

RESOLUTION 2018-08

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF LEBANON, INDIANA, CONFIRMING FEBRUARY 12, 2018
RESOLUTION 2018-05 DETERMINING THAT THE QUALIFICATIONS
FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET**

WHEREAS, pursuant to I.C. 6-1.1-12.1-1, *et. seq.* (the “Act”), the City of Lebanon, Indiana (the “City”) by and through its Common Council acting in its capacity as the fiscal body of the City and acting as the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area and to also abate the payment of personal property taxes within an Economic Revitalization Area (as defined in the Act); and

WHEREAS, pursuant to the Act, the Council may find that a particular area within the jurisdiction of the City is an Economic Revitalization Area and may by adoption of a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and

WHEREAS, the Council adopted its Resolution 2018-05 (the “Declaratory Resolution”) on February 12, 2018 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 29+/- acres within the Lebanon Business Park more particularly described in Exhibit A (the “Area”) attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B and made a part hereof as an Economic Revitalization Area in which property owners making application to the City pursuant to the Act subsequently approved by this Council pursuant to the Act may receive real property tax abatement and/or personal property tax abatement pursuant to the applicable procedures of the Act; and

WHEREAS, the Council has caused to be published a notice (the “Notice”) pursuant to the Act and Indiana Code 5-3-1 of the adoption and substances of the Declaratory Resolution, including notice that the Council would hold a public hearing (the “Public Hearing”) in accordance with the Act which Notice was published as least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, the Council in accordance with Section 2 of the Act has caused to be filed a copy of the Notice and the Declaratory Resolution with the Boone County Assessor and the officers of each taxing unit which is authorized to fix budgets, tax rates, and tax levies under Indiana Code 6-1.1-17-5 in the Area at least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, at the Public Hearing held on the date hereof, the Council received, heard and considered any remonstrances and objections from interested persons and heard evidence concerning the qualifications of the Area as an Economic Revitalization Area; and

WHEREAS, after considering the evidence, this Council desires to take final action determining whether the qualifications for an economic revitalization area have been met and further, to take final action confirming the Declaratory Resolution.

NOW, THEREFORE, be it resolved and adopted by the Common Council of the City of Lebanon, Indiana as follows:

- Section 1.** The Area is located within the corporate boundaries of the City.
- Section 2.** The Area is undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property or is an area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to decline in employment and tax revenues.
- Section 3.** The Council hereby approves the holding of the Public Hearing on March 5, 2018 instead of February 26, 2018 as was set forth in the Declaratory Resolution adopted on February 12, 2018 and such Declaratory Resolution is hereby confirmed in all other respects.
- Section 4.** This Resolution shall be in full force and effect immediately upon its adoption.

[Remainder of this page intentionally left blank.]

ALL OF WHICH IS ADOPTED this ____ day of _____, 2018 by the Lebanon
Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz

Corey Kutz

Corey Kutz

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Dick Robertson

Dick Robertson

Dick Robertson

ATTEST:

Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2018-08 was delivered to the Mayor of Lebanon on the _____ day of _____, 2018, at ____:____ __m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2018-08 this _____ day of _____, 2018, at ____:____ __m.

I hereby VETO RESOLUTION 2018-08 this _____ day of _____, 2018, at ____:____ __m.

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

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EXHIBIT A

Legal Description of Area

A PART OF THE NORTHWEST QUARTER OF SECTION 1 AND A PART OF THE NORTHEAST QUARTER OF SECTION 2, BOTH IN TOWNSHIP 18 NORTH, RANGE 1 WEST OF THE 2ND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA, (ALL REFERENCES TO DEEDS, INSTRUMENTS, PLATS, SURVEYS, ETC. REFER TO THE RECORDS OF THE BOONE COUNTY RECORDER'S OFFICE, UNLESS OTHERWISE NOTED) MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1, SAID CORNER BEING NORTH 01 DEGREE 12 MINUTES 46 SECONDS EAST, A DISTANCE OF 2748.38 FEET FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE ALONG THE WEST LINE OF SAID QUARTER SECTION, SOUTH 01 DEGREE 12 MINUTES 46 SECONDS WEST, A DISTANCE OF 17.00 FEET TO THE APPARENT SOUTH RIGHT-OF-WAY LINE OF NORTH MOUNT ZION ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG SAID APPARENT SOUTH RIGHT-OF-WAY LINE, SAID LINE BEING 17.00 SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST, A DISTANCE OF 972.72 FEET TO THE NORTHWEST CORNER OF THE PARCEL DEEDED TO DUKE CONSTRUCTION LIMITED PARTNERSHIP PER THE GENERAL WARRANTY DEED RECORDED JUNE 27, 2001 PER INSTRUMENT NUMBER 0107693; THENCE ALONG THE WEST LINE OF SAID DUKE CONSTRUCTION LIMITED PARTNERSHIP PARCEL, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1238.42 FEET TO THE NORTHEAST CORNER OF THE TRACT OF LAND KNOWN AS THE BUILDING NUMBER 6 SITE; THENCE ALONG THE NORTH LINE OF SAID BUILDING NUMBER 6 SITE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1064.05 FEET TO A NORTHWEST CORNER OF SAID SITE, SAID CORNER BEING 65.00 FEET WEST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE ALONG A LINE 65.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SAID LINE ALSO BEING ALONG THE EAST LINE OF THE TRACT OF LAND KNOWN AS THE PAMIDA BUILDING NUMBER 4 EXPANSION PARCEL, NORTH 01 DEGREE 12 MINUTES 46 SECONDS EAST, A DISTANCE OF 474.59 FEET TO THE NORTHEAST CORNER OF SAID EXPANSION PARCEL, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF THE TRACT OF LAND KNOWN AS THE PAMIDA BUILDING NUMBER 4 PARCEL; THENCE CONTINUING ALONG A LINE 65.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, SAID LINE ALSO BEING ALONG THE EAST LINE OF SAID PAMIDA BUILDING NUMBER 4 PARCEL, NORTH 01 DEGREES 12MINUTES 46 SECONDS EAST, A DISTANCE OF 645.65 FEET TO AN ANGLE POINT IN THE EAST LINE OF SAID BUILDING NUMBER 4 PARCEL; THENCE CONTINUING ALONG THE EAST LINE OF SAID BUILDING NUMBER 4 PARCEL, NORTH 78 DEGREES 58 MINUTES 18 SECONDS WEST, A DISTANCE OF 9.44 FEET TO AN ANGLE POINT IN THE EAST LINE OF SAID

BUILDING NUMBER 4 PARCEL; THENCE CONTINUING ALONG THE EAST LINE OF SAID PAMIDA BUILDING NUMBER 4 PARCEL, NORTH 01 DEGREES 12 MINUTES 46 SECONDS EAST, A DISTANCE OF 122.69 FEET TO A POINT ON THE APPARENT SOUTH RIGHT-OF-WAY LINE OF NORTH MOUNT ZION ROAD, SAID POINT BEING 17.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2; THENCE ALONG SAID APPARENT SOUTH RIGHT-OF-WAY LINE, BEING ALSO A LINE 17.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, SOUTH 89 DEGREES 46 MINUTES 33 SECONDS EAST, A DISTANCE OF 74.31 FEET TO THE POINT OF BEGINNING, CONTAINING 29.98 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE BEARING SYSTEM FOR LEBANON BUSINESS PARK.

EXHIBIT B

Economic Revitalization Area is the area outlined with a broad red line located at the northeast corner of the Lebanon Business Park



LEBANON BUSINESS PARK

I-65 and S.R. 32 and 39, Lebanon, IN 46052

