

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) for 9609 Ardmore Drive, Fort Wayne, Indiana 46809 (Fort Wayne Metals Research Products Corp./TEG Investments, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 9609 Ardmore Drive for Fort Wayne Metals Research Products Corp./TEG Investments, LLC (Confirming Resolution R-86-17) 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 Fort Wayne Metals Research Products Corp./TEG Investments, LLC and approved under Confirming Resolution R-86-17 was for \$6,000,00 in real property improvements \$35,000,000 in personal property improvements; and

WHEREAS, construction of the real property improvements and installation of the personal property improvements for Fort Wayne Metals Research Products Corp./TEG Investments, LLC are in progress; and

WHEREAS, representatives of Fort Wayne Metals Research Products Corp./TEG Investments, LLC have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) for 2019 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Fort Wayne Metals Research Products Corp./TEG Investments, LLC; and

WHEREAS, the Common Council finds that Fort Wayne Metals Research Products Corp./TEG Investments, LLC working towards completing its pledge to construct the real property improvements; and

WHEREAS, the Common Council acknowledges that Fort Wayne Metals Research Products Corp./TEG Investments, 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 Fort Wayne Metals Research Products Corp./TEG Investments, 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 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 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 Fort Wayne Metals Research Products Corp./TEG Investments, LLC to receive the real property economic revitalization area deductions for 2019 payable 2020 under Confirming Resolution R-86-17. 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 Fort Wayne Metals Research Products Corp./TEG Investments, 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

Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Non-compliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures (Form 322/RE) for Fort Wayne Metals Research Products Corp./TEG Investments, 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 Fort Wayne Metals Research Products Corp./ TEG Investments, LLC.

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Fort Wayne Metals Research Products Corp./ TEG Investments, LLC to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Fort Wayne Metals Research Products Corp./ TEG Investments, LLC.

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

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