

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Statement of Benefits Real Estate
Improvements (Form CF-1/Real Property) for 5130
Executive Boulevard, Fort Wayne, Indiana 46808
(Heritage Food Service Equipment, Inc.)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4041 Parnell Avenue for Heritage Food Service Equipment, Inc. (Confirming Resolution R-12-10 (Amended R-48-11)) 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 Heritage Food Service Equipment, Inc. and approved under Confirming Resolution R-12-10 (Amended R-48-11) was for \$695,250 in real property improvements and \$545,000 in personal property improvements; and

WHEREAS, construction of the real property improvements for Heritage Food Service Equipment, Inc. were completed in June 2012; and

WHEREAS, representatives of Heritage Food Service Equipment, Inc. have informed the City of Fort Wayne that their Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2018 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Heritage Food Service Equipment, Inc.; and

WHEREAS, the Common Council finds that Heritage Food Service Equipment, Inc. is in the process of completing its pledge to construct the real property improvements; and

WHEREAS, the Common Council acknowledges that Heritage Food Service Equipment, Inc. 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 Heritage Food Service Equipment, Inc. 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

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2018 payable 2019 tax year would not create a strain on the City of Fort Wayne's fiscal budget; and

1 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement
2 noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork
3 to be waived; and

4 **WHEREAS**, the non-compliance event has been corrected and a public hearing of
5 the Common Council has been held on the waiver.

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

8 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and
9 nonconformities that are waiveable under State and local law, including without limitation
10 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.

11 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit
12 Heritage Food Service Equipment, Inc. to receive the real property economic revitalization
13 area deductions for 2018 payable 2019 under Confirming Resolution R-12-10 (Amended R-
14 48-11). The Allen County Auditor shall be supplied with a copy of this Resolution, upon
15 passage, and instructed to apply the deduction amounts in accordance with this schedule.
16 This resolution shall have no effect on the assessed value, tax abatement deductions or
17 taxes payable with respect to Heritage Food Service Equipment, Inc.'s personal property.

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

20 _____
21 Member of Council

22 APPROVED AS TO FORM AND LEGALITY

23 _____
24 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 Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for Heritage Food Service Equipment, Inc.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property statement of benefits for Heritage Food Service Equipment, Inc.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Heritage Food Service Equipment, Inc. to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Heritage Food Service Equipment, Inc.

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

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