

RESOLUTION 2017-20

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 D-A LUBRICANT COMPANY, INC.**

WHEREAS, pursuant to Indiana Code § 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 10-08 (the “Declaratory Resolution(s)”) on December 13, 2010, pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 22.68+/- 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 10-10 (the “Confirmatory Resolution(s)”) on December 28, 2010 confirming the Declaratory Resolution(s), thereby establishing an Economic Revitalization Area; and

WHEREAS, D-A Lubricant Company, 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 801 Edwards Drive, Lebanon, Indiana 46052, includes the installation of new manufacturing equipment and logistical distribution 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 Five Million Five Hundred Thousand Dollars (\$4,600,000) as the cost of the new logistical distribution and manufacturing equipment to be installed is reasonable for projects of that nature.
- (2) The estimate of hiring Fifteen (15) new individuals who will be employed can be reasonable expected to result from the proposed Project.
- (3) The estimate of Four Hundred Fifty-Three Thousand Nine Hundred Sixty and 00/100 Dollars (\$453,960.00) 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 three (3) years from the date each item of personal property is first assessed, utilizing the following schedule:

Year 1 – 75 %

Year 2 – 50 %

Year 3 – 25 %

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.

[Remainder of Page Intentionally Left Blank]

ALL OF WHICH IS ADOPTED this 9th day of October, 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

Dick Robertson

Dick Robertson

Dick Robertson

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2017-20 was delivered to the Mayor of Lebanon on the 9th day of October, 2017, at 8 : 30 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2017-20
this 13 day of October, 2017,
at 10 : 05 a.m.

Matthew T. Gentry
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2017-20
this ____ day of _____, 2017,
at ____ : ____ m.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

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EXHIBIT A

Commonly currently known as 801 Edwards Drive, Lebanon, Indiana

Local Parcel #0150373005

Containing approximately 22.68 acres

Legal Description of Economic Revitalization Area

A part of the Southeast Quarter of Section 2, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southeast Quarter being North 89 degrees 42 minutes 51 seconds East (being the basis of bearings for this description along the south line of said Southeast Quarter) 2648.26 feet from the Southeast corner of said Southeast Quarter; thence North 00 degrees 24 minutes 05 seconds East along the West line of said Southeast Quarter 44.35 feet; thence North 89 degrees 44 minutes 54 seconds East 75.57 feet to the POINT OF BEGINNING of this description said point being on the proposed centerline of the South extension of Purity Drive; thence North 00 degrees 00 minutes 00 seconds East, 972.62 feet along said proposed centerline to the South line of the US Cold Storage Parcel West extension; thence South 89 degrees 57 minutes 49 seconds East along said West extension and South line of US Cold Storage parcel to the west line of a railroad easement, 1109.40 feet, the next three courses being along the Western line of said railroad easement; (1) thence Southwesterly, 23.82 feet along an arc to the right and having a radius of 562.14 feet, subtended by a long chord having a bearing of South 26 degrees 28 minutes 04 seconds West and a length of 23.81 feet; (2) thence South 27 degrees 41 minutes 14 seconds West, 101.90 feet; (3) thence, Southerly and Southeasterly 565.22 feet along an arc to the left and having a radius of 585.69 feet, subtended by a long chord having a bearing of South 00 degrees 02 minutes 26 seconds West and a length of 543.54 feet; thence South 00 degrees 17 minutes 09 seconds West, 301.16 feet; thence South 84 degrees 12 minutes 18 seconds West, 114.48 feet; thence South 89 degrees 44 minutes 54 seconds West, 935.67 feet; to the POINT OF BEGINNING containing 22.900 acres, more or less.

EXHIBIT B

Aerial Location Map



EXHIBIT C

Form SB-1/PP



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION										
Name of taxpayer D-A LUBRICANT COMPANY, INC.					Name of contact person MICHAEL P. PROTOGERE					
Address of taxpayer (street and number, city, state, ZIP code) 801 EDWARDS DRIVE LEBANON IN 46052							Telephone number 317-923-5321			
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT										
Name of designating body CITY OF LEBANON					Resolution number (s)					
Location of property 801 EDWARDS DRIVE LEBANON IN 46052				County BOONE		DLFG taxing district number 06002				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment (Use additional sheets if necessary) See attached							ESTIMATED			
									Start Date	Completion Date
							Manufacturing Equipment		11/01/2017	03/01/2018
							R & D Equipment			
							Logist Dist Equipment *		11/01/2017	03/01/2018
IT Equipment *										
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT										
Current number		Salaries		Number retained		Salaries		Number additional		Salaries
70		4,368,807		70		4,368,807		15		453,960
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT										
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.										
MANUFACTURING EQUIPMENT			R & D EQUIPMENT			LOGIST DIST EQUIPMENT		IT EQUIPMENT		
		Cost	Assessed Value			Cost	Assessed Value	Cost	Assessed Value	
Current values		15,818,033	4,736,040							
Plus estimated values of proposed project		4,850,000	1,940,000			550,000	260,000			
Less values of any property being replaced		500,000	350,000							
Net estimated values upon completion of project		19,768,033	6,816,040			550,000	260,000			
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER										
Estimated solid waste converted (pounds)					Estimated hazardous waste converted (pounds)					
Other benefits:										
SECTION 6 TAXPAYER CERTIFICATION										
I hereby certify that the representations in this statement are true.										
Signature of authorized representative <i>Michael Protogere</i>							Date signed (month, day, year) 10/5/17			
Printed name of authorized representative MICHAEL P. PROTOGERE					Title CHAIRMAN					

ATTACHMENT TO FORM SB-1, Page 1, Section 2

Name of taxpayer

D-A LUBRICANT COMPANY, INC.

SECTION 2	LOCATION AND DESCRIPTION OF PROPERTY
	<p>Description of real property improvements and/or new manufacturing equipment to be acquired:</p> <p>INSTALLATION OF NEW BOTTLING LINES INCLUDING: CONVEYORS, ELEVATOR/LOWERATOR, FILLER, CAPPER, SEALER, BARCODE SCANNERS, LABELERS, CHECKWEIGHER, DATA COLLECTION SYSTEM, LABEL PRINTING SYSTEM, COMPRESSED AIR SYSTEM AND MISC EQUIPMENT NECESSARY FOR THE OPERATION OF THE NEW LINES.</p> <p>INSTALLATION OF WAREHOUSE EQUIPMENT INCLUDING: PALLET RACKING, ROBOTIC PALLETIZING CELL, FLOW-THROUGH RACKING, CONVEYORS, PACKERS, SEALERS, AND LABELERS.</p>

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed _____ calendar years *(see below). The date this designation expires is _____ NOTE: This question addresses whether the resolution contains an expiration date for the designated area.
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | | |
|--|------------------------------|-----------------------------|---|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Check box if an enhanced abatement was approved for one or more of these types. |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)
- D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)
- F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)
- G. Other limitations or conditions (specify) _____
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | |
- I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4,5

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.