

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON COMPLIANCE with Statement of
Benefits (CF-1) form filings for 2015 for Marquis ID
Systems/CM260 Enterprises, LLC filed under Marquis
Consulting Services, Inc. for property at 2914
Independence Drive under Confirming Resolution R-35-
13 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 Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. 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, Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. did not file Compliance with Statement of Benefits Form CF-1/Real Property and CF-1/PP; and

WHEREAS, Common Council made a determination on July 14, 2015 that Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. 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 Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. explaining the reasons for Council's determination and a date, time,

1 place of a hearing to be conducted by Council for the purpose of further considering Marquis
2 ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc.'s
3 Compliance with Statement of Benefits; and

4 **WHEREAS**, in said notice to Marquis ID Systems/CM260 Enterprises, LLC filed
5 under Marquis Consulting Services, Inc., Common Council directed Marquis ID
6 Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. to apply for
7 and file a Waiver of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-
8 11.3(a)(5) as may be applicable, and request a waiver by Common Council, for said non-
9 compliance, which request and resolutions and forms were to be submitted to Common
10 Council prior to the subsequent hearing that will be afforded to Marquis ID Systems/CM260
11 Enterprises, LLC filed under Marquis Consulting Services, Inc.; and

12 **WHEREAS**, the aforementioned notice was properly prepared and served upon
13 Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc.
14 on August 5, 2015; and

15 **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and
16 otherwise applied for by Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis
17 Consulting Services, Inc.; and

18 **WHEREAS**, Common Council conducted a hearing on September 1, 2015 for the
19 purpose of further considering Marquis ID Systems/CM260 Enterprises, LLC filed under
20 Marquis Consulting Services, Inc.'s Compliance with Statement of Benefits; and

21 **WHEREAS**, Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis
22 Consulting Services, Inc. **APPEARED AND TESTIFIED/DID NOT APPEAR** at the hearing.

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

25 **SECTION 1a.** Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis
26 Consulting Services, Inc. has properly filed its waiver of non-compliance with the Community
27 Development Division of the City of Fort Wayne, therefore Common Council shall allow the
28 waiver of non-compliance process to proceed and will make a compliance or non-compliance
29 determination and otherwise consider abatement termination issues at a subsequent hearing
30 as part of its determination of Marquis ID Systems/CM260 Enterprises, LLC filed under
Marquis Consulting Services, Inc.'s waiver request and application.

SECTION 1b. Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis
Consulting Services, Inc. has failed to file a waiver of non-compliance and has otherwise
failed to make any reasonable efforts to substantially comply as is required, as such
Common Council finds and resolves that Marquis ID Systems/CM260 Enterprises, LLC filed
under Marquis Consulting Services, Inc.'s real and personal property deductions under R-35-
13 are hereby terminated.

SECTION 2. 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

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 Marquis ID Systems/CM260 Enterprises, 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