

**A RESOLUTION considering a Waiver of Noncompliance for  
a Late-Filed Statement of Benefits Real Estate  
Improvements (Form CF-1/Real Property) for 3869 Ice Way,  
Fort Wayne, Indiana 46808 (Ice Sports Fort Wayne,  
LLC/CanLan Ice Sports (filed under Silverado Properties,  
LLC fka 3 Sheets Development))**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 3869 Ice Way for Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) (Confirming Resolution R-90-08) 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 Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) and approved under Confirming Resolution R-90-08 was for \$10,000,000 in real property improvements and \$75,000 in personal property improvements; and

**WHEREAS**, Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development)'s Statement of Benefits Real Property Improvements (Form CF-1/Real Property) for 2019 was not filed in a timely manner with the Allen County Auditor; and

**WHEREAS**, the City has given Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) notice to file their CF-1 and to file a waiver of non-compliance of a late-filed CF-1; and

**WHEREAS**, Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 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 Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 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); and

**WHEREAS**, the Common Council finds that Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) has fulfilled its pledge to complete real property improvements; and

**WHEREAS**, the Common Council finds that Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) has fulfilled its pledge to purchase and install new personal property equipment; 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:**

**[OPTION 1]**

**SECTION 1.** That, Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 's request for a waiver of clerical and technical errors and nonconformities with its annual CF-1 tax phase-in compliance filing requirements is hereby denied and as such the phase-in granted under Confirming Resolution R-90-08 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 approved by the Mayor.

**[OPTION 2]**

**SECTION 1.** That all clerical and technical errors and nonconformities of Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development)'s annual CF-1 tax phase-in 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 Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 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 by virtue of creating 75% of the 15 full-time and 50 part-time jobs that were stated or 11 full-time and 37 part-time jobs creating 75% of the \$567,656 in annual payroll or \$425,742. Therefore, the continuation of Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development)'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 tax phase-in.

**SECTION 2. [OPTION B].** That Common Council finds that the CF-1 form filed by Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 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 for failure to create 75% of the 15 full-time and 50 part-time jobs that were stated or 11 full-time and 37 part-time jobs creating 75% of the \$567,656 in annual payroll or \$425,742. Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) did make reasonable efforts to substantially comply with the statement of benefits and Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 's failure to substantially comply was caused by factors beyond the control of Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) Therefore, the continuation of Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) '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 tax phase-in.

**SECTION 2. [OPTION C]** That Common Council finds that the CF-1 form filed by Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 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 for failure to create 75% of the 15 full-time and 50 part-time jobs that were stated or 11 full-time and 37 part-time jobs creating 75% of the \$567,656 in annual payroll or \$425,742. Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) did not make reasonable efforts to substantially comply with the statement of benefits and Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 's failure to substantially comply was not caused by factors beyond the control of Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) As a result of said failure, the abatement for Ice Sports Fort Wayne, LLC/CanLan Ice Sports (filed under Silverado Properties, LLC fka 3 Sheets Development) 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 personal property manufacturing equipment.

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**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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney