

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON COMPLIANCE with Statement of
Benefits (CF-1) form filings for 2015 for Inquest Health
System, PC dba Upright MRI for property at 6819 Lima
Road under Confirming Resolution R-72-09 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 Inquest Health System, PC dba Upright MRI 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, Inquest Health System, PC dba Upright MRI 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 Inquest Health System, PC dba Upright MRI 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 Inquest Health System, PC dba Upright MRI 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 Inquest Health System, PC dba Upright MRI's Compliance with Statement of Benefits; and

1 **WHEREAS**, in said notice to Inquest Health System, PC dba Upright MRI, Common
2 Council directed Inquest Health System, PC dba Upright MRI to apply for and file a Waiver
3 of Non-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
4 be applicable, and request a waiver by Common Council, for said non-compliance, which
5 request and resolutions and forms were to be submitted to Common Council prior to the
subsequent hearing that will be afforded to Inquest Health System, PC dba Upright MRI; and

6 **WHEREAS**, the aforementioned notice was properly prepared and served upon
Inquest Health System, PC dba Upright MRI on August 5, 2015; and

7 **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and
8 otherwise applied for by Inquest Health System, PC dba Upright MRI; and

9 **WHEREAS**, Common Council conducted a hearing on September 1, 2015 for the
purpose of further considering Inquest Health System, PC dba Upright MRI 's Compliance
10 with Statement of Benefits; and

11 **WHEREAS**, Inquest Health System, PC dba Upright MRI **APPEARED AND**
TESTIFIED/DID NOT APPEAR at the hearing.

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

14 **SECTION 1a.** Inquest Health System, PC dba Upright MRI has properly filed its
waiver of non-compliance with the Community Development Division of the City of Fort
15 Wayne, therefore Common Council shall allow the waiver of non-compliance process to
16 proceed and will make a compliance or non-compliance determination and otherwise
consider abatement termination issues at a subsequent hearing as part of its determination
17 of Inquest Health System, PC dba Upright MRI's waiver request and application.

18 **SECTION 1b.** Inquest Health System, PC dba Upright MRI has failed to file a
waiver of non-compliance and has otherwise failed to make any reasonable efforts to
19 substantially comply as is required, as such Common Council finds and resolves that Inquest
20 Health System, PC dba Upright MRI's real property deduction under R-72-09 is hereby
21 terminated.

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

24
25 _____
Member of Council

26 APPROVED AS TO FORM A LEGALITY

27 _____
28 Carol Helton, City Attorney

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 Inquest Health System, PC dba Upright MRI 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