

**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**, David M. Allen, D.D.S. & Associates, PC dba Afdent has completed its pledge to construct new real property improvements; and

**WHEREAS**, David M. Allen, D.D.S. & Associates, PC dba Afdent's Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner with the City and Allen County Auditor; and

**WHEREAS**, 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

**WHEREAS**, David M. Allen, D.D.S. & Associates, PC dba Afdent did file its CF-1 paperwork for personal property approved under Resolution R-86-06 timely with the City of Fort Wayne and, per the information provided, Common Council found David M. Allen, D.D.S. & Associates, PC dba Afdent in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; and

**WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork to be waived; and

**WHEREAS**, 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. OPTION A** That David M. Allen, D.D.S. & Associates, PC dba Afdent's request for a waiver of clerical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved deduction for real property is terminated. This termination shall have no impact on the personal property abatement approved under confirming resolution R-86-06, said personal property abatement shall continue.

**SECTION 1. OPTION B** That all clerical and technical errors and nonconformities of David M. Allen, D.D.S. & Associates, PC dba Afdent's annual deduction compliance filing requirements that are waivable under State law and local law, including without limitation those errors and nonconformities described in I.C.6-1.1-12.1-9.5 are hereby waived. The Allen County Auditor shall be supplied with a copy of this resolution and is instructed to apply the deduction.

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**SECTION 2.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney