

# ORIGINAL

RESOLUTION NO. 07-07a  
[LBP Riley ERA and Dugan/Hachette Addition Abatement]

**A RESOLUTION CONFIRMING DECLARATION OF  
AN ECONOMIC REVITALIZATION AREA AND  
APPROVING TAX ABATEMENT BENEFITS  
AND SUPPORTING FINDINGS OF FACT AND ORDER**

WHEREAS, the Common Council of the City of Lebanon ("Council") has received an application from Dugan Realty, LLC ("Dugan Realty") for designation of a 130.58-acre parcel of land in the Lebanon Business Park, the legal description and depiction of which is attached as Exhibit A in two pages (the "Real Estate"), as an Economic Revitalization Area ("ERA"); and

WHEREAS, the Council previously received an application from Dugan and Hachette Book Group USA ("Hachette") the benefits of tax abatement for a 309,000 sf addition to the existing Hachette building and related site improvements to be constructed on the Real Estate and for qualifying equipment to be installed in the addition by Hachette; and

WHEREAS, the Real Estate includes a parcel of land now occupied by the existing Hachette building, which parcel the Council previously declared to be an ERA by Resolution No. 95-13, but a portion of the 309,000 sf addition to the existing Hachette building would extend beyond the boundaries of the originally established ERA; and

WHEREAS, the requests have been reviewed by the Council at public meetings held on June 18, 2007, and July 9, 2007; and

WHEREAS, the Council by adoption of Resolution No. 06-09a previously granted Dugan and Hachette the requested abatements over a ten-year period and by its recent adoption of Resolution No. 07-07 preliminarily designated the Real Estate as an ERA; and

WHEREAS, confirmation of these earlier decisions is necessary for Dugan and Hachette to qualify for tax abatement in connection with the proposed addition; and

WHEREAS, after the required public notices, a hearing has been held on the applications, and the Council now enters its findings of fact and order and adopts this resolution.

NOW, THEREFORE, IT IS HEREBY FOUND, ORDERED, AND RESOLVED by the Council as follows:

1. The Council hereby finds (a) the estimated value of the proposed redevelopment of the Real Estate is reasonable for projects of this nature; (b) the estimated costs of the proposed new improvements and equipment is reasonable for a facility of this type; (c) the number of individuals estimated to be employed by Hachette as a result of the expansion is reasonable; (d) the estimate of the annual salaries of those individuals is reasonable; (e) other information provided by the applicants about the anticipated benefits from the redevelopment reasonably supports the granting of abatement; and (f) the totality of benefits flowing to this community from the proposed redevelopment is sufficient to justify the deductions requested.

2. The designation of the Real Estate as an Economic Revitalization Area is hereby confirmed.

3. Dugan, as the owner of the Real Estate, is approved for a deduction in assessed value of the Hachette building addition and related improvements for a period of ten (10) years in accordance with IND. CODE § 6-1.1-12.1-4(d)(10), upon filing the required deduction application and compliance with other provisions of IND. CODE §§ 6-1.1-12.1-1 *et seq.*

4. Hachette, as the building tenant, is approved for a deduction over a period of ten years for a period of ten (10) years in the assessed value of qualifying equipment to be installed

in the addition as identified on the Statement of Benefits (Form SB-1/PP), subject to Hachette filing the required deduction application with local officials and compliance with the other provisions of law.

5. The provisions of IND. CODE § 6-1.1-12.1-12 relating to the potential recovery of past-abated taxes are incorporated into this resolution by reference.



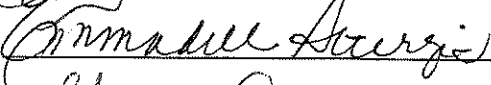
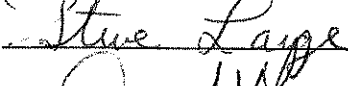
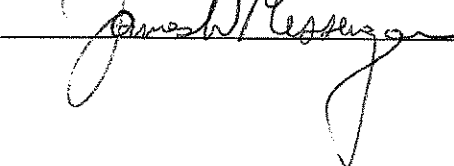
6. This newly established ERA is located within a TIF allocation area under the jurisdiction of the Lebanon Redevelopment Commission ("RDC"), and approval of that body for the requested abatement was previously obtained via RDC Resolution No. 2006-1, a copy of which has been filed with the Clerk-Treasurer.

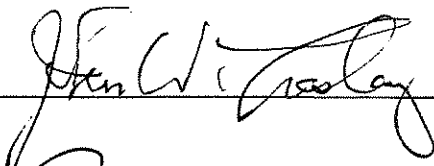
7. This grant of abatement relates solely to the proposed addition and qualifying equipment to be installed therein and shall not otherwise extend the real property abatement approved for the original building.

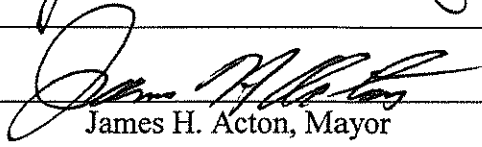
8. The Mayor and Clerk-Treasurer are hereby authorized to affix their signatures to the Statement of Benefits forms SB-1/RE and SB-1/PP relating to these applications signifying the Council's approval.

Adopted by the Council this 9th day of July, 2007.

COUNCIL MEMBERS

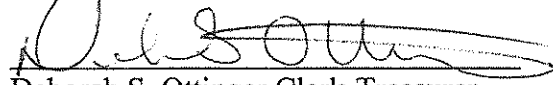
  
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James H. Acton, Mayor

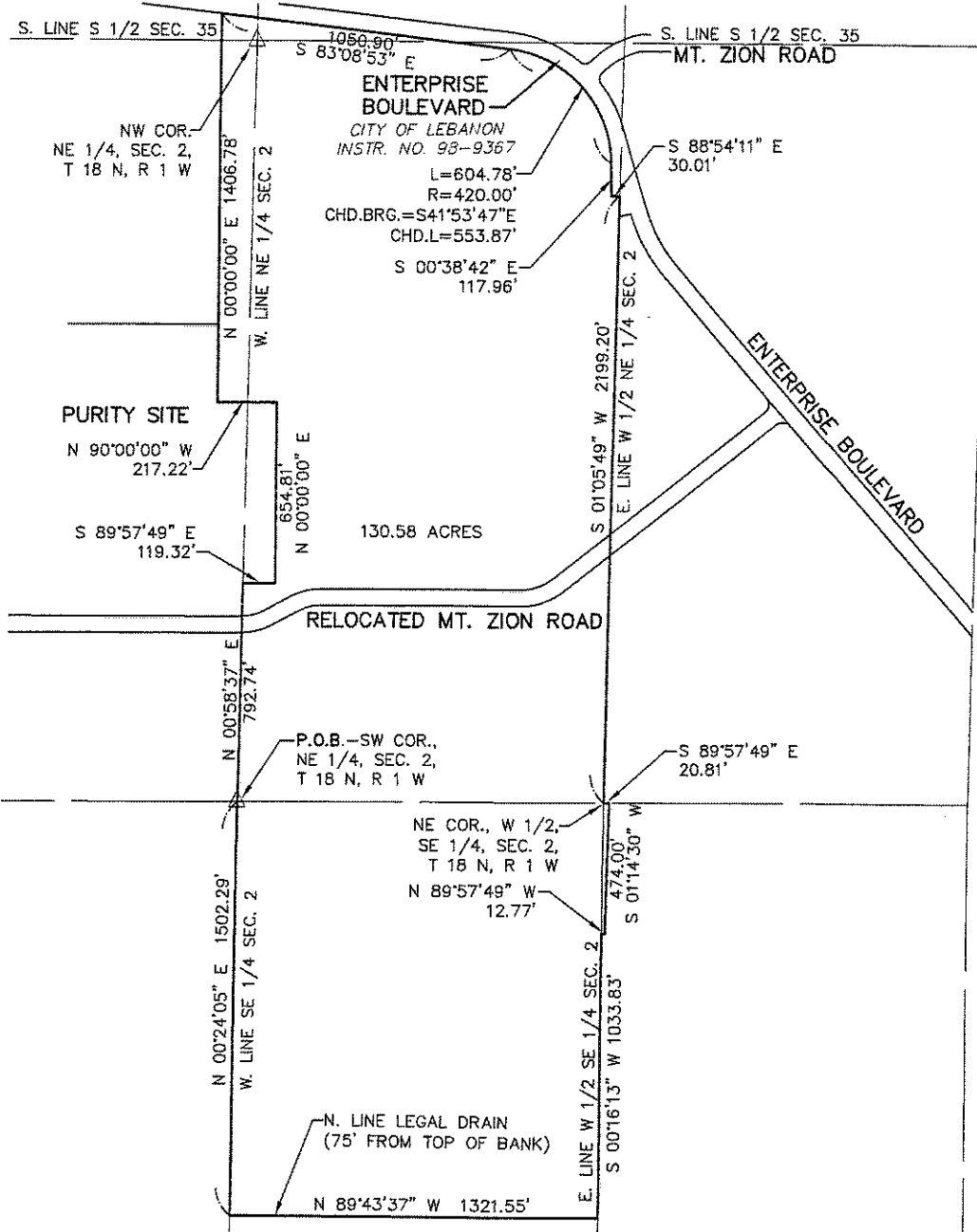
ATTEST:

  
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Deborah S. Ottinger Clerk-Treasurer

227246

**EXHIBIT A**  
**PAGE 2 OF 2**  
**AN ADDITION TO THE CITY OF LEBANON**  
**ECONOMIC REVITALIZATION AREA**  
**BOONE COUNTY, INDIANA**



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**EXHIBIT A**  
**PAGE 2 OF 2**


 <b>WOOLPERT</b> WOOLPERT, INC. 714C Waldemar Drive Indianapolis, Indiana 46268-4192 317.299.7500 FAX: 317.291.5805	CONTRACT No. P2114.01 (Project File Number) LP Description: ERF - Addition.dwg	NO.      DATE      REVISIONS
	DATE 6-25-07 DR. TSE CKD. JRH	(Empty table for revisions)

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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