

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Statement of Benefits Personal Property
Improvements (Form CF-1/Personal Property) for 2424
West State Boulevard, Fort Wayne, Indiana 46808
(Press-Seal Gasket Corporation)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2424 West State Boulevard for Press-Seal Gasket Corporation (Confirming Resolution R-76-13) 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 Press-Seal Gasket Corporation and approved under Confirming Resolution R-76-13 was for \$3,000,000 in personal property improvements; and

WHEREAS, instillation of the personal property improvements for Press-Seal Gasket Corporation were complete in December 2013; and

WHEREAS, representatives of Press-Seal Gasket Corporation have informed the City of Fort Wayne that their Statement of Benefits Personal Property (CF-1/PP) for 2018 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Press-Seal Gasket Corporation; and

WHEREAS, the Common Council finds that Press-Seal Gasket Corporation fulfilled its pledge to install the personal property improvements; and

WHEREAS, the Common Council acknowledges that Press-Seal Gasket Corporation 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 Press-Seal Gasket Corporation 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

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

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

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

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

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Press-Seal Gasket Corporation to receive the personal property economic revitalization area deductions for 2018 payable 2019 under Confirming Resolution R-76-13. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule.

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

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 Non-compliance for a Late-Filed Statement of Benefits Personal Property (CF-1/PP) for Press-Seal Gasket Corporation.

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed personal property deduction forms and statement of benefits for Press-Seal Gasket Corporation.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Press-Seal Gasket Corporation to retain their personal 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