

A RESOLUTION terminating a tax phase-in approved under Confirming Resolution R-27-24 for failure to file a 2026 Compliance with Statement of Benefits (Form CF-1/Personal Property) and submit an application for a Waiver of Non-Compliance for late filed documents for 10216 Airport Drive, Fort Wayne, Indiana 46809 (Chuck Bivens Services, Inc./States Engineering, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 10216 Airport Drive for Chuck Bivens Services, Inc./States Engineering, Inc. (Confirming Resolution R-27-24) 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 Chuck Bivens Services, Inc./States Engineering, Inc. and approved under Confirming Resolution R-27-24 was for \$363,395 in personal property improvements; and

WHEREAS, Chuck Bivens Services, Inc./States Engineering, Inc.'s 2026 Compliance with Statement of Benefits (Form CF-1/Personal 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 Assessor's Office; and

WHEREAS, the City has given Chuck Bivens Services, Inc./States Engineering, Inc. notice to file their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the Allen County Assessor's Office and City of Fort Wayne; and

WHEREAS, the City has given Chuck Bivens Services, Inc./States Engineering, Inc. notice to submit an application for a waiver of non-compliance for a late filed Compliance with Statement of Benefits (Form CF-1/Personal Property) and

WHEREAS, Chuck Bivens Services, Inc./States Engineering, Inc. has not filed their Compliance with Statement of Benefits (Form CF-1/Personal Property) with the City of Fort Wayne or the Allen County Assessor'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/Personal Property) in a timely manner; and

WHEREAS, the Common Council acknowledges that Chuck Bivens Services, Inc./States Engineering, Inc. 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, Chuck Bivens Services, Inc./States Engineering, Inc. fulfilled its pledge to complete the project to purchase and install new personal property equipment.

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

SECTION 1. That, Chuck Bivens Services, Inc./States Engineering, Inc. 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/Personal Property) as such, the tax phase-in granted under Confirming Resolution R-27-24 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-

1 in for personal property.

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney