

**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 1211 Progress Road, Fort Wayne, IN 46808 (Calico
Precision Molding, LLC filed under CC Realty, LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 1211 Progress Road for Calico Precision Molding, LLC (Confirming Resolution R-45-12) 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 Calico Precision Molding, LLC filed under CC Realty, LLC and approved under Confirming Resolution R-45-12 was for \$43,000 in real property improvements and \$500,500 in personal property improvements; and

WHEREAS, construction of the real property improvements for Calico Precision Molding, LLC filed under CC Realty, LLC was completed in 2014; and

WHEREAS, Calico Precision Molding, LLC filed under CC 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 Calico Precision Molding, LLC filed under CC 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 Calico Precision Molding, LLC filed under CC 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

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

1 **WHEREAS**, representatives of Calico Precision Molding, LLC filed under CC Realty,
2 LLC have informed the City of Fort Wayne that their Compliance with Statement of Benefits
3 Real Estate Improvements (Form CF-1/Real Property) due May 15, 2015 was not filed in a
4 timely manner; and

5 **WHEREAS**, this oversight was an unusual occurrence for Calico Precision Molding,
6 LLC filed under CC Realty, LLC; and

7 **WHEREAS**, the Common Council finds that Calico Precision Molding, LLC filed
8 under CC Realty, LLC has fulfilled its pledge to construct the real property improvements and
9 install new manufacturing, research and development, logistical distribution and information
10 technology equipment; and

11 **WHEREAS**, Calico Precision Molding, LLC filed under CC Realty, LLC has created
12 at least 75% of the jobs which were to be created and retained as reported on the approved
13 Statement of Benefits forms; and

14 **WHEREAS**, the Common Council acknowledges that Calico Precision Molding, LLC
15 filed under CC Realty, LLC has requested a waiver of noncompliance which the Common
16 Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-
17 12.1-11.3; and

18 **WHEREAS**, the Common Council intends that Calico Precision Molding, LLC filed
19 under CC Realty, LLC receive the tax abatement benefits to which they would have been
20 entitled had no non compliance event occurred, so long as the waiver of non compliance and
21 the granting of those benefits does not prejudice the City of Fort Wayne; and

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

25 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit noncompliance
26 events such as the untimely filing of an application, statement of benefits, or another
27 document required to be filed under I.C. 6-1.1-12.1; and

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

30
**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 Calico Precision Molding, LLC filed under CC Realty, LLC to continue to receive the economic revitalization area real property deductions remaining under R-45-12.

SECTION 3. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage. This resolution shall have no effect on the assessed value, economic revitalization area deductions, or taxes payable with respect to Calico Precision Molding, LLC filed under CC Realty, LLC's personal property.

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) for 1211 Progress Road (Calico Precision Molding, LLC filed under CC Realty, LLC)

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of noncompliance for a late-filed compliance with benefits forms for Calico Precision Molding, LLC filed under CC Realty, LLC on real property improvements at 1211 Progress Road. Fort Wayne Common Council designated and confirmed 1211 Progress Road as an economic revitalization area for tax abatement purposes under Confirming Resolution R-45-12.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Calico Precision Molding, LLC filed under CC Realty, LLC to continue to receive their remaining real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Calico Precision Molding, LLC filed under CC Realty, LLC

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

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