

A RESOLUTION CONCERNING Non-compliance for failure to file and/or failure to file in a timely manner form filings for 2020 for properties with approved "Economic Revitalization Areas" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for the following property owners as "Economic Revitalization Areas" under Sections 153.13-153.24 of the Fort Wayne Code of Ordinances, and I.C. 6-1.1-12.1; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Fort Wayne Code of Ordinances, Indiana, must file a Compliance with Statement of Benefits Form (CF-1/PP and/or CF-1/Real Property) and other form filings with the Allen County Auditor, the Allen County Assessor and the City of Fort Wayne showing there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, Common Council designated the City of Fort Wayne Community Development Division as the entity for the administration, application, processing and monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

WHEREAS, property owners on the attached Exhibit 2 have failed to comply with I.C. 6-1.1-12.1 et seq. and Section 153.21(A) of the Fort Wayne Code of Ordinances by failing to file their Compliance with Statement of Benefits and other form filings pertaining to their deduction in a timely manner; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the property owners listed in Exhibit 2 in approved Economic Revitalization areas have failed to comply with I.C. 6-1.1-12-.1, *et. seq.* and Section 153.21 of the Fort Wayne Code of Ordinances by failing to file their Compliance with Statement of Benefits forms (CF-1/PP and/or CF-1/Real Property) and other form filings. Therefore subject to the rights of said property owners to be heard again by Council pursuant to I.C. 6-1.1-12.1-5.9 as specified in Section 3 of this Resolution, Common Council finds that all of those property owners listed on Exhibit 2 have failed to substantially comply as a result of their failure to file Compliance with Statement of Benefits forms and other form filings. Council further directs those property owners listed on Exhibit 2 to apply for and file a Waiver of Non-Compliance pursuant to either I.C. 6-1.1-

1 12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable, and request a waiver by Common
2 Council, for said non-compliance, which request and resolutions and forms shall be submitted to
3 Common Council prior to the subsequent hearing that will be afforded property owners listed on
4 Exhibit 2 as set forth in Section 3 of this Resolution.

5 **SECTION 2.** Nothing contained in this Resolution shall be construed by any property
6 owners to mean that a subsequently filed Waiver of Non-Compliance, subsequently filed
7 Compliance with Statement of Benefit form or subsequent filing of any nature, will be approved
8 by Common Council, but only that Common Council will consider approval of such Waiver of
9 Non-Compliance filing or other corrective filing, if properly and timely filed. Further, all property
10 owners listed on Exhibit 2 to this Resolution may have their abatement rescinded as a result of
11 non-compliance by resolution of Common Council at the hearing referenced in Section 3 of this
12 resolution.

13 **SECTION 3.** That, Common Council, pursuant to I.C. 6-1.1-12.1-5.9, will mail a
14 written notice to the property owners listed on Exhibit 2, and such notice shall state the reasons
15 for Council's determination and a date, time and place of the hearing for the purpose of further
16 consideration of each owner's circumstances for its failure to file, or file timely its Compliance with
17 Statement of Benefits Forms (CF-1/PP and/or CF-1/Real Property) or for other substantial non-
18 compliance. Common Council does hereby direct Fort Wayne Community Development Division
19 to prepare and send the aforementioned notices.

20 **SECTION 4.** That, this Resolution shall be in full force and effect from and after its
21 passage and any and all necessary approval by the Mayor.

22 _____
23 Member of Council

24 APPROVED AS TO FORM A LEGALITY

25 _____
26 Carol Helton, City Attorney

EXHIBIT 2
2020 LATE FILE/NON-FILER STATEMENT OF BENEFITS

CF-1 RE	CF-1 PP	Company Name	Resolution	Type	Designation Address
Will Not File		Advanced Cutting Systems	38-18	P	4030 Piper Drive
Will Not File		Brooks Construction Company, Inc.	30-10	P	2711 Banks Avenue
6/26/2020	6/15/2020	CPI Card Group (Personal Didier Limited Partnership)	28-14	B	613 High Street
6/18/2020		P&A Realty, Inc.	101-13	B V	2980 E. Coliseum Blvd.
6/18/2020		P&A Realty, Inc.	22-16	B	2980 E. Coliseum Blvd.
6/18/2020		P&A Realty, Inc.	55-17	B	2990 E. Coliseum Blvd.
6/15/2020	7/2/2020	Meijer Stores Limited Partnership	33-12	B	1515 Profit Drive
		927 S. Harrison, LLC/Midtowne Real Estate	24-10	R	927 South Harrison Street
6/15/2020	6/15/2020	Vita Nonwovens	35-18	B	9403 Avionics Drive
Will Not File		Wagner-Meinert, Inc.	06-10	B	7617 Freedom Way
Will Not File		Wagner-Meinert, LLC	54-12	B	7617 Freedom Way
6/12/2020	6/12/2020	White Lodging Hampton Inn & Suites Downtown Fort Wayne Hotel/HIWAYNE	R-2-18	B	223 W. Jefferson Blvd