

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Application for the Deduction from
Assessed Valuation of Structures in Economic
Revitalization Areas (Form 322/RE) for 530 Home
Avenue, Fort Wayne, Indiana 46807 (Fairfield
Community Home, LP)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 530 Home Avenue for Fairfield Community Home, LP (Confirming Resolution R-9-13) 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 Fairfield Community Home, LP and approved under Confirming Resolution R-9-13 was for \$5,170,282 in real property improvements; and

WHEREAS, construction of the real property improvements for Fairfield Community Home, LP was completed in December 2013; and

WHEREAS, representatives of Fairfield Community Home, LP have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) for 2015 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Fairfield Community Home, LP; and

WHEREAS, the Common Council finds that Fairfield Community Home, LP has fulfilled its pledge to construct the real property improvements; and

WHEREAS, Fairfield Community Home, LP has created its workforce as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Fairfield Community Home, LP 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

WHEREAS, the Common Council intends that Fairfield Community Home, LP receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

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

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

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

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waiveable under State and local law, including without limitation 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.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Fairfield Community Home, LP to receive the real property economic revitalization area deductions for 2015 payable 2016 under Confirming Resolution R-9-13. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule. This resolution shall have no effect on the assessed value, tax abatement deductions or taxes payable with respect to Fairfield Community Home, LP's personal property.

SECTION 3. 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 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 Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) for Fairfield Community Home, LP

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for late-filed real property deduction forms for Fairfield Community Home, LP

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Fairfield Community Home, LP to retain their real property deduction due to late filed deduction forms.

EFFECT OF NON-PASSAGE: Potential loss of future development by Fairfield Community Home, LP

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

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