

**A RESOLUTION CONCERNING Compliance with
Statement of Benefits (CF-1) form filings for 2016 for
properties with approved "Economic Revitalization
Areas" under I.C. 6-1.1-12.1**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for the following property owners as "Economic Revitalization Areas" under Sections 153.13-153.24 of the Fort Wayne Code of Ordinances, and I.C. 6-1.1-12.1; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, Indiana, must file a Compliance with Statement of Benefits Form (CF-1/PP and/or CF-1/Real Property) with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

WHEREAS, property owners on the attached Exhibit A have failed to comply with I.C. 6-1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by failing to file their Compliance with Statement of Benefits pertaining to their deduction and subsequently failed to file a Waiver of Non-Compliance pursuant to I.C. 6-1.1-12.1-9.5, or I.C. 6-1.1-12.1-11.3(a)(5); and

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

SECTION 1. That the property owners listed in Exhibit A in approved Economic Revitalization areas have failed to comply with I.C. 6-1.1-12.1, et. seq, and Section 153.21 of the Fort Wayne Code of Ordinances by failing to file their Compliance with Statement of Benefits forms (CF-1/PP and/or CF-1/Real Property) and further failing to file an appropriate Waiver of Non-Compliance pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable. Therefore subject to the rights of said property owners to be heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 3 of this Resolution,

1 Common Council finds that all of those property owners listed on Exhibit A have failed to
2 substantially comply as a result of their failure to file Compliance with Statement of Benefits
3 forms, and failure to file an appropriate Waiver of Non-Compliance. Council further directs
4 those property owners listed on Exhibit A to apply for and file a Waiver of Non-Compliance
5 pursuant to either I.C. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable, and
6 request a waiver by Common Council, for said non-compliance, which request and
7 resolutions and forms shall be submitted to Common Council prior to the subsequent hearing
8 that will be afforded property owners listed on Exhibit A as set forth in Section 3 of this
9 Resolution.

10 **SECTION 2.** Nothing contained in this Resolution shall be construed by any
11 property owners to mean that a subsequently filed Waiver of Non-Compliance, subsequently
12 filed Compliance with Statement of Benefit form or subsequent filing of any nature, will be
13 approved by Common Council, but only that Common Council will consider approval of such
14 Waiver of Non-Compliance filing or other corrective filing, if properly and timely filed. Further,
15 all property owners listed on Exhibit A to this Resolution may have their abatement rescinded
16 as a result of non-compliance by resolution of Common Council at the hearing referenced in
17 Section 3 of this resolution.

18 **SECTION 3.** That, Common Council, pursuant to I.C. 6-1.1-12.1-5.9, shall mail a
19 written notice to the property owners listed on Exhibit A, and such notice shall state the
20 reasons for Council's determination and a date, time and place of the hearing for the purpose
21 of further consideration of each owner's circumstances for its failure to file, or file timely its
22 Compliance with Statement of Benefits Forms (CF-1/PP and/or CF-1/Real Property) or for
23 other substantial non-compliance. Common Council does hereby direct Fort Wayne
24 Community Development Division to prepare and send the aforementioned notices.

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

27 _____
28 Member of Council

29 APPROVED AS TO FORM A LEGALITY

30 _____
Carol Helton, City Attorney

EXHIBIT A

2016 COMPLIANCE WITH STATEMENT OF BENEFITS - NON-FILER

CF-1/Real Property	CF-1/PP	CF-1/VBD	COMPANY NAME	RES #	TYPE	DESIGNATION ADDRESS
No Filing Received	Expired	N/A	CMA Steel & Fabrication, Inc. (filed under Updike Properties)	46-06	B	3436 Centennial Drive
No Filing Received	Expired	N/A	Global Seal Logistics, Inc. for Pro Seal & Plastics, LLC	52-07	B	9100 Airport Drive
No Filing Received	N/A	N/A	LTHS, LLC (Abra Cadabra)	75-06	R	Lot 15 in Huegenard Industrial Park
No Filing Received	N/A	N/A	Rogers Markets, Inc.	93-05	R	521 West Washington Boulevard
No Filing Received	Never Filed	N/A	United Parcel Service	101-07	B	2727 Independence Drive
No Filing Received	N/A	N/A	Vita Nonwovens	49-13	R	9403 Avionics Drive

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Concerning Compliance with Statement of Benefits (CF-1) Form Filings for 2016 for Properties with Approved "Economic Revitalization Areas" under I.C.6-1.1-12.1

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution affirms that certain companies with approved economic revitalization areas are not in substantial compliance pursuant to both Council policy and Indiana law because they did not file Compliance with Statement of Benefits (CF-1) Forms in May 2016

EFFECT OF PASSAGE: Provides notice to company that it has been found to be in substantial non-compliance and a hearing will be scheduled

EFFECT OF NON-PASSAGE: Potential loss of economic revitalization area deduction (property tax abatement/phase-in)

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

ASSIGNED TO COMMITTEE (PRESIDENT): Glynn Hines and John Crawford