

**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 7255 Chalafant Road, Fort Wayne, Indiana
46809 (Alconex Specialty Products/McBane, LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 7255 Chalafant Road for Alconex Specialty Products/McBane, LLC (Confirming Resolution R-34-18) 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 Alconex Specialty Products/McBane, LLC and approved under Confirming Resolution R-34-18 was for \$5,200,000 in real property improvements and \$1,850,000 in personal property improvements; and

WHEREAS, construction of the real property improvements for Alconex Specialty Products/McBane, LLC are not yet complete; and

WHEREAS, representatives of Alconex Specialty Products/McBane, 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 2017 were not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Alconex Specialty Products/McBane, LLC; and

WHEREAS, the Common Council finds that Alconex Specialty Products/McBane, LLC will complete its pledge to construct the real property improvements in June 2018; and

WHEREAS, the Common Council acknowledges that Alconex Specialty Products/McBane, 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 Alconex Specialty Products/McBane, 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

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2017 payable 2018 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 noncompliance 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 Alconex Specialty Products/McBane, LLC to receive the real property economic revitalization area deductions for 2018 payable 2019 under Confirming Resolution R-34-18. 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. This resolution shall have no effect on the assessed value, tax abatement deductions or taxes payable with respect to Alconex Specialty Products/McBane, LLC's personal property.

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

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: 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 (CF-1) for Alconex Specialty Products/McBane, 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 Alconex Specialty Products/McBane, LLC

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Alconex Specialty Products/McBane, LLC to begin their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Alconex Specialty Products/McBane, LLC

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

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