

Synopsis: The proposed Resolution, if adopted, would waive the non-compliance of Clark's Recycling, Inc. and M&S Industrial Fabricators for their failure to timely file the CF-1/PP and to reinstate the personal property tax abatement granted for a period of ten (10) years by Resolution 4-R-18 and Resolutions 1-R-12, and 8-R-12.

RESOLUTION NO. 4-R-22

A RESOLUTION WAIVING CERTAIN NON-COMPLIANCE

WHEREAS, I.C. 6-1.1-12.1 *et seq.*, provides for a deduction in property taxes for property which has been designated as being within an economic revitalization area and for which a statement of benefits has been approved by the fiscal body of the City of Huntington, Indiana ("City");

WHEREAS, the City, in Resolution 4-R-18, approved a tax abatement for Personal Property located at 100 Hitzfield Drive, Huntington, Indiana 46750, filed by the taxpayer, Clark's Recycling Inc. ("Clark's"), for a period of ten (10) years; and Resolutions 1-R-12, and 8-R-12, approved tax abatements for Personal Property located at 5 Commercial Rd., Huntington, IN 46750, filed by the taxpayer M&S Industrial Fabricators (M&S), for a period of ten (10) years;

WHEREAS, I.C. 6-1.1-12.1-5.1 requires Clark's to file a Form CF-1/PP in order to show substantial compliance with its Statement of Benefits/Personal Property approved by Resolution 4-R-18; and M&S to file a Form CF-1/PP in order to show substantial compliance with its Statement of Benefits/Personal Property approved by Resolutions 1-R-12, and 8-R-12;

WHEREAS, the City has been informed by Clark's that Clark's failed to timely file Form CF-1/PP as it relates to the ten (10) year tax abatement granted by Resolution 4-R-18 and Clark's has requested a waiver of non-compliance; also the City was informed by M&S that M&S failed to timely file Form CF-1/PP as it relates to the ten (10) year tax abatement granted by Resolutions 1-R-12, and 8-R-12, and M&S is requesting a waiver of non-compliance;

WHEREAS, I.C. 6-1.1-12.1-9.5(b)(1) allows a designating body to waive certain applicant non-compliance by resolution;

NOW, THEREFORE, BE IT RESOLVED, after due consideration and deliberation, and from the information contained in the CF-1/PP and additional relevant information, the City does hereby find and determine as follows:

1. That Clark's and M&S did fail to timely file its Form CF-1/PP as required by I.C. 6-1.1-12.1-5.1;
2. That the City does affirmatively waive the non-compliance of Clark's and M&S by its failure to timely file its Form CF-1/PP;
3. That the tax abatement granted to Clark's and M&S for a period of ten (10) years by Resolution 4-R-18 and Resolutions 1-R-12, and 8-R-12 are reinstated; and
4. That the City Clerk-Treasurer shall certify a copy of this Resolution to the taxpayer and the Department of Local Government Finance.

{Signature Page Follows}

RESOLUTION NO. 4-R-22

Duly passed on first and final reading this 14th day of June, 2022 by a vote of 7 in favor and 0 opposed.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in favor:

Joe Blomeke
Charles Chapman

remote

Todd Johnson
Seth Marshall
Paul Pike

Voting in opposition:

Joe Blomeke _____

Charles Chapman
(President) _____

Dave Funk _____

PJ Felton _____

Todd Johnson _____

Seth Marshall _____

Paul Pike _____

Attest:

Christi McElhaneey
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 14th day of June, 2022.

Christi McElhaneey
City Clerk-Treasurer

This Resolution having been adopted by the Common Council and presented to me is
[APPROVED or VETOED], this 14th day of June, 2022.

R. L. H. H.
Mayor of the City of Huntington