

**A RESOLUTION terminating an "Economic Revitalization Area"
deduction under I.C. 6-1.1-12.1 for Advantage Direct 365 for
property at 200 Sixth Street under Confirming Resolution
Number 7-11**

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 200 Sixth Street, Fort Wayne, Indiana for Advantage Direct 365 (hereinafter referred to as "Advantage") under Confirming Resolution Number 7-11; and

WHEREAS, Advantage 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 Advantage 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

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 Advantage 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 Advantage's circumstances; and

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

WHEREAS, the above-referenced hearing was held by Common Council on December 10, 2013 for further consideration of Advantage's circumstances and whether the economic revitalization area deduction should be terminated; and

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

5 **WHEREAS**, Advantage is therefore non-compliant for failure to file; and

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

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

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11 **SECTION 1.** That, Common Council now confirms, adopts and approves its
12 determination of October 22, 2013, Resolution Number 90-13, and further finds that
13 Advantage Direct 365 has failed to substantially comply with I.C. 6-1.1-12.1 et seq. and
14 Section 153.21 of the Fort Wayne Code of Ordinances and that the (real/personal property)
15 deduction associated with confirming Resolution Number 7-11 is hereby terminated by the
16 adoption of this resolution.

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

19 **SECTION 3.** That, this Resolution shall be in full force and effect from and after
20 its passage and any and all necessary approval by the Mayor.

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22 _____
23 Member of Council

24 APPROVED AS TO FORM A LEGALITY

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26 _____
27 Carol Helton, City Attorney