

**A RESOLUTION Considering a Waiver of Non-Compliance for Late Filed Compliance with Statement of Benefits (Form CF-1/Real Property) and Determination of Substantial Compliance or Non-Compliance with Statement of Benefits Approved under R-10-15 for 102 & 124 West Superior Street, Fort Wayne, Indiana 46802 (Superior Lofts, LLC)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 102 & 124 West Superior Street for Superior Lofts, LLC. (Confirming Resolution R-10-15) 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 Superior Lofts, LLC and approved under Confirming Resolution R-10-15 was for \$9,789,000 in real property improvements; and

**WHEREAS**, Superior Lofts, LLC's 2026 Compliance with Statement of Benefits (Form CF-1/Real Property) was not filed in a timely manner on, or prior to, May 15, 2026 with the City of Fort Wayne; and

**WHEREAS**, the City has given Superior Lofts, LLC notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne; and

**WHEREAS**, the City has given Superior Lofts, LLC notice 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

**WHEREAS**, Superior Lofts, LLC has filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne 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

**WHEREAS**, the Common Council acknowledges that Superior Lofts, 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**, Superior Lofts, LLC has fulfilled its pledge to complete the project to rehabilitate 102 West Superior into apartments, commercial space and climate controlled self-storage and convert 124 West Superior into parking for residents; and

**WHEREAS**, Based on the Compliance with Statement of Benefits (Form CF-1/Real Property) statement of benefits submitted, Superior Lofts, LLC has established that they have substantially complied with its approved statement of benefits; and

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

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

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

1 **[OPTION 1]**

2 **SECTION 1.** That, Superior Lofts, LLC's request for a waiver of clerical and technical  
3 errors and nonconformities with its Compliance with Statement of Benefits (Form CF-  
4 1/Real Property) requirements is hereby denied and as such the tax phase-in granted  
under Confirming Resolution R-10-15 for real property is terminated.

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

7 **[OPTION 2]**

8 **SECTION 1.** That all clerical and technical errors and nonconformities of Superior Lofts,  
9 LLC's Compliance with Statement of Benefits (Form CF-1/Real Property) requirements  
that are waivable under State and local law, including without limitation those errors and  
nonconformities described in I.C. 6-1.1-12.1-9.5 are hereby waived.

10 **SECTION 2. [OPTION A]** That Common Council finds that the Compliance with  
11 Statement of Benefits (Form CF-1/Real Property) form filed by Superior Lofts, LLC. with  
an approved Economic Revitalization Area for 2026 is in substantial compliance  
12 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 Superior Lofts, LLC's tax phase-in is hereby  
13 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.

14 **SECTION 2. [OPTION B]** That Common Council finds that the Compliance with  
15 Statement of Benefits (Form CF-1/Real Property) forms filed by Superior Lofts, LLC.  
with an approved Economic Revitalization Area with an approved Economic  
16 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, Superior  
17 Lofts, 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  
18 are instructed to terminate the tax phase-in for real and personal property.

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

21 \_\_\_\_\_  
22 Member of Council

23  
24 APPROVED AS TO FORM AND LEGALITY

25 \_\_\_\_\_  
26 Malak Heiny, City Attorney