

A RESOLUTION terminating an "Economic Revitalization Area" deduction under I.C. 6-1.1-12.1 for RMD Resources, LLC/Gerig-Ottenweller Contracting for property at 2704-2720 Goshen Road under Confirming Resolution Number 59-11

WHEREAS, Common Council has previously designated and declared an economic revitalization area deduction, by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms for property at 2704-2720 Goshen Road, Fort Wayne, Indiana for RMD Resources, LLC/Gerig-Ottenweller Contracting (hereinafter referred to as "RMD") under Confirming Resolution Number 59-11; and

WHEREAS, RMD is required to file under I.C. 6-1.1-12.1 and Section 153.21 of the Code of Fort Wayne, a Compliance with Statement of Benefits form (CF-1/PP or CF-1/Real Property) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne; and

WHEREAS, Common Council has previously determined on October 22, 2013 by Resolution Number 90-13 that RMD failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21 of the Code of Fort Wayne as a result of its failure to file a Compliance with Statement of Benefits form (CF-1/Real Property and/or CF-1/PP) and its failure to file any corrective filing and either the personal or real property subject to the deduction was sold or otherwise relocated; and

WHEREAS, Common Council pursuant to I.C. 6-1.1-12.-5.9, directed the Fort Wayne Community Development Division to prepare and mail written notice to RMD stating the reasons for council's determination of substantial non-compliance and a date, time and place of the hearing for the purpose of further consideration of RMD's circumstances; and

WHEREAS, said Notice was prepared, and properly served on RMD or its agent or representatives; and

WHEREAS, the above-referenced hearing was held by Common Council on December 3, 2013 for further consideration of RMD's circumstances and whether the economic revitalization area deduction should be terminated; and

WHEREAS, RMD failed to appear at City Council Meeting, although properly notified, failed to file a waiver of non-compliance or any corrective filing and failed to provide any information which could have given Common Council cause to reconsider its previous determination of non-compliance; and

WHEREAS, RMD is therefore non-compliant for failure to file; and

WHEREAS, at the hearing, it was further determined that there were no efforts made by RMD to substantially comply.

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

SECTION 1. That, Common Council now confirms, adopts and approves its determination of October 22, 2013, Resolution Number 90-13, and further finds that RMD Resources, LLC/Gerig-Ottenweller Contracting has failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21 of the Fort Wayne Code of Ordinances and that the (real/personal property) deduction associated with confirming Resolution Number 59-11 is hereby terminated by the adoption of this resolution.

SECTION 2. A certified copy of this resolution shall be mailed immediately to RMD and to the Allen County Auditor and the Allen County Assessor.

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 A LEGALITY

Carol Helton, City Attorney