

RESOLUTION 23-276

A RESOLUTION OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL WAIVING NON-COMPLIANCE FOR BMP REAL ESTATE HOLDINGS, LLC

WHEREAS, on August 4, 2023 BMP Real Estate Holdings, LLC applied for approval of a Statement of Benefits (SB-1) to the Woodburn City Council; and

WHEREAS, on July 14, 2023 BMP Real Estate Holdings, LLC applied for a SITE Permit with the Department of Planning Services for a 36,800 square foot cold storage warehouse addition; and

WHEREAS, in order to apply for approval of a Statement of Benefits (SB-1), the property owner must request a waiver of non-compliance for failure to submit the completed Statement of Benefits form to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction under I.C. 6-1.1-12.1-11.3(2)(A); and

WHEREAS, State law allows the correction of situations where a filing deadline is missed under IC 6-1.1-12.1-11.3 through a resolution waiving non-compliance as long as the document is filed, and a public hearing is held before the resolution is adopted; and

WHEREAS, BMP Real Estate Holdings, LLC has filed the necessary documents; and

WHEREAS, a public hearing of the Woodburn City Council has been held on the waiver.

NOW, THEREFORE, BE IT RESOLVED, that a representative from BMP Real Estate Holdings, LLC appeared before Council and provided additional information.

BE IT ALSO RESOLVED, that the Council hereby adopts a waiver of non-compliance in accordance with IC 6-1.1-12.1-11.3(2)(A) regarding the failure to submit the completed Statement of Benefits form to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.

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 21st day of August 2023, by the City Council of Woodburn, Indiana.

< SIGNATURES ON NEXT PAGE >

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: _____ YEA _____ NAY _____ ABS _____
Vicky Sarrazine, Councilwoman

By: _____ YEA _____ NAY _____ ABS _____
Michael Martin, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Tonya Thompson, Councilwoman

By: _____ YEA _____ NAY _____ ABS _____
Dean Gerig, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Daniel Watts, 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 for the City of Woodburn