

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
JULY 26, 2011**

BILL NO. S-11-07-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT FOR CS POND 1 - SEDIMENT DISPOSAL PHASE 1 - RES. #2409-2011, W.O. #75642 between NATIONAL SALVAGE & SERVICE CORP. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONSTRUCTION CONTRACT FOR CS POND 1 - SEDIMENT DISPOSAL PHASE 1 - RES. #2409-2011, W.O. #75642 by and between NATIONAL SALVAGE & SERVICE CORP. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Removal and management/disposal of Phase I sediment spoils that were dredged from CS Pond No. 1 and placed in Geotubes. The estimated quantity of material requiring disposal is approximately 26,000 cubic yards. All sediments shall be hauled to the City's Biosolids Management facility at 6202 Lake Avenue in Ft. Wayne:

involving a total cost of THREE HUNDRED THREE THOUSAND, SIX HUNDRED FIFTY AND 00/100 DOLLARS - (\$303,650.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AGREEMENT FOR WATER POLLUTION CONTROL PLANT COMBINED SEWAGE PUMP STATION DUCTILE IRON PIPING PROCUREMENT: RES. #2283-2010-P7, W.O. #75666 between AMERICAN CAST IRON PIPE COMPANY and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the AGREEMENT FOR WATER POLLUTION CONTROL PLANT COMBINED SEWAGE PUMP STATION DUCTILE IRON PIPING PROCUREMENT: RES. #2283-2010-P7, W.O. #75666 by and between AMERICAN CAST IRON PIPE COMPANY and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

supplier shall furnish all insurance, bonds, and materials for the complete delivery of all work associated with the Ductile Iron Piping Procurement as needed for the project: "Water Pollution Control Plant Combined Sewage Pump Station and Screening Building Improvements":

involving a total cost of SEVEN HUNDRED TWO THOUSAND AND 00/100 DOLLARS - (\$702,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-22

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT FOR WPCP DIGESTER IMPROVEMENTS STRUCTURAL AND ELECTRICAL BUILDING - RES. #2188-2009, W.O. #75386 between HAGERMAN INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONSTRUCTION CONTRACT FOR WPCP DIGESTER IMPROVEMENTS STRUCTURAL AND ELECTRICAL BUILDING - RES. #2188-2009, W.O. #75386 by and between HAGERMAN INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for WPCP DIGESTER IMPROVEMENTS STRUCTURAL AND ELECTRICAL BUILDING AS FOLLOWS: construction of the addition of a new electrical room to serve the digester complex, the addition of a new high strength waste receiving pump station, the addition of new emergency egresses from the digester pipe gallery, modifications to fuel supply of boilers and the digester flare pilot, removal of an underground fuel storage tank, and the associated piping, electrical, I&C and HVAC systems:

involving a total cost of FIVE MILLION, SIX HUNDRED SEVENTY-TWO THOUSAND AND 50/100 DOLLARS - (\$5,672,000.50). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3402-DEMOLITIONS AND LOT RESTORATIONS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, MARTIN'S, LUNZ AND GREAT LAKES for the DEPARTMENT OF NEIGHBORHOOD CODE ENFORCEMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB #3402-DEMOLITIONS AND LOT RESTORATIONS between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, MARTIN'S, LUNZ AND GREAT LAKES for the DEPARTMENT OF NEIGHBORHOOD CODE ENFORCEMENT, respectfully for:

demolitions and lot restoration for twenty (20) structures; involving a total cost of ONE HUNDRED FIVE THOUSAND, THREE HUNDRED EIGHTY-NINE AND 00/100 DOLLARS - (\$105,389.00) - (OXENDINE - \$62,539.00; MARTIN'S - \$6,600.00; LUNZ - \$2,570.00; GREAT LAKES - \$33,680.00) all as more particularly set forth in said ITB #3402-DEMOLITIONS AND LOT RESTORATIONS which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-13

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3404 - ASH TREE REMOVAL FOR 2011 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ASPLUNDH TREE EXPERTS for the PARKS AND RECREATION DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB #3404 - ASH TREE REMOVAL FOR 2011 between the City of Fort Wayne, by and through its Department of Purchasing and ASPLUNDH TREE EXPERTS for the PARKS AND RECREATION DEPARTMENT, respectfully for:

Ash Tree Removal during 2011 (2500 Ash Trees and 3670 stumps) involving a total cost of FIVE HUNDRED SEVENTY-THREE THOUSAND, NINE HUNDRED THIRTY-THREE AND 00/100 DOLLARS - (\$573,933.00) all as more particularly set forth in said ITB #3404 - ASH TREE REMOVAL FOR 2011 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-14

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of PURCHASE OF A NEW DIVE TRUCK by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and PIERCE/GLOBAL for the FORT WAYNE FIRE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That PURCHASE OF A NEW DIVE TRUCK between the City of Fort Wayne, by and through its Department of Purchasing and PIERCE/GLOBAL for the FORT WAYNE FIRE DEPARTMENT, respectfully for:

purchase of a new Dive Truck for the Fort Wayne Fire Department;
involving a total cost of THREE HUNDRED TWENTY-FOUR THOUSAND, SIX HUNDRED AND 00/100 DOLLARS - (\$324,600.00) all as more particularly set forth in said PURCHASE OF A NEW DIVE TRUCK which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-15

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of PURCHASE OF TWO (2) NEW FIRE ENGINES THROUGH A GSA CONTRACT by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and SUTPHEN CORPORATION for the FORT WAYNE FIRE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That PURCHASE OF TWO (2) NEW FIRE ENGINES THROUGH A GSA CONTRACT between the City of Fort Wayne, by and through its Department of Purchasing and SUTPHEN CORPORATION for the FORT WAYNE FIRE DEPARTMENT, respectfully for:

purchase of two (2) new fire engines through a GSA contract; involving a total cost of SEVEN HUNDRED SIXTY-FOUR THOUSAND, THREE HUNDRED SEVENTY AND 00/100 DOLLARS - (\$764,370.00) all as more particularly set forth in said PURCHASE OF TWO (2) NEW FIRE ENGINES THROUGH A GSA CONTRACT which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

BILL NO. S-11-07-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of CONSTRUCTION CONTRACT FOR RENOVATIONS AT FIRE STATION #1: RESOLUTION #98-5-18-11-2 - by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and SCHENKEL & SONS for the FORT WAYNE FIRE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That CONSTRUCTION CONTRACT FOR RENOVATIONS AT FIRE STATION #1: RESOLUTION #98-5-18-11-2 - between the City of Fort Wayne, by and through its Department of Purchasing and SCHENKEL & SONS for the FORT WAYNE FIRE DEPARTMENT, respectfully for:

replacement of the HVAC system and various renovations to Fire Station #1, 419 East Main Street;

involving a total cost of FOUR HUNDRED EIGHTY-FIVE THOUSAND AND 00/100 DOLLARS (\$485,000.00) all as more particularly set forth in said CONSTRUCTION CONTRACT FOR RENOVATIONS AT FIRE STATION #1: RESOLUTION #98-5-18-11-2 - which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8222 Bluffton Road, Fort Wayne, Indiana 46809 (Arrotin Investments, LLC for Arrotin Plastic Materials, Inc.)

WHEREAS, Petitioner has duly filed its petition dated July 13, 2011 to have the following described property designated and declared an “Economic Revitalization Area” 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, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create 25 full-time, permanent jobs for a total new, annual payroll of \$592,800, with the average new annual job salary being \$23,712 and retain 25 full-time, permanent jobs for a total current annual payroll of \$845,000, with the average current, annual job salary being \$33,800; and

WHEREAS, the total estimated project cost is \$945,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing and logistical distribution equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of new manufacturing and logistical distribution equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new manufacturing and logistical distribution equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.

- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (g) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (h) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (i) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of seven years, and the deduction from the assessed value of the new manufacturing and logistical distribution equipment shall be for a period of seven years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner

obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. 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

Carol Helton, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8222 Bluffton Road, Fort Wayne, Indiana 46809 (Arrotin Investments, LLC for Arrotin Plastic Materials, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” 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, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create 25 full-time, permanent jobs for a total additional annual payroll of \$592,800, with the average new annual job salary being \$23,712 and retain 25 full-time, permanent jobs for a current annual payroll of \$845,000, with the average current annual job salary being \$33,800; and

WHEREAS, the total estimated project cost is \$945,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

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

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing and logistical distribution equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of redevelopment or rehabilitation and estimate of the value of the new manufacturing and logistical distribution equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing and logistical distribution equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (g) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.

- (h) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (i) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of seven years, and that the deduction from the assessed value of the new manufacturing and logistical distribution equipment shall be for a period of seven years.

SECTION 7. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new manufacturing and logistical distribution equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 10. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new manufacturing and logistical distribution equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

SECTION 11. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 12. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 13. 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 A LEGALITY

Carol Helton, City Attorney

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103 ERA and Form 103 EL) for D&M Enterprises, LLC d/b/a Custom Poly Packaging

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 3216 Congressional Parkway for D&M Enterprises, LLC (R-14-08 and R-19-09) 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 D&M Enterprises, LLC d/b/a Custom Poly Packaging and approved under R-14-08 was for \$223,772 in personal property improvements; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by D&M Enterprises, LLC d/b/a Custom Poly Packaging and approved under R-19-09 was for \$280,000 in personal property improvements; and

WHEREAS, representatives of D&M Enterprises, LLC d/b/a Custom Poly Packaging have informed the City of Fort Wayne that their schedule of deduction from assessed valuation of personal property in economic revitalization areas (Form 103-ERA) and the equipment list for new additions to ERA deduction personal property in an economic revitalization area (Form 103-EL) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for D&M Enterprises, LLC d/b/a Custom Poly Packaging which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that D&M Enterprises, LLC d/b/a Custom Poly Packaging has fulfilled its pledge to install new information technology equipment; and

WHEREAS, D&M Enterprises, LLC d/b/a Custom Poly Packaging has retained jobs and invested in personal property as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that D&M Enterprises, LLC d/b/a Custom Poly Packaging 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 I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that D&M Enterprises, LLC d/b/a Custom Poly Packaging receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2011 payable 2012 tax year will not create a strain on the City of Fort Wayne fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities 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 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Inquest Health System, PC d/b/a Upright MRI to receive the lost ERA deduction amount in accordance with the following schedule:

Tax Year	Personal Property Deduction Amount
2011 pay 2012	\$237,090
TOTAL	\$237,090

The foregoing numbers represent deductions from assessed valuation of personal property, not tax liability. The total deduction amounts set forth in the preceding table represent deductions D&M Enterprises, LLC d/b/a Custom Poly Packaging will lose in 2011 payable 2012. The Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule. This resolution shall have no effect on the assessed value or taxes payable with respect to D&M Enterprises, LLC d/b/a Custom Poly Packaging real property.

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

Carol Helton, City Attorney

