

**A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 4041 Parnell Avenue, Fort Wayne, Indiana 46805 (David M. Allen, D.D.S. & Associates, PC dba Afdent)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4041 Parnell Avenue for David M. Allen, D.D.S. & Associates, PC dba Afdent (Confirming Resolution R-86-06) 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 David M. Allen, D.D.S. & Associates, PC dba Afdent and approved under Confirming Resolution R-86-06 was for \$3,700,000 in real property improvements and \$400,000 in personal property improvements; and

**WHEREAS**, construction of the real property improvements for David M. Allen, D.D.S. & Associates, PC dba Afdent were completed in November 2007; and

**WHEREAS**, representatives of David M. Allen, D.D.S. & Associates, PC dba Afdent have informed the City of Fort Wayne that their Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner; and

**WHEREAS**, this oversight was an unusual occurrence for David M. Allen, D.D.S. & Associates, PC dba Afdent; and

**WHEREAS**, the Common Council finds that David M. Allen, D.D.S. & Associates, PC dba Afdent has completed its pledge to construct the real property improvements; and

**WHEREAS**, the Common Council acknowledges that David M. Allen, D.D.S. & Associates, PC dba Afdent 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 David M. Allen, D.D.S. & Associates, PC dba Afdent 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 2019 payable 2020 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 statement of benefits (CF-1) 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 David M. Allen, D.D.S. & Associates, PC dba Afdent to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-86-06. 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

1 the assessed value, tax abatement deductions or taxes payable with respect to David M. Allen,  
2 D.D.S. & Associates, PC dba Afdent's personal property.

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

5 \_\_\_\_\_  
6 Member of Council

7 APPROVED AS TO FORM AND LEGALITY

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9 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 David M. Allen, D.D.S. & Associates, PC dba Afdent.**

**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 David M. Allen, D.D.S. & Associates, PC dba Afdent.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow David M. Allen, D.D.S. & Associates, PC dba Afdent to retain their real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by David M. Allen, D.D.S. & Associates, PC dba Afdent.**

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

**ASSIGNED TO COMMITTEE (CO-CHAIRS): Russ Jehl and Jason Arp**