

RESOLUTION NO. 3-R-23

RESOLUTION WAIVING CERTAIN NON-COMPLIANCE

Synopsis

*The proposed Resolution, if adopted, would waive the non-compliance for a clerical error made by the designating body on the Statement of Benefits Personal Property and Statement of Benefits Real Property and reinstate the personal property and real property tax abatements granted for a period of ten (10) years under Resolution 4-R-16 for the periods thereafter.*

\* \* \*

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”); and

WHEREAS, the City, in Resolution 4-R-16 designated the Real Estate as an economic revitalization area for an unlimited period of time and approved a tax abatement for Personal Property and Real Property filed by the taxpayer, Continental Structural Plastics Inc. (“Continental”), for a period of ten (10) years (“Tax Abatement”), copies of which are attached hereto and incorporated herein as Exhibit A;

WHEREAS, the City has been informed by the Huntington County Assessors Office that the designating body made a clerical error on the Statement of Benefits Personal Property and Statement of Benefits Real Estate Improvements forms relating to that Tax Abatement, copies of which are attached hereto and incorporated herein as Exhibit B, wherein on the second page of the Statement of Benefits Personal Property

and Statement of Benefits Real Estate Improvements , section A, the City erroneously completed that section as follows:

“A. The designated area has been limited to a period of time not to exceed 2 calendar years \* (see below). The date this designation expires is 12-31-17.”;

WHEREAS, the City has completed and filed a corrected page 2 of the Statement of Benefits Personal Property and Statement of Benefits Real Estate Improvements, copies of which are attached hereto and incorporated herein as Exhibit C;

WHEREAS, I.C. 6-1.1-12.1-9.5(b)(2) allows a designating body to waive certain non-compliance by resolution, including but not limited to a clerical error, as long as the document is corrected and filed before the Resolution is adopted;

NOW, THEREFORE, BE IT RESOLVED that from the information contained in Resolution 4-R-16, and additional relevant information, the City does hereby find and determine as follows:

1. That the designating body did file a corrected page 2 of the Statement of Benefits Personal Property and Statement of Benefits Real Property Improvements before the adoption of this Resolution in compliance with I.C. 6-1.1-12.1-9.5;
2. That the City does affirmatively waive the non-compliance of the designating body for erroneously completing the Statement of Benefits Personal Property and Statement of Benefits Real Property Improvements to designate the expiration of the Real Estate as an economic revitalization area on 12-31-17;

3. That the Tax Abatement granted to Continental for a period of ten (10) years under Resolution 4-R-16 is reinstated for all applicable tax years after 12-31-17; and
4. The Clerk-Treasurer shall certify a copy of this Resolution to the taxpayer and the Department of Local Government Finance.

*{Signature*

*Page*

*Follows}*

3R-23

Duly adopted on first and final reading this 13 day of June, 2023, by a vote of 7 in favor and 0 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Voting in Opposition:

[Signature]

Charles Chapman  
(President)

\_\_\_\_\_

[Signature]  
[Signature]

Joe Blomeke

\_\_\_\_\_

P J Felton

\_\_\_\_\_

[Signature]

Dave Funk

\_\_\_\_\_

[Signature]

Todd Johnson

\_\_\_\_\_

[Signature]

Seth Marshall

\_\_\_\_\_

[Signature]

Paul Pike

\_\_\_\_\_

Attest:

[Signature]

Christi A. McElhaney  
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 13 day of June, 2023.

[Signature]  
Christi A. McElhaney  
City Clerk-Treasurer

This resolution having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 13 day of June, 2023.

[Signature]  
Richard Strick  
Mayor of the City of Huntington, Indiana