

**A RESOLUTION considering a Waiver of Noncompliance for  
a Late-Filed Statement of Benefits Real Estate  
Improvements (Form CF-1/Real Property) for 4510 Airport  
Expressway, Fort Wayne, Indiana 46809 (HBC Realty  
Corp/Royce & Janice Carville/Faurecia Emission Control  
Technologies USA LLC)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4510 Airport Expressway for HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC (Confirming Resolution R-37-16) 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 HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC and approved under Confirming Resolution R-37-16 was for \$5,000,000 in real property improvements; and

**WHEREAS**, construction of the real property improvements for HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC were completed in September 2017; and

**WHEREAS**, HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner with the Allen County Auditor and the City; and

**WHEREAS**, the City of Fort Wayne has given HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC notice to file their CF-1 and to file a waiver of non-compliance of a late-filed CF-1; and

**WHEREAS**, HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC has filed their CF-1 along with a waiver of non-compliance for failure to file their CF-1 with the City; and

**WHEREAS**, the Common Council acknowledges that HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5

**WHEREAS**, HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC has completed its pledge to construct the real property improvements; and

**WHEREAS**, based on the CF-1 recently submitted HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC has established that they have substantially complied with its approved statement of benefits; and

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

**WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed CF-1 compliance paperwork, then Common Council will also determine substantial compliance or non-compliance with statement of benefits; 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:**

**[OPTION 1]**

**SECTION 1.** That HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's request for a waiver of clerical and technical errors and nonconformities with its annual CF-1 abatement compliance filing requirements is hereby denied and as such the abatement granted under Confirming Resolution R-37-16 for real property is terminated.

**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.

**[OPTION 2]**

**SECTION 1.** That all clerical and technical errors and nonconformities of HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's annual CF-1 abatement filing requirements that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5, are hereby waived.

**SECTION 2. [OPTION A]** That Common Council finds that the CF-1 form filed by HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC with an approved Economic Revitalization Area for 2019 is in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne. Therefore, the continuation of HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's abatement is hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the abatement.

**SECTION 2. [OPTION B].** That Common Council finds that the CF-1 form filed by HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC with an approved Economic Revitalization Area for 2019 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne. HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC did make reasonable efforts to substantially comply with the statement of benefits and HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's failure to substantially comply was caused by factors beyond the control of HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC. Therefore, the continuation of HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's abatement is hereby approved. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the abatement.

**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 form filed by HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC with an approved Economic Revitalization Area for 2019 is not in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne. HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC did not make reasonable efforts to substantially comply with the statement of benefits and HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC's failure to substantially comply was not caused by factors beyond the control of HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC. As a result of said failure, the abatement for HBC Realty Corp/Royce & Janice Carville/Faurecia Emission Control Technologies USA LLC is hereby terminated by Common Council. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and is instructed to terminate the abatement for real property.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**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