

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Compliance with Statement of Benefits
Real Estate Improvements (Form CF-1/Real Property)
for 620 East Berry Street, Fort Wayne, IN 46802 (Prairie
Quest, Inc./525 W Jefferson now filed under Haley &
Summers Realty, LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 1211 Progress Road for Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC (Confirming Resolution R-13-09) 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 Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC and approved under Confirming Resolution R-13-09 was for \$149,500 in real property improvements and \$16,000 in personal property improvements; and

WHEREAS, construction of the real property improvements for Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC was completed in 2009; and

WHEREAS, Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC 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 Real Estate Improvements (Form CF-1/Real Property) with the Allen County Auditor and the City of Fort Wayne; and

WHEREAS, Common Council has previously determined on July 14, 2015 under resolution R-61-15 that Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC 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) or a corrective filing due May 15, 2015; and

WHEREAS, Common Council pursuant to I.C. 6-1.1-12.-5.9, directed the Fort Wayne Community Development Division to prepare and mail written notice to Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers Realty, LLC stating the reasons for council's determination of substantial non-compliance and a date, time and place of the hearing for the purpose of further consideration of each owner's circumstances; and

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

4 **WHEREAS**, representatives of Prairie Quest, Inc./525 W Jefferson now filed under
5 Haley & Summers Realty, LLC have informed the City of Fort Wayne that their Compliance
6 with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) due May
7 15, 2015 was not filed in a timely manner; and

8 **WHEREAS**, this oversight was an unusual occurrence for Prairie Quest, Inc./525 W
9 Jefferson now filed under Haley & Summers Realty, LLC; and

10 **WHEREAS**, the Common Council finds that Prairie Quest, Inc./525 W Jefferson now
11 filed under Haley & Summers Realty, LLC has fulfilled its pledge to construct the real
12 property improvements and install new information technology equipment; and

13 **WHEREAS**, Prairie Quest, Inc./525 W Jefferson now filed under Haley & Summers
14 Realty, LLC has created at least 75% of the jobs which were to be created and retained as
15 reported on the approved Statement of Benefits forms; and

16 **WHEREAS**, the Common Council acknowledges that Prairie Quest, Inc./525 W
17 Jefferson now filed under Haley & Summers Realty, LLC has requested a waiver of
18 noncompliance which the Common Council has the power and authority to approve, under
19 I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

20 **WHEREAS**, the Common Council intends that Prairie Quest, Inc./525 W Jefferson
21 now filed under Haley & Summers Realty, LLC receive the tax abatement benefits to which
22 they would have been entitled had no non compliance event occurred, so long as the waiver
23 of non compliance and the granting of those benefits does not prejudice the City of Fort
24 Wayne; and

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

28 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit noncompliance
29 events such as the untimely filing of an application, statement of benefits, or another
30 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:**

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