attorney

**FORT WAYNE ERA DESIGNATIONS
RELOCATED OPERATIONS
OR SOLD PERSONAL PROPERTY OR REAL PROPERTY**

RelocatedOperation

EXHIBIT B

FORT WAYNE ERA DESIGNATIONS
2013 COMPLIANCE WITH STATEMENT OF BENEFITS FILINGS - NONFILER

[illegible]