

RESOLUTION NO. 07 - 07

**A RESOLUTION PRELIMINARILY DECLARING ECONOMIC
REVITALIZATION AREA AND QUALIFYING CERTAIN PROPOSED
IMPROVEMENTS AS ELIGIBLE FOR TAX ABATEMENT**
[Hachette / Riley Land ERA]

WHEREAS, the Common Council of the City of Lebanon has received an application filed on behalf of Dugan Realty, LLC and Duke Realty Limited Partnership for establishment of an Economic Revitalization Area and related 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 June 25, 2007, and is tentatively approved.

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

1. Designation of New and Expanded Economic Revitalization Area. It is hereby declared that certain real estate within the City of Lebanon, including the original Hachette Book Group USA (formerly Little Brown Publishing) site consisting of 31.6 acres, previously confirmed as an ERA by Resolution No. 95-13, upon which is located an existing 500,000 sf office and warehouse building at 121 North Enterprise Boulevard in the Lebanon Business Park; a 6.880-acre parcel of land adjacent to and immediately south of the above-referenced Hachette Book Group site upon which a portion of the a 308,000 sf addition to the Hachette Book Group building is proposed for construction; and the so-called Riley land located adjacent but further to the south and west of the above-referenced parcels which was annexed into the City of Lebanon

by Ordinance No. 05-05, all of which land contains 130.58 acres as described and depicted on Exhibit A in two pages attached hereto, is preliminarily declared to be 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, Dugan Realty, LLC, as the owner of land located in the Economic Revitalization Area, consistent with this Council's Resolution No. 2006-09 adopted October 9, 2006, is entitled to a reduction from assessed value for the proposed 308,000 sf addition to the Hachette Book Group building and related new site 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)(10) upon the filing by that Applicant of the required deduction application and compliance with the other provisions of IND. CODE § 6-1.1-12.1-1 *et seq.* This grant of abatement for real property improvements shall not apply to or reduce the assessed value on the existing 500,000 sf Hachette Book Group building and existing site improvements, as the abatement deduction for those original improvements has expired.


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 proposed addition to the existing Hachette building once all necessary approvals of local zoning authorities have been obtained.

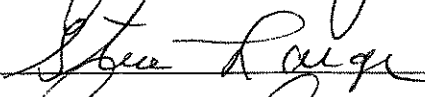
4. Abatement for Other Future Improvements in ERA. Declaration of this land as an ERA shall not automatically entitle the current or future owner of that land to tax abatement in connection with any other improvements to be made on the land to or qualifying equipment to be installed in a building thereon. Such abatement shall be allowed only if approved by the Council following a public hearing, approval of a Statement of Benefits, and compliance with all applicable legal requirements under IND. CODE § 6-1.1-12.1-1 *et seq.* and the rules of this Council.


5. 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 25th day of June, 2007.

COUNCIL MEMBERS







John W. Peasey
Samuel A. Grijalva

Andrew A. Nestor

KAY GEISLER ABSENT

James H. Acton
James H. Acton, Mayor

Attest:

Deborah S. Ottinger

Deborah S. Ottinger, Clerk-Treasurer

225198v2

EXHIBIT A
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A LAND BOUNDARY DESCRIPTION OF
AN ADDITION TO THE CITY OF LEBANON
ECONOMIC REVITALIZATION AREA
BOONE COUNTY, INDIANA
JUNE 25, 2007

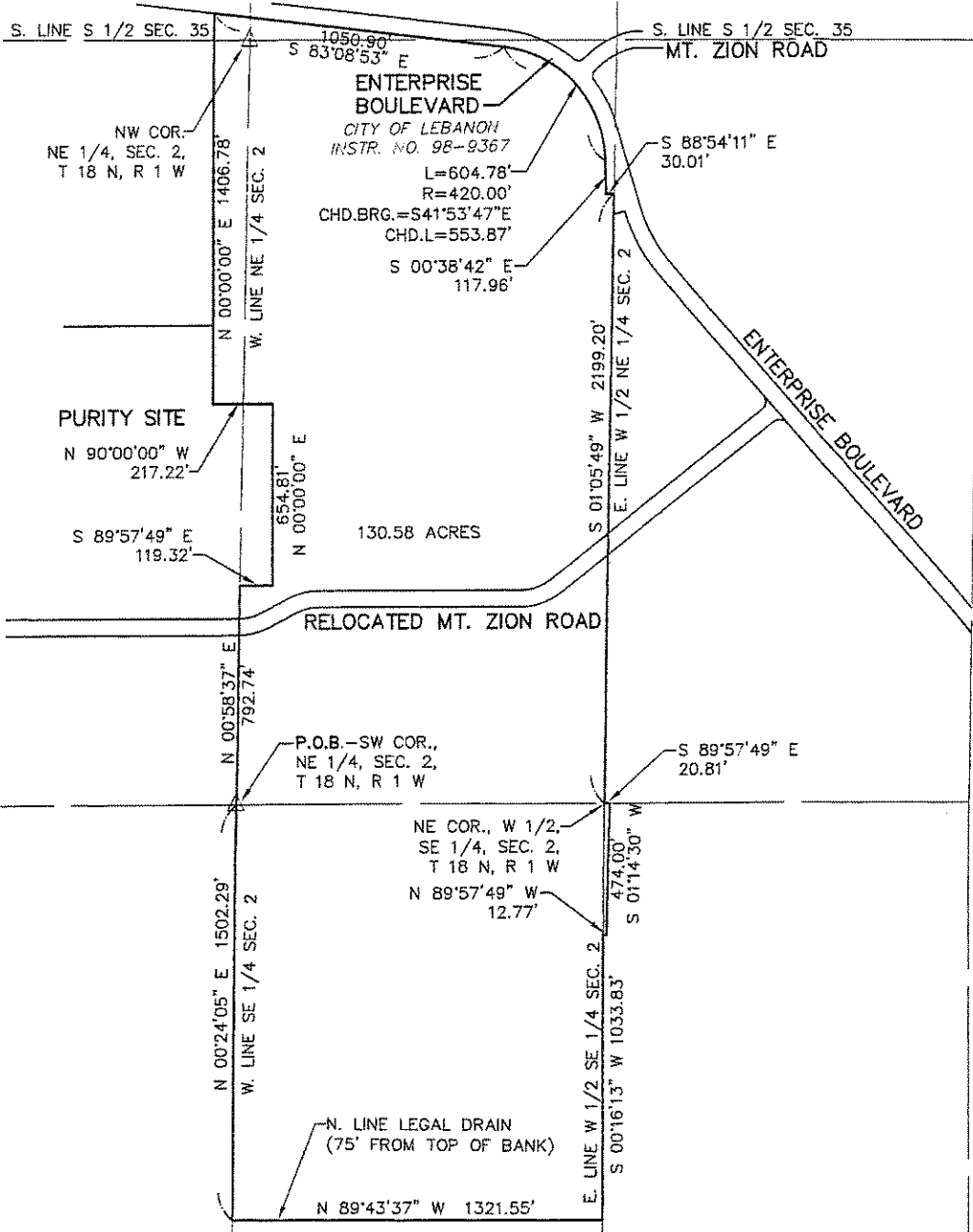
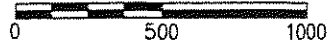
A part of the Northeast, Northwest and Southeast Quarters of Section 2, Township 18 North, Range 1 West, and a part of the South Half of Section 35, Township 19 North, Range 1 West, Lebanon Business Park, Boone County, Indiana, described as follows:

BEGINNING at the southwest corner of said Northeast Quarter; thence North 00 degrees 58 minutes 37 seconds East, 792.74 feet along the west line of said quarter-section to a south line of the Purity Building Site in Lebanon Business Park; thence South 89 degrees 57 minutes 49 seconds East, 119.32 feet along a south line of said Purity Site; thence North 00 degrees 00 minutes 00 seconds East, 654.81 feet along an east line of said Purity Site; thence North 90 degrees 00 minutes 00 seconds West, 217.22 feet along a north line of said Purity Site; thence North 00 degrees 00 minutes 00 seconds East, 1406.78 feet along an east line of said Purity Site and the northerly extension of said east line to the southwest right-of-way line of Enterprise Boulevard as described in the deed to the City of Lebanon, recorded as Instrument number 98-9367 in the Office of the Recorder of Boone County, Indiana; thence along said southwest right-of-way line and along the west right-of-way line of said Enterprise Boulevard the following four (4) courses: 1) South 83 degrees 08 minutes 53 seconds East, 1050.90 feet; 2) Easterly, and Southeasterly 604.78 feet along an arc to the right and having a radius of 420.00 feet, subtended by a long chord having a bearing of South 41 degrees 53 minutes 47 seconds East and a length of 553.87 feet; 3) South 00 degrees 38 minutes 42 seconds East, 117.96 feet; 4) South 88 degrees 54 minutes 11 seconds East, 30.01 feet to the east line of the West Half of said Northeast Quarter; thence South 01 degrees 05 minutes 49 seconds West, 2199.20 feet along said east line to the northeast corner of the West Half of said Southeast Quarter; thence South 89 degrees 57 minutes 49 seconds East, 20.81 feet along the north line of the East Half of said Southeast Quarter to northeast corner of the land described in the deed to Duke Realty Limited partnership, recorded as Instrument number 04-11373 in said Recorder's office; thence South 01 degrees 14 minutes 30 seconds West, 474.00 feet along the east line of said Duke land; thence North 89 degrees 57 minutes 49 seconds West, 12.77 feet along the south line of said Duke land to the east line of the West Half of said Southeast Quarter; thence South 00 degrees 16 minutes 13 seconds West, 1033.83 feet along said east line to the north line of the Rainey Miller Legal drain (75 feet north of the north top of bank as located in the field); thence North 89 degrees 43 minutes 37 seconds West, 1321.55 feet along said north line to the west line of said Southeast Quarter; thence North 00 degrees 24 minutes 05 seconds East, 1502.29 feet along said west line to the POINT OF BEGINNING containing 130.58 acres, more or less.

EXHIBIT A
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EXHIBIT A
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**AN ADDITION TO THE CITY OF LEBANON
ECONOMIC REVITALIZATION AREA
BOONE COUNTY, INDIANA**



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EXHIBIT A
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 WOOLPERT	WOOLPERT, INC. 7120 Weldman Drive Indianapolis, Indiana 46268-4192 317.299.7500 FAX: 317.291.5805	CONTRACT No. 07114.01	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	REVISIONS												
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DATE: 6-25-07 DR: TSE CKD: JRH	Description: 03 - Surveying	(Empty space)																

**CLERK'S CERTIFICATE TO COUNTY ASSESSOR
CONCERNING A RESOLUTION PRELIMINARILY
DECLARING AN EXPANDED ECONOMIC REVITALIZATION AREA**

STATE OF INDIANA)
)
COUNTY OF BOONE) SS:


COPY

Deborah S. Ottinger 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 of the Common Council of Lebanon designating an Economic Revitalization Area and giving preliminary approval for creation of a new ERA containing 130.58 acres and certain improved real estate and qualifying personal property tax abatement per IND. CODE § 6-1.1-12.1-1 *et seq.* This resolution relates to a proposed 308,000 sf addition to the existing Dugan Realty/Hachette Book Group building at 121 North Enterprise Boulevard in the Lebanon Business Park and the installation of certain logistical distribution equipment therein.

2. The documents to which this certification applies, and which are included, are as follows:
 - (a) Resolution No. 07-07 adopted by the Common Council of Lebanon on June 25, 2007;
 - (b) Statements of Benefits (Form SB-1/RE and SB-1/PP) filed by the applicants in support of this request;
 - (c) Notice of Public Hearing regarding the application; and
 - (d) A drawing depicting the location of the proposed expanded Economic Revitalization Area.

Date: 6/29/07



Deborah S. Ottinger, Clerk-Treasurer
City of Lebanon