

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON COMPLIANCE with Statement of
Benefits (CF-1) form filings for 2015 for Artek,
Inc./Dammeyer, LLC for property at 6707 Gabion Way
under Confirming Resolution R-80-11 with an
"Economic Revitalization Area" approved under I.C. 6-
1.1-12.1 (Non-Filer)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for Artek, Inc./Dammeyer, LLC as an "Economic Revitalization Area" 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/PP 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, Artek, Inc./Dammeyer, LLC did not file Compliance with Statement of Benefits Form CF-1/Real Property; and

WHEREAS, Common Council made a determination on July 14, 2015 that Artek, Inc./Dammeyer, LLC was not in substantial compliance by failing 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 deductions 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

WHEREAS, Common Council directed the Community Development Division to mail written notice to Artek, Inc./Dammeyer, LLC explaining the reasons for Council's determination and a date, time, place of a hearing to be conducted by Council for the purpose of further considering Artek, Inc./Dammeyer, LLC's Compliance with Statement of Benefits; and

1 **WHEREAS**, in said notice to Artek, Inc./Dammeyer, LLC, Common Council directed
2 Artek, Inc./Dammeyer, LLC to apply for and file a Waiver of Non-Compliance pursuant to
3 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 applicable, and request a
4 waiver by Common Council, for said non-compliance, which request and resolutions and
5 forms were to be submitted to Common Council prior to the subsequent hearing that will be
afforded to Artek, Inc./Dammeyer, LLC; and

6 **WHEREAS**, the aforementioned notice was properly prepared and served upon
7 Artek, Inc./Dammeyer, LLC on August 5, 2015; and

8 **WHEREAS**, a Waiver of Non-Compliance **has** been requested and otherwise
9 applied for by Artek, Inc./Dammeyer, LLC; and

10 **WHEREAS**, Common Council conducted a hearing on September 1, 2015 for the
11 purpose of further considering Artek, Inc./Dammeyer, LLC's Compliance with Statement of
12 Benefits; and

13 **WHEREAS**, Artek, Inc./Dammeyer, LLC **APPEARED AND TESTIFIED/DID NOT**
14 **APPEAR** at the hearing.

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

17 **SECTION 1a.** Artek, Inc./Dammeyer, LLC has properly filed its waiver of non-
18 compliance with the Community Development Division of the City of Fort Wayne, therefore
19 Common Council shall allow the waiver of non-compliance process to proceed and will make
20 a compliance or non-compliance determination and otherwise consider abatement
21 termination issues at a subsequent hearing as part of its determination of Artek,
22 Inc./Dammeyer, LLC's waiver request and application.

23 **SECTION 1b.** Artek, Inc./Dammeyer, LLC has failed to file a waiver of non-
24 compliance and has otherwise failed to make any reasonable efforts to substantially comply
25 as is required, as such Common Council finds and resolves that Artek, Inc./Dammeyer,
26 LLC's real property deduction under R-80-11 is hereby terminated.

27 **SECTION 2.** That this Resolution shall be in full force and effect from and after its
28 passage and any and all necessary approval by the Mayor.

29
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Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Confirming Substantial Compliance/Non-Compliance with Statement of Benefits (CF-1) Form Filings for 2015 (Non-Filer) under I.C. 6-1.1-12.1

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution confirms that Artek, Inc./Dammeyer, LLC with an approved economic revitalization area is either not in substantial compliance pursuant to both Council policy and Indiana law because they did not file Compliance with Statement of Benefits (CF-1) Forms in May 2015 and a subsequent waiver of non-compliance or did file a waiver of non-compliance and Council will make determination of compliance in its consideration of the waiver.

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 (PRESIDENT): Russ Jehl and Tom Didier