**RESOLUTION 19-239**

A RESOLUTION OF THE CITY OF WOODBURN, INDIANA

COMMON COUNCIL WAIVING

NONCOMPLIANCE FOR MIDWEST WELD SOURCE, INC

 **WHEREAS**, on July 17, 2017 the City Council of Woodburn did adopt Confirmatory Resolution 17-221 approving a Statement of Benefits for Midwest Weld Source, Inc.; and

 **WHEREAS**, in order to receive the deduction authorized under said resolutions, the property owner must file certain forms prescribed by the Department of Local Government Finance with the Allen County Auditor’s office; and

 **WHEREAS**, Midwest Weld Source, Inc. did not file its “Application For Deduction From Assessed Valuation of Structures In Economic Revitalization Areas” Form 322/RE) and “Compliance with Statement of Benefits Form (CF-1) for the 2019 Pay 2020 tax year in a timely manner; and

 **WHEREAS,** this oversight was an unusual occurrence for Midwest Weld Source, Inc.; and

 **WHEREAS**, the Woodburn City Council desires that Midwest Weld Source, Inc. retain the benefits of the tax abatement that was granted for real improvements and personal property investment as described in the company’s application and SB-1 forms; and

 **WHEREAS,** State law allows the correction of situations where a filing deadline is missed or a clerical error is found under 6-1.1-12.1-9.5 and I.C 6-1.1-12.1-11.3 through a resolution waiving non-compliance as long as the document is filed or clerical error is corrected before the resolution is adopted; and

 **WHEREAS**, Midwest Weld Source, Inc. has now filed the necessary documents.

 **WHEREAS,** the non-compliance event has been corrected and a public hearing of the Woodburn City Council has been held on the waiver.

 **NOW, THEREFORE, BE IT RESOLVED**, that the Council herby adopts a waiver of non-compliance for Midwest Weld Source, Inc. under the authority of I.C. 6-1.1-12.1-9.5 and I.C 6-1.1-12.1-11.3.

 **BE IT ALSO RESOLVED**, that the adoption of this waiver of non-compliance shall result in the taxpayer being treated as if the taxpayer had complied with procedural requirements.

 **BE IT ALSO RESOLVED,** that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

 **ADOPTED**, this 15th day of July, 2019, by the Woodburn City Council.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 John Renner, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

 Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Timothy Cummins, Clerk-Treasurer

The foregoing resolution passed by the Council is signed and approved ( ) / not approved ( ) by me on the same date.

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Joseph Kelsey, Mayor of the City of Woodburn