

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Application for the Economic
Revitalization Area Deduction on Personal Property
Improvements (Form 103-ERA and Form 103-EL) for
4422 Airport Expressway, (GT Automation Group) under
Confirming Resolutions R-30-09 and R-32-12**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4422 Airport Expressway for GT Automation Group (Confirming Resolutions R-30-09 and R-32-12) 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 GT Automation Group and approved under Confirming Resolution R-30-09 was for \$180,000 in personal property improvements; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by GT Automation Group and approved under Confirming Resolution R-32-12 was for \$200,000 in personal property improvements; and

WHEREAS, representatives of GT Automation Group have informed the City of Fort Wayne that their schedule of deduction from assessed valuation personal property in economic revitalization areas (Form 103-ERA) and the equipment list for new additions to ERA deduction personal property in an economic revitalization area (Form 103-EL) for 2015 were not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for GT Automation Group which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that GT Automation Group has fulfilled its pledge to purchase and install new equipment; and

WHEREAS, GT Automation Group has retained its workforce as reported on the approved statement of benefits forms; and

WHEREAS, GT Automation Group's Compliance with Statement of Benefits forms (CF-1/PP) for 2015 were approved by Fort Wayne Common Council on June 23, 2015; and

WHEREAS, the Common Council acknowledges that GT Automation Group 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 I.C. 6-1.1-12.1-11.3; and

1 **WHEREAS**, the Common Council intends that GT Automation Group receive the tax
2 abatement benefits to which they would have been entitled had no non compliance event
3 occurred, so long as the waiver of non compliance and the granting of those benefits does
4 not prejudice the City of Fort Wayne; and

5 **WHEREAS**, the Common Council has concluded that granting of the ERA deduction
6 for 2015 payable 2016 tax year would not create a strain on the City of Fort Wayne's fiscal
7 budget; and

8 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non
9 compliance events such as the untimely filing of deduction application paperwork to be
10 waived; and

11 **WHEREAS**, the noncompliance event has been corrected and a public hearing of
12 the Common Council has been held on the waiver.

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

15 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and
16 nonconformities that are waiveable under State and local law, including without limitation
17 those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

18 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit GT
19 Automation Group to receive their personal property economic revitalization area deductions
20 for 2015 payable 2016 under Confirming Resolutions R-30-09 and R-32-12. The Allen
21 County Assessor and the Wayne Township Assessor shall be supplied with a copy of this
22 Resolution, upon passage, and instructed to apply the deduction amounts. This resolution
23 shall have no effect on the assessed value or taxes payable with respect to GT Automation
24 Group's real property.

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103-ERA and Form 103-EL) for GT Automation Group under Confirming Resolutions R-30-09 and R-32-12

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for late-filed personal property deduction forms for GT Automation Group

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow GT Automation Group to continue to receive their personal property deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by GT Automation Group

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and Tom Didier