

RESOLUTION NO. 2020-04

A RESOLUTION OF THE CITY OF LEBANON REDEVELOPMENT COMMISSION
AMENDING THE DECLARATORY RESOLUTION FOR THE LEBANON
CONSOLIDATED ECONOMIC DEVELOPMENT AREA

WHEREAS, the Redevelopment Commission ("Commission") of the City of Lebanon, Indiana ("City") serves as the governing body of the City Redevelopment District ("District") under Indiana Code 36-7-14, as amended, (collectively, the "Act");

WHEREAS, on October 9, 2017, the Commission adopted amending Declaratory Resolution No. 2017-05 (the "Declaratory Resolution") to, among other matters, (i) expand the City of Lebanon Industrial Park Development Area ("Industrial Park Development Area") by the addition of certain parcels (the "2017 Expansion Area") and designate such parcels as a separate allocation area (the "2017 Expansion Allocation Area") in accordance with Section 39 of the Act, (ii) consolidate the Industrial Park Development Area, as expanded, the Downtown Economic Development Area, the DA Lubricant Economic Development Area, the Lebanon Business Park Building #11 Economic Development Area, the Lebanon FiberNet Economic Development Area, and the State Road 32 Economic Development Area into a single consolidated economic development area to be known as the Lebanon Consolidated Economic Development Area (the "Consolidated Area") and (iii) consolidate the economic development plan for the Industrial Park Development Area, as amended, the Downtown Area, the DA Lubricant Area, the Business Park Building #11 Area, the FiberNet Area and the State Road 32 Area into one economic development plan (the "Consolidated Plan");

WHEREAS, on May 14, 2018, the Commission amended the Declaratory Resolution and Consolidated Plan to, among other matters, remove certain parcels from the 2017 Expansion Area and designate such parcels as a separate allocation area pursuant to Section 39 of the Act;

WHEREAS, the Commission now desires to further amend the Declaratory Resolution and Consolidated Plan to (i) remove the parcel identified on Exhibit A attached hereto from the 2017 Expansion Allocation Area, (ii) designate the parcel identified in Exhibit A as a separate allocation area pursuant to Section 39 of the Act to be known as the NewCold Allocation Area (the "NewCold Allocation Area") and (iii) adopt a supplement to the Consolidated Plan attached hereto as Exhibit B (the "2020 Plan Supplement") (clauses (i), (ii) and (iii), collectively, the "2020 Amendments");

WHEREAS, the 2020 Amendments and supporting data were reviewed and considered at this meeting;

WHEREAS, Sections 41 and 43 of the Act permit the creation of "economic development areas" and provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act;

WHEREAS, the Commission deems it advisable to apply the provisions of Sections 41 and 43 of the Act to the 2020 Amendments; and

WHEREAS, the Commission now desires to approve the 2020 Amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE LEBANON REDEVELOPMENT COMMISSION THAT:

1. It will be of public utility and benefit to amend the Declaratory Resolution and the Consolidated Plan as provided in the 2020 Amendments and to continue to develop the Consolidated Area, including the NewCold Allocation Area, under the Act.

2. The Declaratory Resolution and the Consolidated Plan, as amended by this Resolution and the 2020 Plan Supplement, conform to the comprehensive plan of development for the City.

3. The 2020 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and Consolidated Plan and the purposes of the Act.

4. The findings and determinations set forth in the Declaratory Resolution and the Consolidated Plan are hereby reaffirmed.

5. In support of the findings and determinations set forth in Sections 1 through 4 above, the Commission hereby adopts the specific findings set forth in the 2020 Plan Supplement.

6. The Commission does not now propose to acquire any specific parcel of land or interests in land within the boundaries of the NewCold Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, it will amend the Consolidated Plan prior to such acquisition in accordance with the Act.

7. The Commission finds that no residents of the Consolidated Area will be displaced by the project resulting from the 2020 Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

8. The 2020 Amendments are hereby, in all respects, approved.

9. The area described in Exhibit A is hereby removed from the 2017 Allocation Area, and is hereby designated as a separate "allocation area" pursuant to Section 39 of the Act to be known as "NewCold Allocation Area," for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by Section 39. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the NewCold Allocation Area shall be allocated and distributed as follows:

Except as otherwise provided in Section 39 of the Act, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base-

assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in Section 39 of the Act, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the allocation area hereby designated as “NewCold Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. The NewCold Allocation Fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

10. The Commission hereby finds that the adoption of the foregoing allocation provision will result in new property taxes in the NewCold Allocation Area that would not have been generated but for the adoption of the foregoing allocation provision, as specifically evidenced by the findings set forth in Exhibit B attached hereto. The base assessment date for the NewCold Allocation Area is January 1, 2020.

11. The allocation provisions herein relating to the NewCold Allocation Area shall expire on the date which is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the NewCold Allocation Area.

12. (A) The Commission designates NewCold USA III LLC (the “Company”) and its successors and assigns, any affiliates of the Company and their respective successors and assigns, and any equipment lessors of the Company, each as designated taxpayers (collectively, the “Designated Taxpayer”) for purposes of Section 39.3 of the Act.

(B) The Commission finds that:

(i) The taxes to be derived from the depreciable personal property (as defined in the Act) to be located in the NewCold Allocation Area, in excess of the taxes attributable to the base assessed value of such personal property, are needed to pay debt service or to provide security for bonds issued or to be issued under the Act or to make payments or to provide security on leases payable under the Act in order to provide local public improvements in the NewCold Allocation Area;

(ii) The Designated Taxpayer’s property in the NewCold Allocation Area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects; and

(iii) The Designated Taxpayer’s property in the NewCold Allocation Area does not consist primarily of retail, commercial or residential projects.

13. The Commission directs the presiding officer to notify the Indiana Department of Local Government Finance of the designation of the NewCold Allocation Area.

14. The presiding officer of the Commission is hereby authorized and directed to submit this resolution to the City of Lebanon Plan Commission ("Plan Commission") for its approval. The Commission further directs the presiding officer to submit this resolution and the approving order of the Plan Commission to the Common Council for its approval of the 2020 Amendments.

15. Following receipt of the written order of the approval of the Plan Commission and approval of such order by the Common Council of the City, the Commission also directs the presiding officer, to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the building commissioner and any other departments or agencies of the City concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed 2020 Amendments and will determine the public utility and benefit of the proposed project described therein.

16. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the NewCold Allocation Area, including the following:


- a. The estimated economic benefit and costs incurred by the NewCold Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and
- b. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the NewCold Allocation Area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required under Section 17 of the Act at least ten (10) days before the date of the public hearing required under Section 13 of this Resolution.

17. The officers and representatives of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

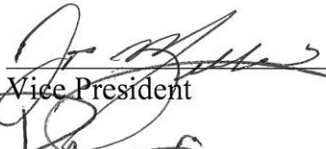
18. This resolution shall take effect immediately upon its adoption by the Commission.

[Remainder of page intentionally left blank.]

ADOPTED AND PASSED THIS 13TH DAY OF OCTOBER, 2020,
BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED, BY THE
LEBANON REDEVELOPMENT COMMISSION, BOONE COUNTY, INDIANA.

By: 

President

By: 

Vice President

By: 

Secretary

By: 

Member

By: 

Member

ATTEST:



Tonya Thayer, Clerk-Treasurer

EXHIBIT A

The NewCold Allocation Area includes the following parcel located in the City of Lebanon, Indiana:

<u>Parcel ID</u>
015-01240-00
<u>State ID</u>
06-06-11-000-003.000-002

Map of NewCold Allocation Area:
(See Attached)

New Cold Allocation Area Map

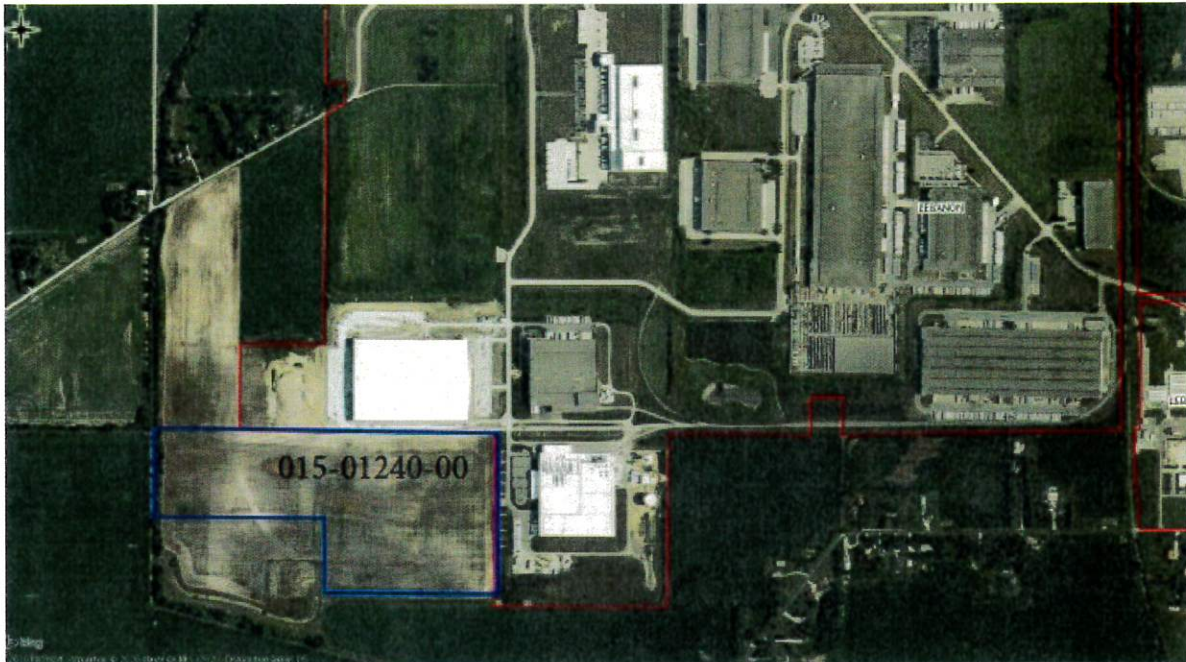


EXHIBIT B

2020 Plan Supplement

The Consolidated Plan is hereby supplemented by adding the following project to the Consolidated Plan:

The construction, acquisition, installation and equipping of an approximate 384,300 sq. ft. highly automated, large scale cold storage warehouse, including administrative offices, serving local and regional cold storage needs, to be located at 3855 Middle Jamestown Road, Lebanon, Indiana (the "Project"). The total cost of this Project is estimated at \$150 million with approximately \$10,000,000, inclusive of financing costs, to be funded from the Commission. The developer and owner of the project, NewCold USA III LLC or one or more affiliates thereof, will fund the remaining costs of the Project. The Project will employ approximately 100-150 employees at an average wage of \$30 per hour.

Based on representations of the developer of the Project, the Commission has determined that the development of the Project will not proceed as planned without the contribution of incremental real and personal property tax revenues to be derived from the NewCold Allocation Area to the Project.