

**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 the Northeast Corner of Wayne Trace and McKinnie
Avenue, Fort Wayne, IN 46806 (Village at Wayne Trace,
LP)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at the Northeast corner of Wayne Trace and McKinnie Avenue for Village at Wayne Trace, LP (Confirming Resolution R-82-06) 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 economic revitalization area designation application submitted by Village at Wayne Trace, LP and approved under Confirming Resolution R-82-06 was for \$4,075,687 in real property improvements; and

WHEREAS, construction of the real property improvements for Village at Wayne Trace, LP was completed in 2008; and

WHEREAS, Village at Wayne Trace, LP 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, representatives of Village at Wayne Trace, LP informed the City of Fort Wayne that their Compliance with Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) due May 15, 2015 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Village at Wayne Trace, LP; and

WHEREAS, the Common Council finds that Village at Wayne Trace, LP has fulfilled its pledge to construct the real property improvements; and

WHEREAS, Village at Wayne Trace, LP has retained at least 75% of the jobs which were to be retained as reported on the approved Statement of Benefits forms; and

WHEREAS, the Common Council acknowledges that Village at Wayne Trace, LP 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 Village at Wayne Trace, LP receive the tax abatement benefits to which they would have been entitled had no noncompliance

1 event occurred, so long as the waiver of noncompliance and the granting of those benefits
2 does not prejudice the City of Fort Wayne; and

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

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

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

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

13 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors
14 and nonconformities that are waiveable under State and local law, including without limitation
15 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.

16 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will
17 permit Village at Wayne Trace, LP to continue to receive the economic revitalization area real
18 property deductions remaining under R-82-06.

19 **SECTION 3.** The Allen County Auditor and Allen County Assessor shall be supplied
20 with a copy of this Resolution, upon passage. This resolution shall have no effect on the
21 assessed value, economic revitalization area deductions, or taxes payable with respect to
22 Village at Wayne Trace, LP's personal property.

23 **SECTION 4.** That, this Resolution shall be in full force and effect from and after its
24 passage and any and all necessary approval by the Mayor.

25 _____
26 Member of Council

27 APPROVED AS TO FORM AND LEGALITY

28 _____
29 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 Northeast Corner of Wayne Trace and McKinnie Avenue (Village at Wayne Trace, LP)

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 Village at Wayne Trace, LP on real property improvements at the Northeast corner of Wayne Trace and McKinnie Avenue. Fort Wayne Common Council designated and confirmed the property as an economic revitalization area for property tax abatement purposes under Confirming Resolution R-82-06.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of noncompliance will allow Village at Wayne Trace, LP to continue to receive their remaining real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Village at Wayne Trace, LP

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

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