

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-42-23 for 2226 Getz Road, Fort Wayne, Indiana 46804 (Getz Road Apartments, LLC/CRG Residential, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 2226 Getz Road for Getz Road Apartments, LLC/CRG Residential, LLC (Confirming Resolution R-42-23) 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 Getz Road Apartments, LLC/CRG Residential, LLC and approved under Confirming Resolution R-42-23 was for \$53,900,000 in real property improvements; and

WHEREAS, Getz Road Apartments, LLC/CRG Residential, LLC's 2026 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, 2026 with the Allen County Auditor's Office; and

WHEREAS, Getz Road Apartments, LLC/CRG Residential, LLC's 2026 Compliance with Statement of Benefits (Form CF-1/Real Property) was filed in a timely manner on, or prior to, May 15, 2026 with the City of Fort Wayne and the Allen County Auditor's Office; and

WHEREAS, the City has given Getz Road Apartments, LLC/CRG Residential, LLC 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 Getz Road Apartments, LLC/CRG Residential, LLC 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, Getz Road Apartments, LLC/CRG Residential, LLC has 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 submitted an application for a waiver of non-compliance for failure to file their Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (ERA) (Form 322/RE) in a timely manner; and

WHEREAS, the Common Council acknowledges that Getz Road Apartments, LLC/CRG Residential, LLC 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, Getz Road Apartments, LLC/CRG Residential, LLC has fulfilled its pledge to complete the project to construct a new twelve building, multi-family apartment housing complex; and

1 **WHEREAS**, Based on the CF-1 statement of benefits submitted, Getz Road
2 Apartments, LLC/CRG Residential, LLC has established that they have substantially
3 complied with its approved statement of benefits; and

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

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

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

14 **[OPTION 1]**

15 **SECTION 1.** That, Getz Road Apartments, LLC/CRG Residential, LLC's request for a
16 waiver of clerical and technical errors and nonconformities with its Application for
17 Deduction from Assessed Valuation of Structures in Economic Revitalization Areas
18 (ERA) (Form 322/RE) is hereby denied and as such the tax phase-in granted under
19 Confirming Resolution R-42-23 for real property is terminated.

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

22 **[OPTION 2]**

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

28 **SECTION 2. [OPTION A]** That Common Council finds that the CF-1 forms filed by
29 Getz Road Apartments, LLC/CRG Residential, LLC with an approved Economic
30 Revitalization Area for 2026 is 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. Therefore, the
continuation of Getz Road Apartments, LLC/CRG Residential, LLC's tax phase-in is
hereby approved. The Allen County Auditor and Allen County Assessor shall be
supplied with a copy of this Resolution, upon passage, and are instructed to apply the
tax phase-in.

SECTION 2. [OPTION B] That Common Council finds that the CF-1 forms filed by
Getz Road Apartments, LLC/CRG Residential, LLC with an approved Economic
Revitalization Area with an approved Economic Revitalization Area for 2026 are not 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. Therefore, Getz Road Apartments, LLC/CRG
Residential, LLC's tax phase-in is hereby terminated. The Allen County Auditor and
Allen County Assessor shall be supplied with a copy of this Resolution, upon passage,
and are instructed to terminate the tax phase-in for real and personal property.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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