

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Compliance with Statement of Benefits
Real Estate Improvements (Form CF-1/Real Property
and Form CF-1/PP for personal property) for 2914
Independence Drive, Fort Wayne, IN 46808 (Marquis ID
Systems/CM260 Enterprises, LLC filed under Marquis
Consulting Services, Inc.)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2914 Independence Drive for Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. (Confirming Resolution R-35-13) an economic revitalization area 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 forms (SB-1/Real Property and SB-1/PP) and economic revitalization area designation application submitted by Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. approved under Confirming Resolution R-35-13 was for \$650,000 in real property improvements and \$2,337,000 in personal property improvements; and

WHEREAS, construction of the real property improvements for Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. was completed in 2013; and

WHEREAS, installation of equipment for Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. was completed in 2015; and

WHEREAS, Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. was required to file under I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, a Compliance with Statement of Benefits (Form CF-1/Real Property and Form CF-1/PP for personal property) with the Allen County Auditor, the Allen County Assessor, and the City of Fort Wayne; and

WHEREAS, Common Council has previously determined on July 14, 2015 under resolution R-61-15 that Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. failed to substantially comply with I.C. 6-1.1-12.1 et seq. and Section 153.21 of the Fort Wayne Code of Ordinances for not filing a Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property), a Compliance with Statement of Benefits Personal Property (Form CF-1/PP) or a corrective filing due May 15, 2015; and

1 **WHEREAS**, Common Council pursuant to I.C. 6-1.1-12.5.9, directed the Fort
2 Wayne Community Development Division to prepare and mail written notice to Marquis ID
3 Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. stating the
4 reasons for council's determination of substantial non-compliance and a date, time and place
5 of the hearing for the purpose of further consideration of each owner's circumstances; and

6 **WHEREAS**, said hearing was held by Common Council on September 1, 2015 for
7 further consideration of each owner's circumstances and whether the economic revitalization
8 area deduction should be terminated; and

9 **WHEREAS**, representatives of Marquis ID Systems/CM260 Enterprises, LLC filed
10 under Marquis Consulting Services, Inc. have informed the City of Fort Wayne that their
11 Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real
12 Property) and Statement of Benefits Personal Property (Form CF-1/PP) due May 15, 2015
13 was not filed in a timely manner; and

14 **WHEREAS**, this oversight was an unusual occurrence for Marquis ID
15 Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc.; and

16 **WHEREAS**, the Common Council finds that Marquis ID Systems/CM260
17 Enterprises, LLC filed under Marquis Consulting Services, Inc. has fulfilled its pledge to
18 construct the real property improvements and install new manufacturing and logistical
19 information technology equipment; and

20 **WHEREAS**, Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis
21 Consulting Services, Inc. has created at least 75% of the jobs which were to be created and
22 retained as reported on the approved Statement of Benefits forms; and

23 **WHEREAS**, the Common Council acknowledges that Marquis ID Systems/CM260
24 Enterprises, LLC filed under Marquis Consulting Services, Inc. has requested a waiver of
25 noncompliance which the Common Council has the power and authority to approve, under
26 I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

27 **WHEREAS**, the Common Council intends that Marquis ID Systems/CM260
28 Enterprises, LLC filed under Marquis Consulting Services, Inc. receive the tax abatement
29 benefits to which they would have been entitled had no non compliance event occurred, so
30 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
deductions 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 noncompliance
events such as the untimely filing of an application, statement of benefits, or another
document required to be filed under I.C. 6-1.1-12.1; 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 Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. to continue to receive the economic revitalization area real and personal property deductions remaining under R-35-13.

SECTION 3. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage.

SECTION 4. 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 Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) and Compliance with Statement of Benefits Personal Property (Form CF-1/PP) for 2914 Independence Drive (Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc.)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for a late-filed compliance with statement of benefits forms for Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. on real and personal property improvements at 2914 Independence Drive. Fort Wayne Common Council designated and confirmed 2914 Independence Drive as an economic revitalization area for tax abatement purposes under Confirming Resolution R-35-13.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc. to continue to receive their remaining real and personal property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Marquis ID Systems/CM260 Enterprises, LLC filed under Marquis Consulting Services, Inc.

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

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