

A RESOLUTION CONCERNING Non-compliance for failure to file and/or failure to file in a timely manner form filings for 2023 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 B 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 B 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 by May 15, 2023. 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. 6-1.1-12.1-9.5 or I.C. 6-1.1-12.1-11.3(a)(5) as may be applicable, and request a waiver by Common Council, for said non-compliance, which request and resolutions and forms shall be

1 submitted to Common Council prior to the subsequent hearing that will be afforded property owners
2 listed on Exhibit 2 as set forth in Section 3 of this Resolution.

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8 listed on Exhibit 2 to this Resolution may have their abatement rescinded as a result of non-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

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

Malak Heiny, City Attorney

EXHIBIT B

2023 NON-COMPLIANT FOR LATE/NON-FILING OF DOCUMENTS

CF-1RE	CF-1PP		RES #		TYPE	DESIGNATION ADDRESS
5/24/2023	5/24/2023	Acadia Hospital	21-21	2021	B	3955 W. Washington Center Road
NO FILE	NO FILE	Pro Seal & Plastics Global Seal	49-18	2018	B	3702 Vanguard Drive
	NO FILE	Trelleborg Sealing Solutions, Inc.	32-10		B	5503 Distribution Drive
NO FILE	5/1/2023	Vita Nonwovens	13-15	2015	B	9403 Avionics Drive
NO FILE	5/1/2023	Vita Nonwovens	35-18	2018	B	9403 Avionics Drive

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: A Resolution concerning non-compliance for failure to file and/or failure to file in a timely manner form filings for 2023 for properties with approved “Economic Revitalization Areas” under I.C. 6-1.1-12.1

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution determines those entities listed in Exhibit B as non-compliant for failure to file and/or failure to file in a timely manner form filings for 2023 for properties with an approved economic revitalization area under City of Fort Wayne Code and State of Indiana Code.

EFFECT OF PASSAGE: Following approval of this resolution, as per City of Fort Wayne Code and Indiana Code, a required hearing will be scheduled for each entity listed to hear cause for the non-compliance and determine if the tax phase-in shall continue or be terminated.

EFFECT OF NON-PASSAGE: Potential retention or loss of economic revitalization area deduction (property tax phase-in).

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Jason Arp and Geoff Paddock