

A RESOLUTION terminating a tax phase-in approved under Confirming Resolution R-2-12 for failure to file a 2026 Compliance with Statement of Benefits (Form CF-1/Real Property) and submit an application for a Waiver of Non-Compliance for late filed documents for 203 East Berry Street, Fort Wayne, Indiana 46802 (AWB Holdings, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 203 East Berry Street for AWB Holdings, LLC (Confirming Resolution R-2-12) 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 AWB Holdings, LLC and approved under Confirming Resolution R-2-12 was for \$10,000,000 in real property improvements; and

WHEREAS, AWB Holdings, 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 or the Allen County Auditor's Office; and

WHEREAS, the City has given AWB Holdings, LLC notice to file their Compliance with Statement of Benefits (Form CF-1/Real Property) with the Allen County Auditor's Office and City of Fort Wayne; and

WHEREAS, the City has given AWB Holdings, 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, AWB Holdings, LLC has not filed their Compliance with Statement of Benefits (Form CF-1/Real Property) with the City of Fort Wayne or the Allen County Auditor's Office and has not submitted an application for a waiver of non-compliance for failure to file their Compliance with Statement of Benefits (Form CF-1/Real Property) in a timely manner; and

WHEREAS, the Common Council acknowledges that AWB Holdings, LLC has not 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, AWB Holdings, LLC fulfilled its pledge to complete the project to redevelop the Anthony Wayne Building into a mixed use development consisting of residential, office and retail space.

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

SECTION 1. That, AWB Holdings, LLC did not request for a waiver of clerical and technical errors and nonconformities nor did they file a 2026 Compliance with Statement of Benefits (Form CF-1/Real Property) as such, the tax phase-in granted under Confirming Resolution R-2-12 for real property 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 property.

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

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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