

**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) and Statement of
Benefits Real Estate Improvements (Form CF-1/Real
Property) for 9138 Bluffton Road, Fort Wayne, Indiana
46809 (Premier Truck Rental/RTT Investments LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9138 Bluffton Road for Premier Truck Rental/RTT Investments LLC (Confirming Resolution R-56-16) 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 Premier Truck Rental/RTT Investments LLC and approved under Confirming Resolution R-56-16 was for \$2,100,000 in real property improvements and \$205,000 in personal property improvements; and

WHEREAS, construction of the real property improvements and instillation of personal property improvements for Premier Truck Rental/RTT Investments LLC were complete in April 2017; and

WHEREAS, representatives of Premier Truck Rental/RTT Investments LLC have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) and Statement of Benefits (CF-1) for 2018 were not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Premier Truck Rental/RTT Investments LLC; and

WHEREAS, the Common Council finds that Premier Truck Rental/RTT Investments LLC completed its pledge to construct the real property improvements and install personal property improvements in April 2017; and

WHEREAS, the Common Council acknowledges that Premier Truck Rental/RTT Investments 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 Premier Truck Rental/RTT Investments LLC receive the tax abatement benefits to which they would have been entitled had no non-compliance event occurred, so long as the waiver of non-compliance 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 2018 payable 2019 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 non-compliance event has been corrected and a public hearing of
8 the Common Council has been held on the waiver.

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

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

14 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit
15 Premier Truck Rental/RTT Investments LLC to receive the real property economic
16 revitalization area deductions for 2018 payable 2019 under Confirming Resolution R-56-16.
17 The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and
18 instructed to apply the deduction amounts in accordance with this schedule. This resolution
19 shall have no effect on the assessed value, tax abatement deductions or taxes payable with
20 respect to Premier Truck Rental/RTT Investments LLC's personal property.

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

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25 _____
26 Member of Council
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24 APPROVED AS TO FORM AND LEGALITY

25 _____
26 Carol Helton, City Attorney
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Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Non-compliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures (Form 322/RE) Statement of Benefits Personal Property (CF-1/Real Property) for Premier Truck Rental/RTT Investments LLC.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property deduction forms and statement of benefits for Premier Truck Rental/RTT Investments LLC.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Premier Truck Rental/RTT Investments LLC to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Press-Seal Gasket Corporation.

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): John Crawford and Jason Arp