

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA
Resolution Number 2013- 20

**A Resolution Waiving Non-Compliance with the Filing Deadline for
Compliance with Statements of Benefits and Waiving Future Filings
by Luxor Homes II, LLC and its Grantees**

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”), previously granted to Jason Cooke and Cooke Construction and Remodeling, LLC (and to their successors in interest) (the “original developer” or “Cooke”) real property tax abatement pursuant to I.C. §6-1.1-12.1-1, *et seq.* for a subdivided parcel of real property located in the city of Hobart known as “Liberty Heights;” and

WHEREAS, said real property tax abatement was implemented through the adoption by the Council of its Resolution No. 2007-12 on April 18, 2007 declaring said property an Economic Revitalization Area and its Resolution No. 2007-13 on May 16, 2007 confirming said declaration in the manner required by law; and

WHEREAS, the development consisted of twenty-four (24) lots for the construction of single family dwellings and was owned by Jason Cooke; and

WHEREAS, to date, ten (10) homes in the development have been completed, and fourteen lots remain vacant with the addresses of 1612, 1630, 1710, 1740, 1741, 1770, 1820, 1846, 1891, 1910, 1902, 1934, 1961 and 1962 Cooke Street; and

WHEREAS, Cooke was adjudicated bankrupt in 2010, has left the real estate development and home building business, and has filed no form CF-1, Compliance with Statement of Benefits, since leaving business, his original Statement of benefits (Form SB-1) having been filed in March of 2007; and

WHEREAS, a new developer, Luxor Homes II, Inc., succeeded to ownership of the lots remaining vacant at the time of Cooke's bankruptcy by purchase from the entity which held and foreclosed upon Cooke's mortgage on the development; and

WHEREAS, the owner of the property consisting of said lots, Luxor Homes II, Inc. ("Luxor") ("property owner") is under a statutory duty to file a Compliance with Statement of Benefits form (Department of Local Government Finance Form CF-1) with the Common Council of the City pursuant to I.C. §6-1.1-12.1-5.1(b) at the same time that the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located, or, if the property owner is not required to file a personal property tax return, on or before May 15 of each year in which said deduction from property taxes is allowed, and

WHEREAS, the property owner, Luxor, filed a Compliance with Statement of Benefits Form, CF-1, in April of 2013, based on the best information available which is attached hereto and made a part hereof, but could not state in that filing the nature and extent of compliance with the benefits promised in the SB-1 by the initial developer, Jason Cooke, since Luxor has no knowledge of such promised benefits because it was not involved with Liberty Heights at the time the SB-1 was filed by Cooke; and

WHEREAS, there is a danger that, without action of the Council to waive the need to make CF-1 filings in the future, neither Luxor nor its grantees, as new homes are constructed and sold, may not qualify for or obtain the deduction from real property taxes they are entitled to until such filings are waived; and

WHEREAS, the Common Council desires to waive the incomplete or late filing of the CF-1 in 2013, approve same in all respects, find that the property owner (Luxor) is in substantial

compliance with the last filed Statement of Benefits, and waive the need for the property owner, or its grantees, to file further CF-1 forms in the future in order to secure the tax deduction for said property since the property owner does not now and will not have future access to the information necessary to file such forms, and that there is no just cause why the property owner, and its grantees, should be denied the deduction; and

WHEREAS, the Council, as said designating body, pursuant to the provisions of I.C. §6-1.1-12.1-9.5 (b), may by resolution waive noncompliance with a filing deadline applicable to a Statement of benefits or another document that is required to be filed under I.C. §6-1.1-12.1; and

WHEREAS, the Council desires to authorize the waiver of the filing deadline for said Statements of Compliance and to spread same upon the public record.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart as follows:

1. The Council finds that the form for Compliance with Statement of Benefits for the lots in Liberty Heights identified above has been filed by the property owner with the Council as of April 17, 2013.

2. The Council now waives the filing deadline and any incompleteness of said form showing compliance with Statement of Benefits. By this action, the Council intends that the property owner shall be treated as if the property owner had timely and fully complied with the procedural requirements of I.C. §6-1.1-12.1-1, *et seq.*

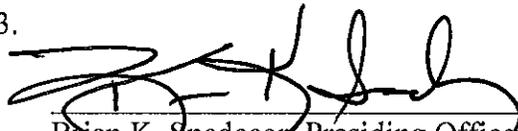
4. The Council specifically finds that the property owner, Luxor Homes II, Inc., is in substantial compliance with the Statement of Benefits previously filed, and further finds that any and all failures to otherwise comply

with the Statement of Benefits were caused by factors beyond the control of said property owner.

5. The Council further waives all future CF-1 filings from the property owner or its successors and grantees, and determines that there is no just cause why the property owner and the grantees of the property owner should be denied the real estate property tax deduction for said property previously authorized.

6. The Clerk-Treasurer is directed to provide a certified copy of this Resolution each to the property owner and the Department of Local Government Finance of the State of Indiana, as required by I.C. §6-1.1-12.1-9.5 (c).

ALL OF WHICH is adopted as the Resolution of the Common Council of the City of Hobart on this 6th day of November, 2013.

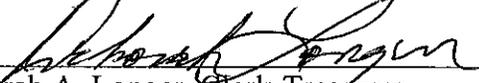


Brian K. Snedecor, Presiding Officer

ATTEST:

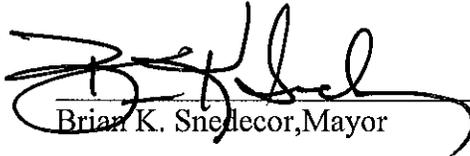

Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart, Indiana this 6th day of November, 2013, at 7:05 pm o'clock.

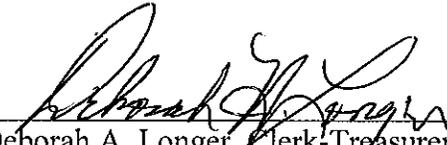


Deborah A. Longer, Clerk-Treasurer

APPROVED, SIGNED, and RETURNED by me as Mayor of the City of Hobart, Lake County, Indiana, to the Common Council of the City of Hobart, Lake County, Indiana, this 6th day of November, 2013.



Brian K. Snedecor, Mayor

ATTEST: 

Deborah A. Longer, Clerk-Treasurer