

RESOLUTION NO. 2013 – 09
COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA

**RESOLUTION CONFIRMING AN ESTABLISHED ERA AND APPROVING
STATEMENT OF BENEFITS OF CNH AMERICA, LLC AND WAIVING
NONCOMPLIANCE IN ACCORDANCE WITH IC 6-1.1-12.1-11.3**

WHEREAS, on April 17, 2013, the City of Lebanon ("City") Common Council ("Council") received a Statement of Benefits ("SB-1") and request from CNH America, LLC ("Applicant") for the area described in Exhibit A, which is located within a previously established economic revitalization area ("Area") for approval of the SB-1 under I.C. 6-1.1-12.1 ("Act"); and

WHEREAS, the Area is located within the Council's jurisdiction under the Act; and

WHEREAS, On September 25, 1995, the Council, after public hearing, designated the Area as an economic revitalization area pursuant to I.C.6-1.1-12.1, as contained Resolution 95-11, and the findings adopted therein; and

WHEREAS, the Applicant intends to install equipment to support light assembly work and produce end user kits for final product assembly and provide logistics equipment and transportation materials and parts at the existing facility controlled/leased by Applicant (the "Improvements"). The estimated cost of the Improvements are \$9,000,000 as described in the SB-1; and

WHEREAS, the Applicant has requested that the Council approve personal property tax abatement related to the Improvements for a period of seven (7) years ("Tax Abatement"); and

WHEREAS, on April 22, 2013, the Council conducted a public meeting at which the Applicant appeared and presented the proposed Improvements, the Applicant's SB-1, and related information; and

WHEREAS, a copy of the SB-1 and a description of the Area were properly filed with the Clerk-Treasurer for the City of Lebanon; and

WHEREAS, Notice of a Public Hearing was published pursuant to Indiana law and a public hearing was conducted by the Council on May 13, 2013 concerning confirming the ERA established by Resolution 95-11 and for consideration and approval of the SB-1 and Tax Abatement; and after conducting such public meeting, the Council has given careful consideration to all comments and views expressed and any evidence presented regarding the established ERA and approval of the SB-1 and approval of Tax Abatement; and

WHEREAS, no written remonstrance has been filed with Council either prior to or during the above-referenced public meeting;

WHEREAS, although the Act requires certain findings of fact to be made with respect to the designation of the Area before designating an Area, the Council may waive noncompliance with such action;

WHEREAS, the Area's improvements described in the Application will be of public utility and will be to the benefit and welfare of all citizens and taxpayers of the City;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Lebanon, Boone County, Indiana that, based on the information in the Application describing the Improvements, the Council hereby finds that the Area: (1) is within the jurisdiction of the City; and (2) has been previously designated as an economic revitalization area under I.C. 6-1.1-12.1 by virtue of Resolution 95-11.

BE IT ALSO RESOLVED that, based on the information in the SB-1 describing the Improvements, the Council finds: (1) the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature; (2) the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation; (3) the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation; (4) the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and (5) the total benefits are sufficient to justify the granting of the deduction.


BE IT ALSO RESOLVED that Council now confirms and approves Resolution 95-11 and the Findings therein designating the Area as an ERA, and hereby confirms and approves the designation of the Area, the SB-1 and the approval of Tax Abatement, for a period not to exceed seven (7) years.

BE IT ALSO RESOLVED that the Council hereby waives noncompliance of any provisions of the I.C. 6-1.1-12.1, in accordance with IC 6-1.1-12.1-11.3.


Passed and adopted this 13th day of May, 2013.

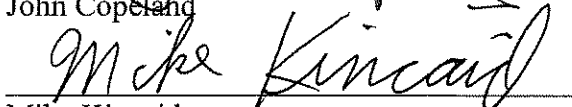
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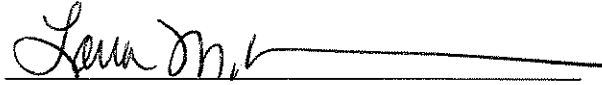
THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA

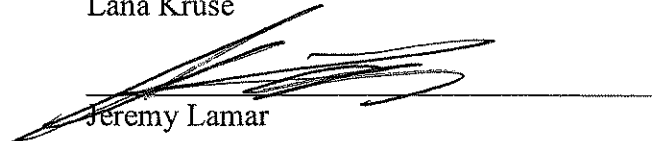

Harold "Huck" Lewis, Mayor


Keith Campbell

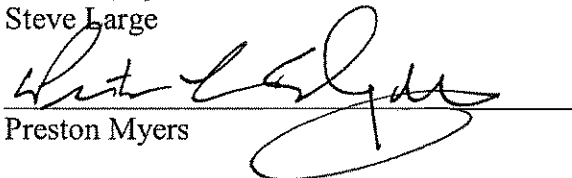

John Copeland


Mike Kincaid

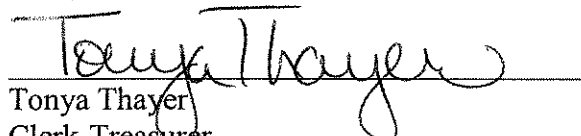

Lana Kruse


Jeremy Lamar

ABSENT
Steve Large


Preston Myers

ATTEST:


Tonya Thayer
Clerk-Treasurer

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security Number in this document unless required by law.

Printed name: Bob Clutter

This instrument prepared by Bob Clutter, Attorney at Law, Indiana Supreme Court #13942-49, 117 W. Main Street, Lebanon, Indiana 46052.