

RESOLUTION 2017-21

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, APPROVING THE ORDER OF THE LEBANON PLAN COMMISSION AND THE 2017 AMENDATORY DECLARATORY RESOLUTION OF THE LEBANON INDUSTRIAL PARK DEVELOPMENT AREA ADOPTED AND APPROVED BY THE LEBANON REDEVELOPMENT COMMISSION

WHEREAS, On October 9, 2017, the Redevelopment Commission (the "Redevelopment Commission") of the City of Lebanon, Indiana (the "City"), as the governing body of the City Redevelopment District under Indiana Code 36-7-14 and Indiana Code 36-7-25, as amended, (collectively, the "Act), approved and adopted Resolution No. 2017-05 amending the Original Industrial Park Declaratory Resolution (the "2017 Amendatory Declaratory Resolution"), as previously amended, to (i) expand the boundaries of the Industrial Park Development Area by the addition of the parcels described in Exhibit A to the 2017 Amendatory Declaratory Resolution (the "2017 Expansion Area"), (ii) designate certain parcels within the 2017 Expansion Area described in Exhibit B to the 2017 Amendatory Declaratory Resolution as a separate and additional "allocation area" within the 2017 Expansion Area in accordance with Indiana Code 36-7-14-39 to be known as the "Ken's Foods Project Area", (iii) amend the Industrial Park Development Plan for the 2017 Expansion Area including the Ken's Foods Project Area (the "2017 Expansion Plan"), which 2017 Expansion Plan is described in Exhibit C to the 2017 Amendatory Declaratory Resolution, (iv) consolidate the Lebanon Industrial Park Economic Development Area, as herein expanded, the Downtown Area, the DA Lubricant Area, the Lebanon Business Park Building #11 Area, the FiberNet Area, and the State Road 32 Area (collectively, the "Original Areas") into a single consolidated economic development area, which shall hereinafter collectively be referred to as the "Lebanon Consolidated Economic Development Area" (the "2017 Consolidated Development Area"), and (v) consolidate the Industrial Park Development Plan, as herein amended, the Downtown Plan, the DA Lubricant Plan, the Lebanon Business Park Building #11 Plan, the FiberNet Plan, and the State Road 32 Plan into one economic development plan (the "2017 Consolidated Plan"); and

WHEREAS, the Redevelopment Commission submitted the 2017 Amendatory Resolution and the supporting data to the Lebanon Plan Commission (the "Plan Commission"), and on October 16, 2017, the Plan Commission issued its written Order (the "Order") approving the 2017 Expansion Plan and the 2017 Amendatory Declaratory Resolution, Plan; and

WHEREAS, Indiana Code 36-7-14-16(b) of the Act requires the Common Council of City of Lebanon (the "Common Council") to approve the Order of the Plan Commission; and

WHEREAS, Indiana Code 36-7-14-41(c) of the Act requires that the determination that a geographic area is an economic development area be approved by the Common Council; and

WHEREAS, the 2017 Amendatory Resolution adopted by the Redevelopment Commission, the 2017 Expansion Plan approved by the 2017 Amendatory Resolution and the Order of the Plan Commission regarding the 2017 Amendatory Resolution and the 2017 Expansion Plan have been submitted to the Common Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, THAT:

- Section 1.** The Order of the Plan Commission, adopted on October 16, 2017, attached hereto as **Exhibit A**, is in all respects approved, ratified and confirmed by the Common Council.
- Section 2.** The 2017 Amendatory Declaratory Resolution, adopted on October 9, 2017 by the Redevelopment Commission, attached hereto as **Exhibit B**, is in all respects approved, ratified and confirmed by the Common Council.
- Section 3.** The establishment of an economic development area known as the 2017 Expansion Area described in the 2017 Amendatory Declaratory Resolution, is, in all respects, approved, ratified and confirmed by the Common Council.
- Section 4.** The Clerk-Treasurer of the City of Lebanon, Indiana is hereby directed to file a copy of this Resolution with the permanent minutes of this meeting.
- Section 5.** This Resolution shall be in full force and effect immediately upon its adoption.

[Remainder of this page intentionally left blank.]

ALL OF WHICH IS ADOPTED this 23 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

ABSENT
John Copeland

John Copeland

John Copeland

D Fleming
Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz
Corey Kutz

Corey Kutz

Corey Kutz

ABSENT
Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Dick Robertson
Dick Robertson

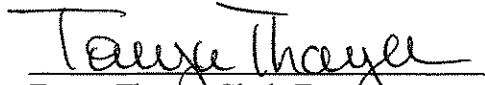
Dick Robertson

Dick Robertson

ATTEST:

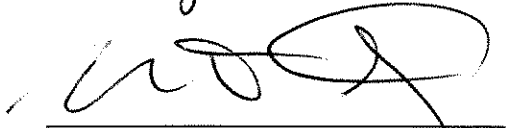
Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2017-21 was delivered to the Mayor of Lebanon on the 23
day of October, 2017, at 8:20 p.m.



Tonya Thayer Clerk-Treasurer

I hereby APPROVE RESOLUTION 2017-21
this 23rd day of October, 2017,
at 8:37 p.m.



Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2017-21
this ____ day of _____, 2017,
at ____:____ m.

Matthew T. Gentry, Mayor

ATTEST:



Tonya Thayer Clerk-Treasurer

This document prepared by:
Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276

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Exhibit A

PLAN COMMISSION ORDER NO. 2017-01

ORDER OF THE LEBANON PLAN COMMISSION DETERMINING THAT THE 2017 AMENDATORY DECLARATORY RESOLUTION OF THE LEBANON INDUSTRIAL PARK DEVELOPMENT AREA APPROVED AND ADOPTED BY THE LEBANON REDEVELOPMENT COMMISSION CONFORMS TO THE COMPREHENSIVE PLAN AND APPROVING THE 2017 AMENDATORY DECLARATORY RESOLUTION

WHEREAS, on July 11, 1994, the Redevelopment Commission (the "Commission") of the City of Lebanon, Indiana ("City") adopted Resolution No. 94-1 (the "Original Industrial Park Declaratory Resolution") to establish an economic development area known as the "City of Lebanon Industrial Park Development Area" (the "Industrial Park Development Area"); and

WHEREAS, the Original Industrial Park Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Industrial Park Development Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Industrial Park Development Area (the "Industrial Park Development Plan"), (iii) found that the Industrial Park Development Plan conforms to other development and redevelopment plans for the City, and (iv) designated the entire Industrial Park Development Area as an allocation area in accordance with Indiana Code 36-7-14-39 (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1)"); and

WHEREAS, on August 26, 1996, the Commission amended the Original Industrial Park Declaratory Resolution by the adoption of Resolution No. 96-1 (the "1996 Declaratory Resolution") to expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1A)") in accordance with Indiana Code 36-7-14-39, designate a certain taxpayer, known as "Little, Brown and Company", for the purposes of capturing personal property taxes pursuant to Section 39.3 of the Act, and amend the Industrial Park Development Plan; and

WHEREAS, on February 9, 1998, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 98-1 (the "1998 Declaratory Resolution"), to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Allocation Area (City of Lebanon Allocation Area No. 1B)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on May 19, 2008, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 08-01 (the "2008 Declaratory Resolution") to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Allocation Area (City of Lebanon Allocation Area No. 1C)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on May 10, 2010, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 10-01 (the "2010 Declaratory Resolution"), to further amend the Industrial Park Development Plan to incorporate the acquisition of certain property as described therein;

WHEREAS, on August 12, 2013, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 2013-04 (the "2013 Declaratory Resolution"), to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1D)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on June 9, 2014, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 2014-01 (the "2014 Declaratory Resolution"), to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1E)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on May 11, 2015, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 2015-03 (the "2015 Declaratory Resolution") to extend the expiration dates of the City of Lebanon Allocation Area 1A and City of Lebanon Allocation Area 1B to thirty (30) years from the date of establishment of each such expansion area in accordance with Indiana Code 36-7-14-39(b); and

WHEREAS, on October 12, 2010, the Commission adopted Resolution No.10-04A (the "Downtown Declaratory Resolution") to establish an economic development area known as the "Downtown Economic Development Area" (the "Downtown Area"); and

WHEREAS, the Downtown Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Downtown Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Downtown Area (the "Downtown Plan"), (iii) found that the Downtown Plan conforms to other development and redevelopment plans for the City, and (iv) designated the entire Downtown Area as an allocation area in accordance with Indiana Code 36-7-14-39 (the "Downtown Allocation Area"); and

WHEREAS, on November 29, 2010, the Commission adopted Resolution No. 10-05 (the "DA Lubricant Declaratory Resolution") to establish an economic development area known as the "DA Lubricant Economic Development Area" (the "DA Lubricant Area"); and

WHEREAS, the DA Lubricant Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the DA Lubricant Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the DA Lubricant Area (the "DA Lubricant Plan"), (iii) found that the DA Lubricant Plan conforms to other development and

redevelopment plans for the City, and (iv) designated the entire DA Lubricant Area as an allocation area in accordance with Indiana Code 36-7-14-39 (the "DA Lubricant Allocation Area"); and

WHEREAS, on February 22, 2011, the Commission adopted Resolution No. 11-03 (the "Lebanon Business Park Building #11 Declaratory Resolution") to establish an economic development area known as the "Lebanon Business Park Building #11 Economic Development Area" (the "Lebanon Business Park Building #11 Area"); and

WHEREAS, the Lebanon Business Park Building #11 Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Lebanon Business Park Building #11 Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Lebanon Business Park Building #11 Area (the "Lebanon Business Park Building #11 Economic Development Plan"), and (iii) designated the entire Lebanon Business Park Building #11 Area as an allocation area as required by Indiana Code 36-7-14-39 (the "Lebanon Business Park Building #11 Allocation Area"); and

WHEREAS, on September 8, 2014, the Commission adopted Resolution No. 2014-06 amending the Lebanon Business Park Building #11 Declaratory Resolution to expand the Lebanon Business Park Building #11 Area, designate the expanded area as part of the Lebanon Business Park Building #11 Allocation Area, and designate a certain taxpayer, Skjodt Barrett Foods Inc., for the purposes of capturing personal property taxes pursuant to Section 39.3 of the Act; and

WHEREAS, on April 4, 2011, the Commission adopted Resolution No. 11-8 (the "FiberNet Declaratory Resolution") to establish an economic development area known as the "Lebanon FiberNet Economic Development Area" (the "FiberNet Area"); and

WHEREAS, the FiberNet Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the FiberNet Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the FiberNet Area (the "FiberNet Plan"), and (iii) designated the entire FiberNet Area as an "allocation area" in accordance with Indiana Code 36-7-14-39 (the "FiberNet Allocation Area"); and

WHEREAS, on December 1, 2014, the Commission adopted Resolution No. 2014-09 (the "State Road 32 Declaratory Resolution") to establish an economic development area known as the "State Road 32 Economic Development Area" (the "State Road 32 Area"); and

WHEREAS, the State Road 32 Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the State Road 32 Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the State Road 32 Area (the "State Road 32 Plan"), (iii) found that the Original State Road 32 Plan conforms to other development and redevelopment plans for the City, (iv) found that no State Road 32 Area residents will be displaced due to the State Road 32 Plan, and (v) designated the entire State Road 32 Area as an "allocation area" in accordance with Indiana Code 36-7-14-39 (the "State Road 32 Allocation Area"); and

WHEREAS, on October 9, 2017, the Commission adopted Resolution No. 2017-05 amending the Original Industrial Park Declaratory Resolution (the "2017 Amendatory Declaratory Resolution"), as previously amended, to (i) expand the boundaries of the Industrial Park Development Area by the addition of the parcels described in Exhibit A to the 2017 Amendatory Declaratory Resolution (the "2017 Expansion Area"), (ii) designate certain parcels within the 2017 Expansion Area described in Exhibit B to the 2017 Amendatory Declaratory Resolution as a separate and additional "allocation area" within the 2017 Expansion Area in accordance with Indiana Code 36-7-14-39 to be known as the "Ken's Foods Project Area", (iii) amend the Industrial Park Development Plan for the 2017 Expansion Area including the Ken's Foods Project Area (the "2017 Expansion Plan"), which 2017 Expansion Plan is described in Exhibit C to the 2017 Amendatory Declaratory Resolution, (iv) consolidate the Lebanon Industrial Park Economic Development Area, as herein expanded, the Downtown Area, the DA Lubricant Area, the Lebanon Business Park Building #11 Area, the FiberNet Area, and the State Road 32 Area (collectively, the "Original Areas") into a single consolidated economic development area, which shall hereinafter collectively be referred to as the "Lebanon Consolidated Economic Development Area" (the "2017 Consolidated Development Area"), and (v) consolidate the Industrial Park Development Plan, as herein amended, the Downtown Plan, the DA Lubricant Plan, the Lebanon Business Park Building #11 Plan, the FiberNet Plan, and the State Road 32 Plan into one economic development plan (the "2017 Consolidated Plan"); and

WHEREAS, the Act requires approval of the 2017 Amendatory Declaratory Resolution and the 2017 Expansion Plan by the Lebanon Plan Commission;

NOW, THEREFORE, BE IT ORDERED BY THE LEBANON PLAN COMMISSION, AS FOLLOWS:

1. The 2017 Amendatory Declaratory Resolution and the 2017 Expansion Plan conform to the Comprehensive Plan of the City.
2. The 2017 Amendatory Declaratory Resolution and 2017 Expansion are in all respects approved, ratified and confirmed.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the 2017 Amendatory Declaratory Resolution and the 2017 Expansion Plan with the permanent minutes of this meeting.

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PASSED THIS 16 DAY OF October, 2017 BY THE LEBANON PLAN COMMISSION, BOONE COUNTY, INDIANA.



President, Lebanon Plan Commission

ATTEST:



Secretary, Lebanon Plan Commission

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Exhibit B

RESOLUTION NO. 2017-05

**A RESOLUTION OF THE CITY OF LEBANON REDEVELOPMENT COMMISSION
AMENDING THE DECLARATORY RESOLUTION FOR THE LEBANON
INDUSTRIAL PARK DEVELOPMENT AREA AND CONSOLIDATING OTHER
ECONOMIC DEVELOPMENT AREAS**

WHEREAS, the Redevelopment Commission (the "Commission") of the City of Lebanon, Indiana (the "City") serves as the governing body of the City Redevelopment District under Indiana Code 36-7-14 and Indiana Code 36-7-25, as amended, (collectively, the "Act"); and

WHEREAS, on July 11, 1994, the Commission adopted Resolution No. 94-1 (the "Original Industrial Park Declaratory Resolution") to establish an economic development area known as the "City of Lebanon Industrial Park Development Area" (the "Industrial Park Development Area"); and

WHEREAS, the Original Industrial Park Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Industrial Park Development Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Industrial Park Development Area (the "Industrial Park Development Plan"), (iii) found that the Industrial Park Development Plan conforms to other development and redevelopment plans for the City, and (iv) designated the entire Industrial Park Development Area as an allocation area in accordance with Indiana Code 36-7-14-39 (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1)"); and

WHEREAS, on August 26, 1996, the Commission amended the Original Industrial Park Declaratory Resolution by the adoption of Resolution No. 96-1 (the "1996 Declaratory Resolution") to expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1A)") in accordance with Indiana Code 36-7-14-39, designate a certain taxpayer, known as "Little, Brown and Company", for the purposes of capturing personal property taxes pursuant to Section 39.3 of the Act, and amend the Industrial Park Development Plan; and

WHEREAS, on February 9, 1998, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 98-1 (the "1998 Declaratory Resolution"), to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Allocation Area (City of Lebanon Allocation Area No. 1B)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on May 19, 2008, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 08-01 (the "2008 Declaratory Resolution") to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park

Allocation Area (City of Lebanon Allocation Area No. 1C)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on May 10, 2010, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 10-01 (the "2010 Declaratory Resolution"), to further amend the Industrial Park Development Plan to incorporate the acquisition of certain property as described therein;

WHEREAS, on August 12, 2013, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 2013-04 (the "2013 Declaratory Resolution"), to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1D)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on June 9, 2014, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 2014-01 (the "2014 Declaratory Resolution"), to further expand the Industrial Park Development Area, designate the expanded area as an allocation area (the "City of Lebanon Industrial Park Development Allocation Area (City of Lebanon Allocation Area No. 1E)") in accordance with Indiana Code 36-7-14-39, and amend the Industrial Park Development Plan, as previously amended; and

WHEREAS, on May 11, 2015, the Commission amended the Original Industrial Park Declaratory Resolution, as previously amended, by the adoption of Resolution No. 2015-03 (the "2015 Declaratory Resolution") to extend the expiration dates of the City of Lebanon Allocation Area 1A and City of Lebanon Allocation Area 1B to thirty (30) years from the date of establishment of each such expansion area in accordance with Indiana Code 36-7-14-39(b); and

WHEREAS, on October 12, 2010, the Commission adopted Resolution No.10-04A (the "Downtown Declaratory Resolution") to establish an economic development area known as the "Downtown Economic Development Area" (the "Downtown Area"); and

WHEREAS, the Downtown Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Downtown Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Downtown Area (the "Downtown Plan"), (iii) found that the Downtown Plan conforms to other development and redevelopment plans for the City, and (iv) designated the entire Downtown Area as an allocation area in accordance with Indiana Code 36-7-14-39 (the "Downtown Allocation Area"); and

WHEREAS, on November 29, 2010, the Commission adopted Resolution No. 10-05 (the "DA Lubricant Declaratory Resolution") to establish an economic development area known as the "DA Lubricant Economic Development Area" (the "DA Lubricant Area"); and

WHEREAS, the DA Lubricant Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the DA Lubricant Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the DA Lubricant Area (the "DA Lubricant Plan"), (iii) found that the DA Lubricant Plan conforms to other development and redevelopment plans for the City, and (iv) designated the entire DA Lubricant Area as an allocation area in accordance with Indiana Code 36-7-14-39 (the "DA Lubricant Allocation Area"); and

WHEREAS, on February 22, 2011, the Commission adopted Resolution No. 11-03 (the "Lebanon Business Park Building #11 Declaratory Resolution") to establish an economic development area known as the "Lebanon Business Park Building #11 Economic Development Area" (the "Lebanon Business Park Building #11 Area"); and

WHEREAS, the Lebanon Business Park Building #11 Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Lebanon Business Park Building #11 Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the Lebanon Business Park Building #11 Area (the "Lebanon Business Park Building #11 Economic Development Plan"), and (iii) designated the entire Lebanon Business Park Building #11 Area as an allocation area as required by Indiana Code 36-7-14-39 (the "Lebanon Business Park Building #11 Allocation Area"); and

WHEREAS, on September 8, 2014, the Commission adopted Resolution No. 2014-06 amending the Lebanon Business Park Building #11 Declaratory Resolution to expand the Lebanon Business Park Building #11 Area, designate the expanded area as part of the Lebanon Business Park Building #11 Allocation Area, and designate a certain taxpayer, Skjodt Barrett Foods Inc., for the purposes of capturing personal property taxes pursuant to Section 39.3 of the Act; and

WHEREAS, on April 4, 2011, the Commission adopted Resolution No. 11-8 (the "FiberNet Declaratory Resolution") to establish an economic development area known as the "Lebanon FiberNet Economic Development Area" (the "FiberNet Area"); and

WHEREAS, the FiberNet Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the FiberNet Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the FiberNet Area (the "FiberNet Plan"), and (iii) designated the entire FiberNet Area as an "allocation area" in accordance with Indiana Code 36-7-14-39 (the "FiberNet Allocation Area"); and

WHEREAS, on December 1, 2014, the Commission adopted Resolution No. 2014-09 (the "State Road 32 Declaratory Resolution") to establish an economic development area known as the "State Road 32 Economic Development Area" (the "State Road 32 Area"); and

WHEREAS, the State Road 32 Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the State Road 32 Area as required by Indiana Code 36-7-14-41, (ii) approved an economic development plan for the State Road 32 Area (the "State Road 32 Plan"), (iii) found that the Original State Road 32 Plan conforms to other

development and redevelopment plans for the City, (iv) found that no State Road 32 Area residents will be displaced due to the State Road 32 Plan, and (v) designated the entire State Road 32 Area as an "allocation area" in accordance with Indiana Code 36-7-14-39 (the "State Road 32 Allocation Area"); and

WHEREAS, the Commission has investigated, studied and surveyed additional economic development areas within the corporate boundaries of the City; and

WHEREAS, the Commission has selected the 2017 Expansion Area (as hereinafter defined) as an additional economic development area to be developed under the Act; and

WHEREAS, the Commission now proposes to further amend the Original Industrial Park Declaratory Resolution, as previously amended, to (i) expand the boundaries of the Industrial Park Development Area by the addition of the parcels described in Exhibit A attached hereto and incorporated herein by reference (the "2017 Expansion Area"), (ii) designate certain parcels within the 2017 Expansion Area described in Exhibit B attached hereto and incorporated herein by reference as a separate and additional "allocation area" within the 2017 Expansion Area in accordance with Indiana Code 36-7-14-39 to be known as the "Ken's Foods Project Area", (iii) amend the Industrial Park Development Plan for the 2017 Expansion Area including the Ken's Foods Project Area (the "2017 Expansion Plan"), which 2017 Expansion Plan is described in Exhibit C attached hereto and incorporated herein by reference, (iv) consolidate the Lebanon Industrial Park Economic Development Area, as herein expanded, the Downtown Area, the DA Lubricant Area, the Lebanon Business Park Building #11 Area, the FiberNet Area, and the State Road 32 Area (collectively, the "Original Areas") into a single consolidated economic development area, which shall hereinafter collectively be referred to as the "Lebanon Consolidated Economic Development Area" (the "2017 Consolidated Development Area"), and (v) consolidate the Industrial Park Development Plan, as herein amended, the Downtown Plan, the DA Lubricant Plan, the Lebanon Business Park Building #11 Plan, the FiberNet Plan, and the State Road 32 Plan into one economic development plan (the "2017 Consolidated Plan") (clauses (i) through (v), are hereinafter referred to as the "2017 Amendments"); and

WHEREAS, the Redevelopment Commission has caused to be prepared:

- (1) Maps and plats showing:
 - (A) the boundaries of the 2017 Expansion Area in which property would be acquired for, or otherwise affected by, the establishment of a redevelopment project area;
 - (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the redevelopment project area;

- (C) the parts of the 2017 Expansion Area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the 2017 Expansion Plan; and
- (2) Lists of the owners of the various parcels of property proposed to be acquired, if any are known at this time;
- (3) An estimate of the cost of acquisition, redevelopment and economic development of the 2017 Expansion Area.

WHEREAS, the Redevelopment Commission has caused to be prepared a factual report (the "2017 Expansion Area Report") in support of the findings contained in this resolution, which 2017 Expansion Area Report is attached hereto as Exhibit D and incorporated by reference in this resolution;

WHEREAS, Indiana Code 36-7-14-17.5 authorizes the Commission to amend existing economic development area resolutions and plans for the economic development area, after conducting a public hearing, if it finds that: (a) The amendments are reasonable and appropriate when considered in relation to the economic development area resolutions, the economic development plans for the economic development area, and the purposes of IC 36-7-14 ("Act"); and (b) the economic development area resolutions and plans for the economic development areas, with the proposed amendments, conform to the comprehensive plan for the City; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEBANON REDEVELOPMENT COMMISSION THAT:

1. The Commission has selected as an economic development area an area within its corporate boundaries, which area the Commission is hereby designating as the 2017 Expansion Area referred to herein as "2017 Expansion Area", and which 2017 Expansion Area is described in Exhibit A.

2. The Commission finds that the 2017 Expansion Plan for the 2017 Expansion Area:

- a. Promotes significant opportunities for the gainful employment of the citizens of the City.
- b. Attracts major new business enterprises to the City;
- c. Benefits the public health, safety, morals and welfare of the citizens of the City.
- d. Increases the economic well-being of the City and the State of Indiana; and
- e. Serves to protect and increase property values in the City and State of Indiana.

3. The Commission finds that the 2017 Expansion Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under Indiana Code 36-7-14 because of:

- a. The lack of local public improvements;
- b. Multiple ownership of land; and

- c. Other similar conditions, specifically, the undeveloped and rural nature of the area nearby and the City's ability to compete for private development.

4. The Commission finds that the accomplishment of the 2017 Expansion Plan will be of public utility and benefit as measured by:

- a. The attraction and retention of permanent jobs;
- b. An increase in the property tax base;
- c. Improved diversity of the economic base; and
- d. Other similar benefits that specifically serve as a basis for making future public capital expenditures.

5. The Commission proposes to acquire, as needed, interests in real property within the boundaries of the 2017 Expansion Area as shown in the 2017 Expansion Plan.

6. The 2017 Expansion Plan attached hereto as Exhibit C conforms to other development and redevelopment plans for the City of Lebanon, Indiana.

7. The Commission estimates that the cost of implementing the 2017 Expansion Plan excluding the Ken's Foods Project Area will not exceed One Hundred and Fifty Million (\$150,000,000) Dollars and estimates that the cost of implementing the Ken's Foods Project Area will not exceed Fifteen Million (\$15,000,000) Dollars.

8. The Commission finds that no residents of the 2017 Expansion Area will be displaced by any project resulting from the 2017 Expansion Plan and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for residents.

9. The portions of the 2017 Expansion Area identified in this resolution as the "Ken's Foods Project Area" are hereby designated as a separate and additional allocation area within the 2017 Expansion Area, and (i) will assist in effectuating the 2017 Expansion Plan by permitting the development and redevelopment of the portion of the 2017 Expansion Area known as the "Ken's Foods Project", (ii) will not result in the displacement of any residents of the 2017 Expansion Area, and (iii) conforms with the comprehensive plan for development of the City, by permitting the orderly development of the Ken's Foods Project as a part of the 2017 Expansion Area.

10. This paragraph shall be considered the allocation provision for the purposes of Indiana Code 36-7-14-39. The entire 2017 Expansion Area, except for the Ken's Foods Project Area, shall constitute an allocation area as defined in Indiana Code 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the 2017 Expansion Area, as so limited in this Section 10, shall be allocated and distributed in accordance with Indiana Code 36-7-14-39. The base assessment date for the 2017 Expansion Area, as so limited in this Section 10, shall be January 1, 2017. The allocation provisions of Section 39 of the Act shall, with respect to the 2017 Expansion Area, as so limited in this Section 10, expire on the date

which is twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. The Commission directs the presiding officer to notify the Indiana Department of Local Government Finance of the designation of the 2017 Expansion Area as an allocation area.

11. The parcels described within this resolution as the Ken's Foods Project Area is hereby designated as separate and additional "allocation area" within the 2017 Expansion Area for purposes of the allocation and distribution of property taxes under Indiana Code 36-7-14-39 and are hereby designated as the "Ken's Foods Project Allocation Area" (the "Ken's Foods Project Allocation Area"). Pursuant to Indiana Code 36-7-14-39, the base assessment dates for the Ken's Foods Project Allocation Area shall be January 1, 2017 with respect to the parcels described on Exhibit B of this resolution. The allocation provision for the Ken's Foods Project Allocation Area created pursuant to Indiana Code 36-7-14-39 shall expire on the date which is twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues with respect to the parcels described on Exhibit B of this resolution. The 2017 Expansion Area and the Ken's Foods Project Allocation Area are, for purposes of the Act, separate allocation areas within the Lebanon Consolidated Economic Development Area.

12. The Commission hereby designates KFI Indy LLC and any subsidiaries or affiliates thereof or successors or assigns thereof as a designated taxpayer (the "Designated Taxpayer") with respect to the Ken's Foods Project Area for purposes of Indiana Code 36-7-14-39.3. The Commission hereby finds with respect to the Designated Taxpayer that: (i) taxes to be derived from the depreciable personal property of the Designated Taxpayer to be located in the Ken's Foods Project Allocation Area in excess of the taxes attributable to the base assessed value of such personal property, are needed to pay debt service or to provide security for bonds issued under Indiana Code 36-7-14-25.1 or to make payments or to provide security on leases payable under Indiana Code 36-7-14-25.2 in order to provide local public improvements in or directly serving or benefitting the Ken's Foods Project Area. The Commission hereby further finds that the property of the Designated Taxpayer in the Ken's Foods Project Area will consist primarily of industrial, manufacturing, warehousing, research and development, processing, distribution, or transportation related projects and improvements, and will not consist primarily of retail, commercial or residential projects.

Based upon the foregoing and in accordance with Section 39.3 of the Act, the Commission hereby determines that the term "property taxes," referred to herein and in the Declaratory Resolution, shall mean taxes imposed under IC 6-1.1 on real property and taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of each Designated Taxpayer in the Expansion Area. In accordance with Section 39.3(c) of the Act, the term "base assessed value" with respect to each Designated Taxpayer's depreciable personal property means the net assessed value of all the depreciable personal property as finally determined for the January 1, 2017 assessment date. This allocation provision shall expire on the date that the allocation provisions of Section 11 of this Resolution expire.

13. The Commission hereby determines that one hundred percent (100%) of the captured assessed value within 2017 Expansion Area for all tax years during the term of the 2017

Expansion Area shall be used by the Commission in its discretion, pursuant to the Act, including to provide adequate debt service coverage for bonds or bond anticipation notes issued to finance infrastructure and other projects for the 2017 Expansion Area.

14. All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a Redevelopment Area or Urban Renewal Area may be exercised by the Commission in the 2017 Expansion Area, subject to the limitations in Indiana Code 36-7-14-43.

15. The presiding officer of the Commission is hereby authorized and directed to submit this resolution, the 2017 Expansion Plan, and the 2017 Expansion Area Report to the 2017 Expansion Plan to the Plan Commission for its approval.

16. The Commission also directs the presiding officer to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the Board of Public Works and Safety, the Park Board, the building commissioner and any other departments or agencies of the City of Lebanon concerned with City planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed 2017 Expansion Area.

17. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the 2017 Expansion Area, including the following:

- a. The estimated economic benefit and costs incurred by the 2017 Expansion Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and
- b. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the 2017 Expansion Area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required under Section 17 of the Act at least ten (10) days before the date of the public hearing described in Section 15 of this resolution.

18. The Commission further directs the presiding officer to submit this resolution to the Common Council of the City of Lebanon, Indiana for its approval of the establishment of the 2017 Expansion Area.

19. Upon consideration of the evidence and findings presented to the Commission, the Commission hereby finds the 2017 Amendments to the Original Industrial Park Declaratory Resolution (the "2017 Amendatory Resolution") will benefit the public health and welfare of the citizens of the City of Lebanon, Indiana and the State of Indiana and is reasonable and

appropriate when considered in relation to the Consolidated Economic Development Plan, and hereby approves the amendment.

20. The Original Industrial Park Declaratory Resolution is hereby amended to (i) expand the boundaries of the Industrial Park Development Area by the addition of the parcels described in Exhibit A attached hereto and incorporated herein by reference (the "2017 Expansion Area"), (ii) designate certain parcels within the 2017 Expansion Area described in Exhibit B attached hereto and incorporated herein by reference as a separate and additional "allocation area" within the 2017 Expansion Area in accordance with Indiana Code 36-7-14-39 to be known as the "Ken's Foods Project Allocation Area", (iii) amend the economic development plan for the 2017 Expansion Area including the Ken's Foods Project Area (the "2017 Expansion Plan"), which 2017 Expansion Plan is described in Exhibit C attached hereto and incorporated herein by reference, (iv) consolidate the Lebanon Industrial Park Economic Development Area, as herein expanded, the Downtown Area, the DA Lubricant Area, the Lebanon Business Park Building #11 Area, the FiberNet Area, and the State Road 32 Area (collectively, the "Original Areas") into a single consolidated economic development area, which shall hereinafter collectively be referred to as the "Lebanon Consolidated Economic Development Area" (the "2017 Consolidated Development Area"), and (v) consolidate the Industrial Park Development Plan, as herein amended, the Downtown Plan, the DA Lubricant Plan, the Lebanon Business Park Building #11 Plan, the FiberNet Plan, and the State Road 32 Plan into one economic development plan (the "2017 Consolidated Plan")

21. The Commission hereby finds that the 2017 Amendments described herein conforms to the City's plan for development and/or redevelopment.

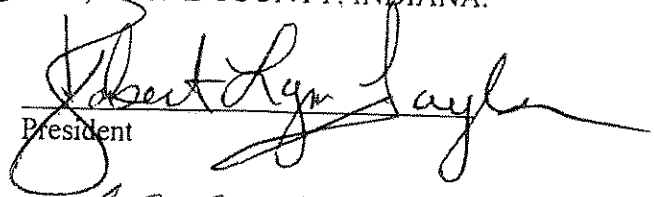
22. This resolution shall constitute an amendment to the Original Industrial Park Declaratory Resolution, as previously amended.

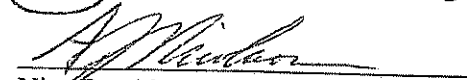
23. The Commission may exercise its authority pursuant to the Act for the purpose contemplated by the resolution herein, including but not limited to the development and redevelopment within the Area, all for the purposes set forth herein.

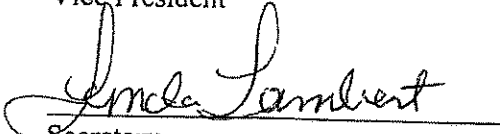
24. This resolution shall be effective upon its adoption and passage.

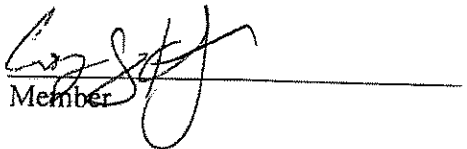
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ADOPTED AND PASSED THIS 9th DAY OF October, 2017.
BY A VOTE OF 4 IN FAVOR AND 0 OPPOSED, BY THE
LEBANON REDEVELOPMENT COMMISSION, BOONE COUNTY, INDIANA.

By: 
President

By: 
Vice President

By: 
Secretary

By: 
Member

By: _____
Member

ATTEST:


Tonya Thayer, Clerk-Treasurer

This resolution prepared by:

Robert S. Schein, Esq.
Krieg DeVault LLP
12800 North Meridian Street, Suite 300
Carmel, IN 46032
317.238.6276

EXHIBIT A

2017 EXPANSION AREA – PARCEL LISTING

<u>Parcel ID</u>	<u>Property Owner</u>
015-27060-00	Susan R & Jennifer E Jones
015-27050-00	Susan R & Jennifer E Jones
015-29690-00	Glen L O'Conner et al c/o Roger L Kessler
015-29700-00	Glen L O'Conner et al c/o Roger L Kessler
015-03860-00	Storage Express Holdings LLC
015-07371-08	Yagnesh Patel
015-50900-01	Maplehurst Bakeries LLC
015-50900-00	Duke Realty Land LLC c/o Duke Realty Corp
015-77777-19	135 South Mt Zion Road LLC c/o Maritime Management LLC
015-15550-00	JJC Corporation
015-37250-00	Mack Properties LLC and Charles S Steffel LLC
015-26130-02	Charles S Steffel LLC & Mack Properties LLC
015-05340-02	Dugan Realty LLC c/o Duke Realty Corp
015-06490-01	Sanibel Capital LLC
015-77777-21	Duke Secured Financing 2006 LLC c/o Duke Realty Corp
015-03720-01	United States Cold Storage of California
015-77777-22	FSC GM Lebanon In Dst c/o Four Springs Capital Trust
015-77777-23	FSC GM Lebanon In Dst c/o Four Springs Capital Trust
015-00860-05	R & W Revell Farms LLP
015-01240-00	R & W Revell Farms LLP
015-01150-00	Daniels Business Park LLC
015-19790-00	Daniels Business Park LLC
015-19780-00	Daniels Business Park LLC
015-36310-00	Daniels Business Park LLC
015-44400-00	Ronald E Smith
015-30980-00	Ransdell Properties LLC