

RESOLUTION NO. 02 - 13

**A RESOLUTION PRELIMINARILY DESIGNATING ECONOMIC
REVITALIZATION AREA AND QUALIFYING CERTAIN PROPOSED
IMPROVEMENTS AS ELIGIBLE FOR TAX ABATEMENT**

WHEREAS, the Common Council of the City of Lebanon has received a written application filed on behalf of Duke Realty Limited Partnership for property tax abatement pursuant to IND. CODE § 6-1.1-12.1-1 *et seq.*; and

WHEREAS, the application has been reviewed by the Common Council of the City of Lebanon, Indiana, at a duly held public meeting of said Council on October 14, 2002, and should be tentatively approved.

NOW, THEREFORE, BE IT RESOLVED by the Council as follows:

1. Designation of Economic Revitalization Area. It is hereby declared that the real estate containing approximately 69.48-acres located along the west side of Enterprise Boulevard in the Lebanon Business Park and more particularly described on Exhibit A attached hereto is preliminarily designated an Economic Revitalization Area:

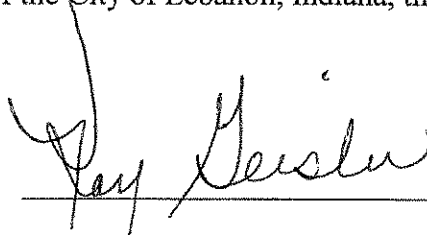
2. Improved Real Estate Tax Deduction. One of the Council's purposes is to encourage growth, revitalization, and rehabilitation of the community, and the granting of the application is expected to accomplish that result. Hence, the applicant, as the owner of real estate located in the Economic Revitalization Area, is tentatively entitled to a reduction from assessed value of the improvements to the property for a period of ten (10) years in accordance


with the percentages of deduction set forth in Ind. Code § 6-1.1-12.1-4(d)(3) upon the filing by Applicant of the required deduction application and compliance with the other provisions of IND. CODE § 6-1.1-12.1-1 *et seq.*

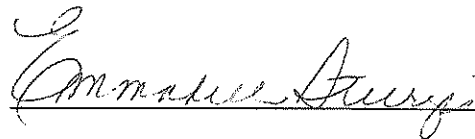
3. Commencement of Redevelopment. Upon the filing of the applicable Statement of Benefits (Form SB-1) by applicant, and subject to the Council's right to affirm, modify or rescind this resolution following a public hearing on the application, the applicant is permitted to commence work on the project once all necessary approvals of local zoning authorities have been obtained.

4. Filing with Boone County Authorities. Upon the adoption of this resolution, the applicant shall cause a certified copy of this resolution to be filed with the Boone County Assessor and/or such other Boone County governmental officials as shall be necessary. Further, a public hearing shall be held on the application at the next regular meeting of the Common Council, or as soon thereafter as is appropriate, and notice of such hearing shall be published as provided by law.

Adopted by the Common Council of the City of Lebanon, Indiana, this 14th day of October, 2002.







John W. Truitt
James H. Acton
Harold "Huck" Lewis
James H. Acton
James H. Acton, Mayor

Attest:

J. Elaine Kinsler
J. Elaine Kinsler, Clerk-Treasurer

104928 Last Rev. 10/10/02

EXHIBIT A
PAGE 1 OF 2
A LAND BOUNDARY DESCRIPTION OF
BUILDING 13 SITE
LEBANON BUSINESS PARK
CITY OF LEBANON, BOONE CO., INDIANA
OCTOBER 4, 2002

A part of the Northwest and Southwest Quarters of Section 1, Township 18 North, Range 1 West and a part of the Northeast and Southeast Quarters of Section 2, Township 18 North, Range 1 West, in Boone County, Indiana, described as follows: Commencing at the northwest corner of the Southwest Quarter of said Section 1; thence North 89 degrees 13 minutes 15 seconds East 539.85 feet along the north line of said Southwest Quarter to the southwest right-of-way line of Enterprise Boulevard as described in the deed to Lebanon Redevelopment Authority, recorded as instrument number 9701004 in the Office of the Recorder of Boone County, Indiana thence South 40 degrees 59 minutes 40 seconds East 285.83 feet along said right-of-way line to the most east corner of the Building 12 Site and to the POINT OF BEGINNING of this description; thence the following three (3) courses along said southwest right-of-way line; (1) South 40 degrees 59 minutes 40 seconds East for 1471.11 feet; (2) Southeasterly, and Easterly 275.68 feet along an arc to the left having a radius of 530.00 feet and subtended by a long chord having a bearing of South 55 degrees 53 minutes 45 seconds East and a length of 272.59 feet; (3) South 70 degrees 47 minutes 51 seconds East 219.97 feet to the west line of the Conrail Railroad recorded in Deed Record 1, page 536 in said Recorder's Office; thence South 00 degrees 07 minutes 34 seconds West 1,074.51 feet along said west right-of-way line to the south line of the Southwest Quarter of said Section 1; thence South 89 degrees 24 minutes 21 seconds West 2,129.96 feet along said south line to the southwest corner of said Southwest Quarter said corner being the southeast corner of the land described in the deed Kenneth W. and Nancy S. Wethington, recorded in Deed Record 252, page 986 in said Recorder's Office; thence North 00 degrees 08 minutes 23 seconds East 289.70 feet along the east line of said Wethington land; thence South 89 degrees 41 minutes 17 seconds East 457.28 feet; to thence North 01 degrees 19 minutes 04 seconds East 1944.64 feet; thence North 49 degrees 00 minutes 20 seconds East 306.11 feet to the point of beginning containing 69.48 Acres more or less. The bearings in this description are based upon the bearing system for the Lebanon Business Park, the north line of the Southwest Quarter of said Section 1 having a bearing of North 89 degrees 13 minutes 15 seconds East.

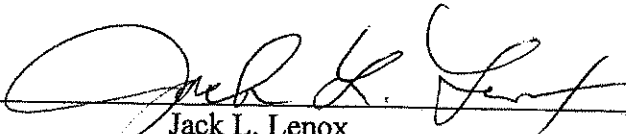
EXHIBIT A
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**CONSENT TO DESIGNATION OF REAL ESTATE
AS ECONOMIC REVITALIZATION AREA**


Jack L. Lenox and Mariam Lenox, husband and wife, now execute this consent to confirm their awareness of and approval for the application filed by Duke Realty Limited Partnership seeking designation of 69.48 acres of land located in the Lebanon Business Park as an economic revitalization area. The legal description of the proposed economic revitalization area is set forth on Exhibit A attached hereto.

The undersigned currently own this real estate and they have no objection to the establishment of their property as an economic revitalization area.

DATED this 17th day of October, 2002.




Jack L. Lenox



Mariam Lenox

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Under the penalties of perjury, the foregoing representations have been subscribed and sworn to before me, a Notary Public in and for said County and State, this 16th day of October, 2002.



Notary Public

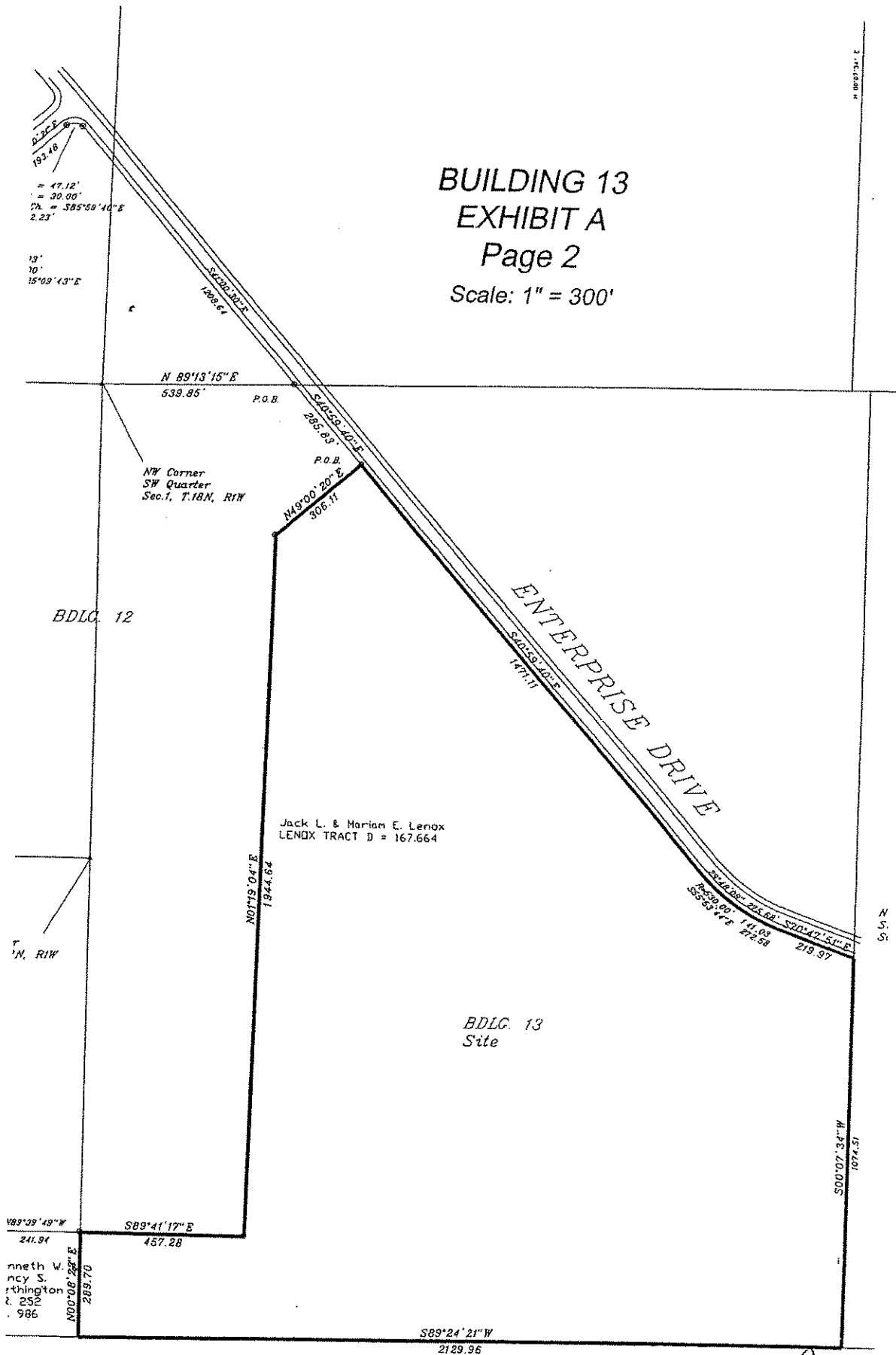
My Commission Expires:

2/22/09

104932 Last Rev. 10/10/02

County of Residence: Boone

BUILDING 13
EXHIBIT A
Page 2
Scale: 1" = 300'



CLERK'S CERTIFICATE TO COUNTY ASSESSOR
CONCERNING A RESOLUTION PRELIMINARILY
DESIGNATING ECONOMIC REVITALIZATION AREA

RECEIVED

OCT 17 2002

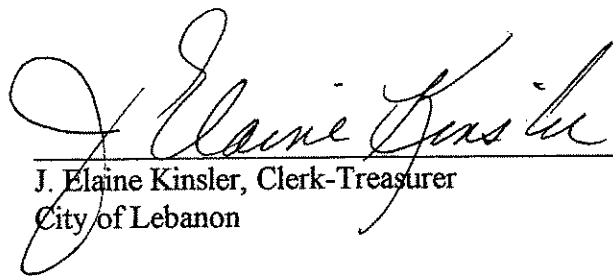
Deborah S. Ottinger
BOONE COUNTY ASSESSOR

STATE OF INDIANA)
)
COUNTY OF BOONE) SS:

J. Elaine Kinsler affirms under the penalties for perjury that the following statements are true:

1. I, the undersigned Clerk-Treasurer of the City of Lebanon, Indiana, hereby certify to the Assessor of Boone County, Indiana, that the attached documents are authentic copies of documents on file with the City of Lebanon with respect to a resolution designating an Economic Revitalization Area and giving preliminary approval for certain real estate tax abatement per IND. CODE § 6-1.1-12.1-1 *et seq.* That resolution was adopted by the Common Council of the City of Lebanon, Indiana, at a meeting held on October 14, 2002.
2. The documents to which this certification applies, and which are included, are as follows:
 - (a) Resolution entitled A RESOLUTION PRELIMINARILY DESIGNATING ECONOMIC REVITALIZATION AREA AND QUALIFYING CERTAIN PROPOSED IMPROVEMENTS FOR TAX ABATEMENT.
 - (b) Application of Duke Realty Limited Partnership for Designation of Economic Revitalization Area and Property Tax Deductions.
 - (c) Statement of Benefits (Form SB-1) filed by the applicant in support of this request.
 - (d) Notice of Public Hearing regarding the application.
 - (e) A drawing depicting the location of the proposed Economic Revitalization Area.

Date: 10-15-02



J. Elaine Kinsler, Clerk-Treasurer
City of Lebanon

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BUILDING 13 SITE
LEBANON BUSINESS PARK
CITY OF LEBANON, BOONE CO., INDIANA
OCTOBER 4, 2002

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Boone County Council
City of Lebanon
Center Township
Lebanon Community School Corporation
Boone County Division of Family & Children
Center Township Trustee
Board of Trustees – Lebanon Public Library
Boone County Solid Waste District
October 15, 2002
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You may be aware that Duke Realty has filed an application with the Common Council of the City of Lebanon seeking to have a 69.84-acre parcel of land located along the west side of Enterprise Boulevard in the Lebanon Business Park designated as an Economic Revitalization Area and eligible for tax abatement over a ten-year period for improvements planned to be made to the real estate. That approval was tentatively given on October 14, 2002, but finalization of the designation has been on hold until lease negotiations with the tenant were complete.

The tenant in the 250,000 square foot building to be constructed on the site will be identified at or before the time of the final hearing on this application. It is expected that the tenant will be employing approximately 300 persons by the end of 2004 with a total annual payroll of about \$6 million. The building and site improvements to the land are planned to cost approximately \$6 million. New machinery and equipment costing between \$5 and \$6 million is to be installed in the building.

Enclosed is a copy of (i) the notice of public hearing on the application scheduled for October 28, 2002, at 7:30 p.m. in the Council Chambers in the Lebanon Municipal Building, and (ii) the Statement of Benefits (Form SB-1) filed by Duke Realty.

Of course, if any of you have any questions, please call me and I will be happy to address them.

Very truly yours,

PARR RICHEY OBREMSKEY & MORTON

By



Kent M. Frandsen

slm

Enclosures

cc: Ms. Elaine Kinsler, Clerk/Treasurer

L-105044

**NOTICE OF PUBLIC HEARING
ON TAX ABATEMENT RESOLUTION**

Notice is hereby given that a public hearing will be conducted by the Common Council of the City of Lebanon at 7:30 p.m. on Monday, October 28, 2002, on an application filed by Duke Realty Limited Partnership seeking the designation of a parcel of unimproved real estate containing approximately 69.48 acres located along the west side of Enterprise Boulevard in the Lebanon Business Park as an Economic Revitalization Area and eligible for the benefits of tax abatement for improvements which are proposed to be made to the real estate.

The legal description of the real estate, a diagram depicting its location, and other information contained in the application are on file and available for inspection in the offices of the Clerk-Treasurer of the City of Lebanon, 201 East Main Street, and the Assessor of Boone County in the Boone County Courthouse.

Applicant proposes to construct a 250,000 square foot office and distribution building on the site at a total cost of approximately \$6 million. New machinery and equipment costing between \$5 and 6 million will be installed for use in the building. By the end of 2004 approximately three hundred (300) new jobs are anticipated to be initially created with a total annual payroll of approximately \$9 million. Construction would commence in the early Spring of 2003 and should be completed by late Summer 2003.

At a regular meeting held on October 14, 2002, the Common Council adopted a resolution preliminarily designating the real estate as an Economic Revitalization Area and tentatively qualifying the improvements to be made thereto as eligible for deductions in property taxes over a ten-year period in accordance with the declining percentages set forth at IND. CODE § 6-1.1-12.1-1, *et seq.*

After considering any evidence to be presented at the hearing, the Common Council shall take final action determining whether the qualifications for designation of this real estate as an Economic Revitalization Area have been met and either confirming, modifying, or rescinding the previous resolution. All interested persons wishing to remonstrate against or otherwise object to the application must present their objections and comments either in writing to the Clerk-Treasurer prior to the hearing or in person at the meeting of the Common Council to be held in the Council Chambers of the Municipal Building, 201 East Main Street, Lebanon.

J. Elaine Kinsler
Clerk-Treasurer
City of Lebanon

Publish in *Lebanon Reporter* one time on or before October 18, 2002.

Please submit a copy of the proof of publication and billing statement for this publication to Kent M. Frandsen, PARR RICHEY OBREMSKEY & MORTON, Post Office Box 668, Lebanon, IN 46052

104955 Last Rev. 10/10/02