

**A RESOLUTION Considering a Waiver of Non-Compliance for Late-Filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-18-24 for 2020 McKinnie Avenue, Fort Wayne, Indiana 46808 (HI Clinic VP, LLC/House Investments)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2020 McKinney Avenue for HI Clinic VP, LLC/ House Investments (Confirming Resolution R-18-24) 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 HI Clinic VP, LLC/ House Investments and approved under Confirming Resolution R-18-24 was for \$4,235,000 in real property improvements; and

**WHEREAS**, HI Clinic VP, LLC/ House Investments' 2025 Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) was not filed in a timely manner on, or prior to, May 10, 2025 with the Allen County Auditor's Office; and

**WHEREAS**, HI Clinic VP, LLC/ House Investments 's 2025 Compliance with Statement of Benefits (Form CF-1/Real Property) was filed in a timely manner on, or prior to, May 15, 2025 with the City of Fort Wayne and the Allen County Auditor's Office; and

**WHEREAS**, the City gave HI Clinic VP, LLC/ House Investments notice to file their Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) with the Allen County Auditor's Office; and

**WHEREAS**, the City has given HI Clinic VP, LLC/ House Investments notice to submit an application for a waiver of non-compliance for a late filed Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE); and

**WHEREAS**, HI Clinic VP, LLC/ House Investments has since filed their Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE), Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne and Allen County Auditor's Office; and

**WHEREAS**, the Common Council acknowledges that HI Clinic VP, LLC/ House Investments 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**, HI Clinic VP, LLC/ House Investments has fulfilled its pledge to complete the project to construct a new 9,800 square foot primary care facility to be leased to a medical provider; and

1                   **WHEREAS**, Based on the CF-1 statement of benefits submitted, HI Clinic VP, LLC/  
2 House Investments has established that they have substantially complied with their approved  
3 statement of benefits; and

4                   **WHEREAS**, I.C. 6-1.1-12.1-9.5 permits tax abatement non-compliance events such as  
5 the untimely filing of an Application for Deduction from Assessed Valuation of Structures in  
6 Economic Revitalization Areas (ERA) (Form 322/RE) to be waived; and

7                   **WHEREAS**, if Common Council approves the waiver of non-compliance for the late filed  
8 Application for Deduction from Assessed Valuation of Structures in Economic Revitalization  
9 Areas (ERA) (Form 322/RE) then Common Council will also determine substantial compliance or  
10 non-compliance with statement of benefits; and

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

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

14                   **[OPTION 1]**

15                   **SECTION 1.** That, HI Clinic VP, LLC/ House Investments' request for a waiver of clerical and  
16 technical errors and nonconformities with its Application for Deduction from Assessed Valuation  
17 of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) requirements is hereby  
18 denied and as such the tax phase-in granted under Confirming Resolution R-66-21 for real  
19 property is terminated.

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

22                   **[OPTION 2]**

23                   **SECTION 1.** That all clerical and technical errors and nonconformities of HI Clinic VP, LLC/  
24 House Investments Application for Deduction from Assessed Valuation of Structures in Economic  
25 Revitalization Areas (ERA) (Form 322/RE) requirements that are waivable under State and local  
26 law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5  
27 are hereby waived.

28                   **SECTION 2.   [OPTION A]** That Common Council finds that the CF-1 forms filed by HI Clinic  
29 VP, LLC/ House Investments with an approved Economic Revitalization Area for 2025 is in  
30 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. Therefore, the continuation of HI Clinic VP, LLC/ House Investments' tax

1 phase-in is hereby approved. The Allen County Auditor shall be supplied with a copy of this  
2 Resolution, upon passage, and are instructed to apply the tax phase-in.

3 **SECTION 2. [OPTION B]** That Common Council finds that the CF-1 forms filed by HI Clinic  
4 VP, LLC/ House Investments with an approved Economic Revitalization Area with an approved  
5 Economic Revitalization Area for 2025 are not in substantial compliance pursuant to I.C. 6-1.1-  
6 12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne. Therefore, HI Clinic  
7 VP, LLC/ House Investments' tax phase-in is hereby terminated. The Allen County Auditor and  
8 shall be supplied with a copy of this Resolution, upon passage, and are instructed to terminate  
9 the tax phase-in for real and personal property.

10 **SECTION 3.** That, this Resolution shall be in full force and effect from and after its passage and  
11 any and all necessary approval by the Mayor.

12 \_\_\_\_\_  
13 Member of Council

14 APPROVED AS TO FORM AND LEGALITY

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16 Malak Heiny, City Attorney  
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