

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) 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 instillation of the personal property improvements for Fort Wayne Metals Research Products Corp./TEG Investments, LLC are in progress and the applicant is working towards completing its pledge to construct the real property improvements; and

WHEREAS, Fort Wayne Metals Research Products Corp./TEG Investments, LLC's application for deduction from assessed valuation of structures in economic revitalization areas (322/RE) for 2019 was not filed in a timely manner with the Allen County Assessor; and

WHEREAS, 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. 6-1.1-12.1-11.3; and

WHEREAS, Fort Wayne Metals Research Products Corp./TEG Investments, LLC did file its CF-1 paperwork for real property and CF-1 paperwork for personal property approved under Resolution R-86-17 timely with the City of Fort Wayne and, per the information provided, Common Council found Fort Wayne Metals Research Products Corp./TEG Investments, LLC in substantial compliance with their previously filed Statement of Benefits on June 25, 2019 under Resolution R-23-19; and

WHEREAS, I.C. 6-1.1-12.1-11.3 permits tax phase-in non-compliance events such as the untimely filing of deduction application 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 Fort Wayne Metals Research Products Corp./TEG Investments, LLC'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 deduction 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-86-17, said personal property phase-in for manufacturing, research and development, and information technology equipment shall continue.

SECTION 1. OPTION B That all clerical and technical errors and nonconformities of Fort Wayne Metals Research Products Corp./TEG Investments, LLC'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. 6-1.1-12.1-11.3, 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.

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