

RESOLUTION 2017-14

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF LEBANON, INDIANA, REGARDING CERTAIN
PERSONAL PROPERTY TAX ABATEMENT DEDUCTIONS
FOR XPO LOGISTICS SUPPLY CHAIN, INC.**

WHEREAS, pursuant to I.C. 6-1.1-12.1-1, *et. seq.* (the “Act”), the City of Lebanon, Indiana (the “City”) by and through its Common Council acting in its capacity as the fiscal body of the City and acting as the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area and to also abate the payment of personal property taxes within an Economic Revitalization Area (as defined in the Act); and

WHEREAS, pursuant to the Act, the Council may find that a particular area within the jurisdiction of the City is an Economic Revitalization Area and may by adoption of a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and

WHEREAS, the Council adopted its Resolution 97-1 and Resolution 00-5 (the “Declaratory Resolutions”) on January 13, 1997 and September 11, 2000, respectively, pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 49.19+/- acres within the Lebanon Business Park more particularly described in Exhibit A (the “Area”) attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B and made a part hereof as an Economic Revitalization Area in which property owners making application to the City pursuant to the Act subsequently approved by this Council pursuant to the Act may receive real property tax abatement and/or personal property tax abatement pursuant to the applicable procedures of the Act; and

WHEREAS, the Council, after following all applicable procedures of the Act, took final action adopting Resolution 97-2 and Resolution 00-6 (the “Confirmatory Resolutions”) on January 27, 1997 and September 25, 2000, respectively, confirming the Declaratory Resolutions, thereby establishing an Economic Revitalization Area; and

WHEREAS, XPO Logistics Supply Chain, Inc (the “Applicant”) has filed with this Council a Statement of Benefits, Personal Property (Form SB-1/PP) (“Form SB-1”) attached hereto as Exhibit C, which describes the proposed project (the “Project”) to be installed by the Applicant, in order to receive a personal property tax abatement deduction for the Project; and

WHEREAS, the Project, to be located in the existing building located at 135 South Mt. Zion Road, Lebanon, Indiana 46052, includes the installation of new logical distribution and information technology equipment; and

WHEREAS, this Council has reviewed the Form SB-1; and

WHEREAS, the improvement of the Area will be of public utility and will be to the benefit and welfare of the citizens and taxpayers of the City.

NOW, THEREFORE, be it resolved and adopted by the Common Council of the City of Lebanon, Indiana as follows:

Section 1. The proposed Project will be located in the Area which has been confirmed as an economic revitalization area pursuant to the Act.

Section 2. The Form SB-1 submitted by the Applicant is approved.

Section 3. Based upon the information in the Form SB-1, this Council makes the following findings:

- (1) The estimate of Thirty Million Seven Hundred Fifty Thousand Dollars (\$30,750,000) as the cost of the new logistical distribution and information technology equipment to be installed is reasonable for projects of that nature.
- (2) The estimate of hiring One Thousand One Hundred Sixty (1160) new individuals who will be employed can be reasonable expected to result from the proposed Project.
- (3) The estimate of Forty Six Million Eight Hundred Fifty-Two Thousand Three Hundred Eighty-Six Dollars (\$46,852,386) for the aggregate annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed Project.
- (4) The other benefits about which information has been presented to this Council are benefits that can be reasonably expected to result from the proposed Project.
- (5) The totality of benefits is sufficient to justify the granting of personal property tax abatement to the Applicant through the deduction provided by the Act.

Section 4. Personal property tax deductions for the Project are hereby approved. The period for personal property tax deductions under the Act for the Project shall be ten (10) years from the date each item of personal property is first assessed, utilizing the following schedule:

Year 1 – 100 %

Year 2 – 100 %

Year 3 – 75 %

Year 4 – 75 %

Year 5 – 50 %

Year 6 – 50 %

Year 7 – 25 %

Year 8 – 25 %

Year 9 – 10 %

Year 10 – 10 %

Section 5. Pursuant to the Act, the Council shall cause to be filed a certified copy of this Resolution with the Boone County Auditor.

Section 6. This Resolution shall be in full force and effect immediately upon its adoption.

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ALL OF WHICH IS ADOPTED this 10 day of July, 2017 by the Lebanon
Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain

Keith Campbell
Keith Campbell

Keith Campbell

Keith Campbell

John Copeland
John Copeland

John Copeland

John Copeland

Dan Fleming
Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz
Corey Kutz

Corey Kutz

Corey Kutz

Jeremy Lamar
Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

ABSENT

Dick Robertson


Dick Robertson

Dick Robertson

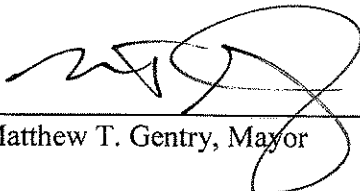
ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2017-14 was delivered to the Mayor of Lebanon on the 10 day of July, 2017, at 8:30 p.m.


Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2017-14 this 11th day of July, 2017, at 3:46 p.m.


Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2017-14 this ____ day of _____, 2017, at ____:____ m.

Matthew T. Gentry, Mayor

ATTEST:

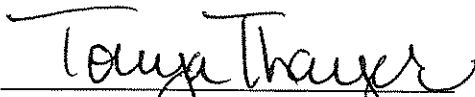

Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Legal Description of Area

Commonly currently known as 135 South Mount Zion Road, Lebanon, Indiana

Local Parcel #0157777719

Containing approximately 49.19 acres

A part of the Northwest Quarter of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, being a part of that land depicted upon that certain survey prepared by Woolpert Consultants and recorded in Survey Book 2, page 8 in the Office of the Recorder of Boone County, being more completely described as follows: Commencing at the railroad spike found at the northwest corner of said quarter section, said corner being North 01 degree 12 minutes 46 seconds East 2,748.38 feet, measured along the west line of said quarter section, from the 10"x10" wood post found at the southwest corner of said quarter section; thence South 89 degrees 39 minutes 40 seconds East 1,727.37 feet along the north line of said quarter section to the southwestern right-of-way line of Interstate 65 as developed under Indiana Department of Transportation Project no. I-65-5(1); thence South 48 degrees 54 minutes 45 seconds East 26.04 feet along said right-of-way line to a point on the south right-of-way line of a county road, said right-of-way line being 17.00 feet south of, and parallel with, the north line of said quarter section, said point being the POINT OF BEGINNING of this description: thence South 48 degrees 54 minutes 45 seconds East 17.43 feet along the southwestern right-of-way line of said Interstate 65 to the beginning of a non-tangent curve concave to the northeast having a radius of 9,398.21 feet and to which beginning a radial line bears South 38 degrees 03 minutes 03 seconds West; thence along said right-of-way line Southeasterly 273.72 feet along said curve through a central angle of 1 degree 40 minutes 07 seconds; thence South 53 degrees 37 minutes 04 seconds East 60.16 feet along said right-of-way line to the west right-of-way line of Conrail Railroad; thence South 00 degrees 07 minutes 34 seconds West 1,425.17 feet along said railroad right-of-way line; thence North 90 degrees 00 minutes 00 seconds West 1,051.03 feet; thence North 00 degrees 00 minutes 00 seconds East 1,642.43 feet to the south right-of-way line of said county road; thence South 89 degrees 39 minutes 40 seconds East 774.64 feet along said right-of-way line to the POINT OF BEGINNING and containing 38.932 acres, more or less. The bearings in this description are based upon the bearing system for Lebanon Business Park.

AND

A part of the Northwest Quarter of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, being a part of that land depicted upon that certain survey prepared by Woolpert LLP and recorded in Survey Book 2, page 8 in the Office of the Recorder of Boone County, Indiana, being more completely described as follows: Commencing at the railroad spike found at the northwest corner of said quarter section, said corner being North 01 degree 12 minutes 46 seconds East 2,748.38 feet, measured along the west line of said quarter section, from the 10"x10" wood post found at the southwest corner of said quarter section; thence South 89 degrees 39 minutes 40 seconds East along the north line of said quarter section 1,727.37 feet to the southwestern right-of-way line of Interstate 65 as developed under Indiana Department of Transportation Project no. I-65-5(1); thence South 48 degrees 54 minutes 45 seconds East along said southwestern right-of-way line 43.47 feet; thence continuing along said southwestern right-of-way line Southeasterly 273.72 feet along an arc to the left and having a radius of 9,398.21 feet and subtended by a long chord having a bearing of South 52 degrees 47 minutes 00 seconds East and a length of 273.71 feet; thence continuing along said southwestern right-of-way line South 53 degrees 37 minutes 04 seconds East 60.16 feet to the west right-of-way line of Conrail Railroad; thence South 00 degrees 07 minutes 34 seconds West along said railroad right-of-way line 1,425.17 feet to the southeast corner of the tract of land known as Building No. 7 Site and the POINT OF BEGINNING of this description: thence continuing along said railroad right-of-way line South 00 degrees 07 minutes 34 seconds West 426.25 feet; thence North 90 degrees 00 minutes 00 seconds West 1,050.09 feet; thence North 00 degrees 00 minutes 00 seconds East 426.25 feet to the southwest corner of said Building No. 7 Site; thence South 90 degrees 00 minutes 00 seconds East along the south line of said Building No. 7 Site 1,051.03 feet to the POINT OF BEGINNING and containing 10.280 acres, more or less. The bearings in this description are based upon the bearing system for Lebanon Business Park.

EXHIBIT B

Aerial Location Map

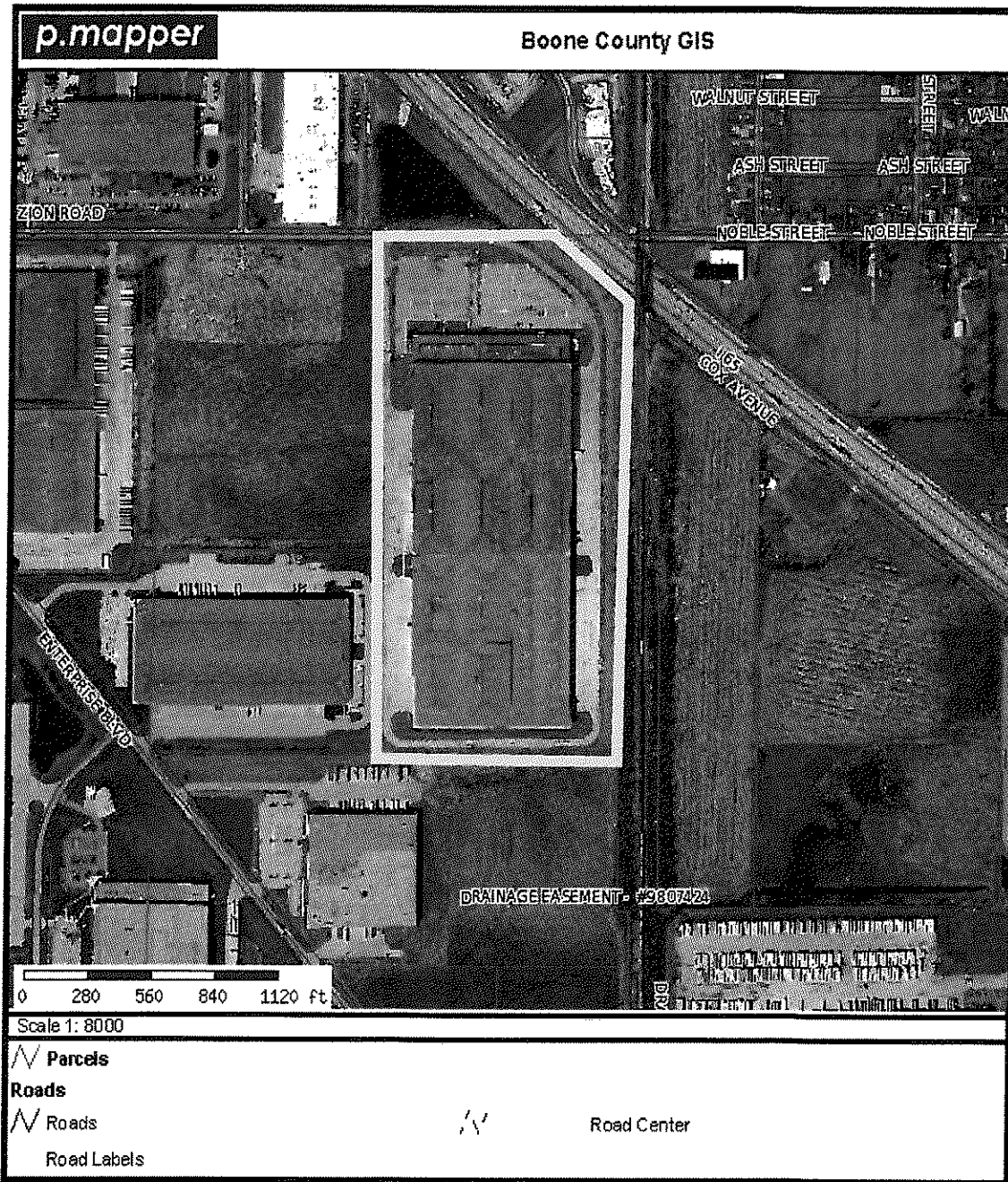


EXHIBIT C

Form SB-1/PP