

BILL NO. R-15-10-05-

RESOLUTION NO. R-_____

**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 701 Sherman
Boulevard, Fort Wayne, Indiana 46808 (Becky's Die
Cutting, Inc./Garrison, LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 701 Sherman Boulevard for Becky's Die Cutting, Inc./Garrison, LLC (Confirming Resolution R-93-14) 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 Becky's Die Cutting, Inc./Garrison, LLC and approved under Confirming Resolution R-93-14 was for \$150,000 in real property improvements; and

WHEREAS, construction of the real property improvements for Becky's Die Cutting, Inc./Garrison, LLC was completed in December 2014; and

WHEREAS, representatives of Becky's Die Cutting, Inc./Garrison, LLC 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 Becky's Die Cutting, Inc./Garrison, LLC; and

WHEREAS, the Common Council finds that Becky's Die Cutting, Inc./Garrison, LLC has fulfilled its pledge to construct the real property improvements; and

WHEREAS, Becky's Die Cutting, Inc./Garrison, LLC has created its workforce as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Becky's Die Cutting, Inc./Garrison, LLC has requested a waiver of noncompliance 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 Becky's Die Cutting, Inc./Garrison, LLC receive the tax abatement benefits to which they would have been entitled had no noncompliance event occurred, so long as the waiver of noncompliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

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

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

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

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

12 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and
13 nonconformities that are waiveable under State and local law, including without limitation
14 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.

15 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit
16 Becky's Die Cutting, Inc./Garrison, LLC to receive the real property economic revitalization
17 area deductions for 2015 payable 2016 under Confirming Resolution R-93-14. The Allen
18 County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution,
19 upon passage, and instructed to apply the deduction amounts in accordance with this
20 schedule. This resolution shall have no effect on the assessed value, tax abatement
21 deductions or taxes payable with respect to Becky's Die Cutting, Inc./Garrison, LLC's
22 personal property.

23 **SECTION 3.** That, this Resolution shall be in full force and effect from and after its passage
24 and any and all necessary approval by the Mayor.

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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 Becky's Die Cutting, Inc./Garrison, LLC

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 Becky's Die Cutting, Inc./Garrison, LLC

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Becky's Die Cutting, Inc./Garrison, LLC to retain their real property deduction due to late filed deduction forms.

EFFECT OF NON-PASSAGE: Potential loss of future development by Becky's Die Cutting, Inc./Garrison, LLC

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

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