

**A RESOLUTION approving a Waiver of Noncompliance for a  
Late-Filed Statement of Benefits Real Estate Improvements  
(Form CF-1/Real Property) for 9403 Avionics Drive, Fort  
Wayne, Indiana 46809 (Vita Nonwovens/HBC Realty Corp.)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9403 Avionics Drive for Vita Nonwovens/HBC Realty Corp. (Confirming Resolution R-49-13) 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 Vita Nonwovens/HBC Realty Corp. and approved under Confirming Resolution R-49-13 was for \$960,000 in real property improvements; and

**WHEREAS**, representatives of Vita Nonwovens/HBC Realty Corp. 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 Vita Nonwovens/HBC Realty Corp.; and

**WHEREAS**, the Common Council finds that Vita Nonwovens/HBC Realty Corp. has completed its pledge to construct the real property improvements; and

**WHEREAS**, the Common Council acknowledges that Vita Nonwovens/HBC Realty Corp. 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 Vita Nonwovens/HBC Realty Corp. 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 Vita Nonwovens/HBC Realty Corp. to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-49-13. 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 Real Estate Improvements (Form CF-1/Real Property) for Vita Nonwovens/HBC Realty Corp.**

**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 Vita Nonwovens/HBC Realty Corp.**

**EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Vita Nonwovens/HBC Realty Corp. to retain their real property economic revitalization area deductions.**

**EFFECT OF NON-PASSAGE: Potential loss of future development by Vita Nonwovens/HBC Realty Corp.**

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

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