

A RESOLUTION Considering a Waiver of Non-Compliance for Late-Filed Compliance with Statement of Benefits (Form CF-1/Real Property and Form CF-1/Personal Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-21-21 for 3955 West Washington Center Road, Fort Wayne, Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 3955 West Washington Center Road for Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. (Confirming Resolution R-21-21) 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 Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. and approved under Confirming Resolution R-21-21 was for \$30,400,000 in real property improvements and \$1,800,000 in personal property improvements; and

WHEREAS, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.'s 2023 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) were not filed in a timely manner on, or prior to, May 15, 2023 with the City; and

WHEREAS, the City has given Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) and to submit an application for a waiver of non-compliance for a late filed Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property); and

WHEREAS, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. has filed their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) and submitted an application for a waiver of non-compliance for failure to file their Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property) with the City; and

WHEREAS, the Common Council acknowledges that Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. 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, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. is still in the process of fulfilling its pledge to complete the project and construct an approximately 80,000 square foot 120 bed inpatient/outpatient behavioral health treatment center and purchase and install new personal property informational technology equipment; and

1 **WHEREAS**, Based on the application and Statement of Benefits (Form SB-1/ Real
2 Property and Form SB-1/Personal Property) approved under Confirming Resolution R-21-21 and
3 CF-1 statement of benefits recently submitted, the project is not due to be complete until
4 December 2024 and as such, is not yet subject to compliance based on jobs and annual payroll
to be created as a result of the project; and

5 **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement noncompliance events such as
6 the untimely filed Compliance with Statement of Benefits (Form CF-1/Real Property and CF-
1/Personal Property) paperwork to be waived; and

7 **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed
8 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property)
9 then Common Council will also determine substantial compliance or non-compliance with
statement of benefits; and

10 **WHEREAS**, a public hearing of the Common Council has been held on the waiver.

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

13 **[OPTION 1]**

14 **SECTION 1.** That, Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co.
15 Inc.'s request for a waiver of clerical and technical errors and nonconformities with its
16 Compliance with Statement of Benefits (Form CF-1/Real Property and CF-1/Personal Property)
17 requirements is hereby denied and as such the phase-in granted under Confirming Resolution R-
18 21-21 for real and personal property is terminated.

19 **SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and
20 any and all necessary approved by the Mayor.

21 **[OPTION 2]**

22 **SECTION 1.** That all clerical and technical errors and nonconformities of Acadia Fort Wayne JV
23 Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.'s Compliance with Statement of Benefits
24 (Form CF-1/Real Property and CF-1/Personal Property) requirements that are waivable under
25 State and local law, including without limitation those errors and nonconformities described in I.C.
26 6-1.1-12.1-9.5 are hereby waived.
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SECTION 2. That Common Council finds that the CF-1 forms filed by Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc. with an approved Economic Revitalization Area for 2023 are 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 and the abatement is hereby approved. The Allen County Auditor and Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and is instructed to apply the tax phase-in.

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.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Resolution Considering a Waiver of Non-Compliance for Late-Filed Compliance with Benefits (Form CF-1/Real Property and CF-1/Personal Property) and a Determination of Substantial Compliance or Non-Compliance with Statement of Benefits approved under R-21-21 for 3955 West Washington Center Road, Fort Wayne, Indiana 46818 (Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.)

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: This resolution considers a waiver of non-compliance for late filed documents and a determination of compliance with statement of benefits for filings made in May 2023 for Acadia Fort Wayne JV Holdings, LLC/FWBH, LLC/Acadia Healthcare Co. Inc.)

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

EFFECT OF NON-PASSAGE:

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

ASSIGNED TO COMMITTEE (CHAIR & CO-CHAIR): Geoff Paddock and Jason Arp