

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 17-24

**A RESOLUTION OF THE GREENWOOD COMMON COUNCIL WAIVING
NONCOMPLIANCE OF CTW ELECTRICAL CO., INC. REGARDING ITS FAILURE
TO TIMELY FILE ITS APPLICATION FOR DEDUCTION FROM ASSESSED
VALUATION**

WHEREAS, CTW Electrical Co., Inc. ("CTW") submitted an Application for Real Property Tax Abatement ("Application") for an eligible vacant building located within the City of Greenwood ("City") on November 24, 2015 that included a completed Statement of Benefits Vacant Building Deduction form ("SB-1/VBD");

WHEREAS, on December 21, 2015, the Greenwood Common Council adopted Common Council Resolution No. 15-16 qualifying the CTW for the vacant building deduction;

WHEREAS, CTW failed to timely file an Application for Deduction from Assessed Valuation Real Property Vacant Building Deduction Form ("Form 322/VBD deduction application") with Johnson County within thirty (30) days of receiving its Notice of Assessment (Form 11);

WHEREAS, CTW then filed an incorrect version of the Form 322 deduction application with Johnson County on May 16, 2017, which resulted in Council passing Resolution 17-11 waiving CTW's non-compliance;

WHEREAS, CTW has subsequently filed a corrected version of the Form 322/VBD deduction application with Johnson County on June 7, 2017, a copy of which is attached hereto as Exhibit A;

WHEREAS, it has been determined that CTW's failure to timely file the Form 322/VBD deduction application was not intentional and that it has otherwise complied with the terms of the tax abatement;

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-11.3(a)(5) the designating body may waive a property owner's failure to timely or completely file the deduction application by passing a resolution waiving the noncompliance and holding a public hearing on the waiver;

WHEREAS, it has been determined that it is in the best interest of the City to waive CTW's failure to timely file its deduction application; and

WHEREAS, in accordance with Ind. Code § 6-1.1-12.1-11.3 after receiving information from CTW and other interested parties, it is hereby determined that non-compliance of CTW regarding the timely filing Form 322/VBD deduction application, as required by law, should be waived.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA THAT:

Section 1. The Common Council hereby finds that CTW did not timely file its Form 322/VBD deduction application, although it qualifies for the property tax deductions set forth in its abatement application, and that CTW subsequently filed its Form 322/VBD deduction application prior to the adoption of this Resolution.

Section 2. The Common Council hereby determines that compliance by CTW with the requirements of Ind. Code § 6-1.1-12.1-5 regarding the timely filing of a completed Form 322/VBD deduction application should be, and is hereby, waived.

Section 3. The Common Council hereby finds that on June 7, 2017, CTW filed its Form 322/VBD deduction application with the Johnson County Auditor. CTW corrected the noncompliance before the adoption of this Resolution.

Section 4. The Clerk is directed to mail a certified copy of this Resolution to CTW, the Auditor of Johnson County, and the Indiana Department of Local Government Finance.

Section 5. This resolution shall be effective from and after its passage and approval by the Mayor of the City of Greenwood, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Greenwood, Indiana, this ____ day of _____, 2017.

Michael Campbell, President
Greenwood Common Council

FOR:

AGAINST:

_____	Linda S. Gibson	_____
_____	Ezra Hill	_____
_____	Bruce Armstrong	_____
_____	Ronald Bates	_____
_____	J. David Hopper	_____
_____	David Lekse	_____
_____	Michael Campbell	_____
_____	Brent Corey	_____
_____	Charles Landon	_____

ATTEST:

Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2017, is presented by me this _____ day of _____, 2017, at _____ O'Clock __.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2017, is signed and approved by me this _____ day of _____, 2017, at _____ O'Clock __.M.

MARK W. MYERS, Mayor of
the City of Greenwood, Indiana