

**A RESOLUTION CONFIRMING SUBSTANTIAL
COMPLIANCE/NON COMPLIANCE with Statement of
Benefits (CF-1) form filings for 2015 for Prairie Quest,
Inc./525 W Jefferson now filed under Haley & Summers
Realty, LLC for property at 620 East Berry Street under
Confirming Resolution R-13-09 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 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, 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, Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, 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 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, 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 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC explaining the reasons for Council's determination and a date, time, place of a

1 hearing to be conducted by Council for the purpose of further considering Prairie Quest,
2 Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC's Compliance with
3 Statement of Benefits; and

4 **WHEREAS**, in said notice to Prairie Quest, Inc./525 W Jefferson now filed under
5 Haley & Summers Realty, LLC, Common Council directed Prairie Quest, Inc./525 W
6 Jefferson now filed under Haley & Summers Realty, LLC to apply for and file a Waiver of
7 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
8 be applicable, and request a waiver by Common Council, for said non-compliance, which
9 request and resolutions and forms were to be submitted to Common Council prior to the
10 subsequent hearing that will be afforded to Prairie Quest, Inc./525 W Jefferson now filed
11 under Haley & Summers Realty, LLC; and

12 **WHEREAS**, the aforementioned notice was properly prepared and served upon
13 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC on
14 August 5, 2015; and

15 **WHEREAS**, a Waiver of Non-Compliance **has/has not** been requested and
16 otherwise applied for by Prairie Quest, Inc./525 W Jefferson now filed under Haley &
17 Summers Realty, LLC; and

18 **WHEREAS**, Common Council conducted a hearing on September 1, 2015 for the
19 purpose of further considering Prairie Quest, Inc./525 W Jefferson now filed under Haley &
20 Summers Realty, LLC's Compliance with Statement of Benefits; and

21 **WHEREAS**, Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers
22 Realty, LLC **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.** Prairie Quest, Inc./525 W Jefferson now filed under Haley &
26 Summers Realty, LLC 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-
29 compliance determination and otherwise consider abatement termination issues at a
30 subsequent hearing as part of its determination of Prairie Quest, Inc./525 W Jefferson now
filed under Haley & Summers Realty, LLC 's waiver request and application.

SECTION 1b. Prairie Quest, Inc./525 W Jefferson now filed under Haley &
Summers Realty, LLC 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 Prairie Quest, Inc./525 W Jefferson now filed under Haley &
Summers Realty, LLC's real property deduction under R-13-09 is 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 Prairie Quest, Inc./525 w Jefferson now filed under Haley & Summers 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