

A RESOLUTION considering a Waiver of Noncompliance for a Late-Filed Application for the Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) and 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-35-18) 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-35-18 was for \$9,277,755 in real property improvements and \$9,746,043 in personal property improvements; and

WHEREAS, Vita Nonwovens/HBC Realty Corp.'s application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) and Statement of Benefits (CF-1) for 2019 were not filed in a timely manner with the Allen County Auditor; and

WHEREAS, construction of the real property improvements are complete, Vita Nonwovens/HBC Realty Corp. has completed its pledge to construct 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, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permits tax abatement noncompliance events such as the untimely filing of deduction from assessed valuation of structures in economic revitalization areas (Form 322/RE) and statement of benefits (CF-1) paperwork to be waived; and

WHEREAS, Vita Nonwovens/HBC Realty Corp. did file its CF-1 paperwork for personal property approved under Resolution R-35-18 timely with the City of Fort Wayne and, per the information provided, Common Council found Vita Nonwovens/HBC Realty Corp. in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; 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 Vita Nonwovens/HBC Realty Corp.'s request for a waiver of clerical and technical errors and nonconformities with its annual deduction compliance filing requirements is hereby denied and as such the previously approved abatement for real property is terminated. This termination shall have no impact on the personal property for manufacturing, research and development, and information technology equipment property abatement approved under Confirming Resolution R-35-18, said personal property phase-in for manufacturing, equipment shall continue.

SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Vita Nonwovens/HBC Realty Corp.'s annual deduction compliance 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 and I.C. 6-1.1-12.1-11.3, are hereby waived. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, 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.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney