

RESOLUTION 2017-26

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, REGARDING CERTAIN PERSONAL PROPERTY TAX ABATEMENT DEDUCTIONS FOR UNITED STATES COLD STORAGE, 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 08-03 (the “Declaratory Resolution(s)”) on May 12, 2008 , pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 38 +/- 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 confirming the Declaratory Resolution on May 27, 2008, thereby establishing an Economic Revitalization Area; and

WHEREAS, United States Cold Storage, 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 building expansion located at 415 South Mt. Zion Road, Lebanon, Indiana 46052, includes the installation of new 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 Thirteen Million Dollars (\$13,000,000) as the cost of the new logistical distribution equipment to be installed is reasonable for projects of that nature.
- (2) The estimate of hiring thirty (30) new individuals who will be employed can be reasonable expected to result from the proposed Project.
- (3) The estimate of One Million Fifty-Eight Thousand Three Hundred and Four Dollars (\$1,058,304.00) 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 four (4) years from the date each item of personal property is first assessed, utilizing the following schedule:

Year 1 – 100 %

Year 2 – 75 %

Year 3 – 50 %

Year 4 – 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 27 day of NOVEMBER, 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

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 2017-26 was delivered to the Mayor of Lebanon on the 27
day of NOVEMBER 2017, at 8:17p m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2017-26
this 29th day of November, 2017,
at 10:25 a m.

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2017-26
this _____ day of _____, 2017,
at _____:_____ m.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Commonly currently known as 415 South Mt Zion Road, Lebanon, Indiana

Local Parcel #0150372001

Containing approximately 38+/- acres

A part of the southeast quarter of Section 2, Township 18 North, Range 1 West, situated in Center Township, Boone County, Indiana, described as follows:

Commencing at the Northwest corner of the aforesaid Southeast quarter; thence North 00 degrees 58 minutes 37 seconds West (the bearing assumed based upon the bearing system for Lebanon Business Park), 613.34 feet along the quarter section line to the south Right-of-Way line of Mt. Zion Road per Instrument Number 2006-12522 as recorded in the office of the recorder of Boone County, the following 8 calls being along said Right-of-Way; (1) thence North 89 degrees 54 minutes 27 seconds 0.76 feet to a point of curvature of a curve having a radius of 230.04 feet, the radius point of which bears North 00 degrees 05 minutes 43 seconds East; (2) thence easterly and northerly along said curve an arc distance of 111.02 feet to a point bearing South 27 degrees 33 minutes 24 seconds East from the radius point; (3) thence North 62 degrees 26 minutes 26 seconds East 116.29 feet to a point of curvature of a curve having a radius of 170.00 feet, the radius point of which bears South 27 degrees 33 minutes 34 seconds West; (4) thence northerly and easterly along said curve an arc distance of 5.49 feet to a point bearing North 25 degrees 42 minutes 28 seconds West from the radius point and the POINT OF BEGINNING; (5) thence continuing along said curve an arc distance of 76.38 feet to a point bearing North 00 degrees 02 minutes 11 seconds East from the radius point; (6) thence North 89 degrees 57 minutes 49 seconds West 719.09 feet to a point of curvature of a curve having a radius of 230.00 feet, the radius point of which bears North 00 degrees 02 minutes 11 seconds East; (7) thence easterly and northerly along said curve an arc distance of 153.17 feet to a point bearing South 38 degrees 07 minutes 14 seconds East from the radius point; (8) thence North 51 degrees 52 minutes 46 seconds West 243.40 feet; thence South 01 degrees 05 minutes 49 seconds West 912.31 feet; thence South 89 degrees 57 minutes 49 seconds East 3.80 feet; South 01 degrees 14 minutes 30 seconds West 474.00 feet; thence South 89 degrees 57 minutes 49 seconds West 12.77 feet; thence South 00 degrees 16 minutes 18 seconds West 342.83 feet; thence North 89 degrees 57 minutes 49 seconds West 1036.97 feet; thence North 00 degrees 00 minutes 00 seconds East 1012.31 feet to a point of curvature of a curve having a radius of 230.00 feet, the radius point of which bears South 90 degrees 00 minutes 00 seconds West; thence northerly along said curve an arc distance of 36.19 feet to a point bearing North 80 degrees 59 minutes 01 seconds East from the radius point; thence North 09 degrees 00 minutes 59 seconds West 222.54 feet; thence South 89 degrees 57 minutes 49 seconds West 12.77 feet to a point of curvature of a curve having a radius of 170.00 feet, the radius point of which bears North 80 degrees 59 minutes 01 seconds West; thence northerly along said curve an arc distance of 26.75 feet to a point bearing South 90 degrees 00 minutes 00 seconds East from the radius point; thence North 00 degrees 00 minutes 00 seconds East 164.47 feet to a point of curvature of a curve having a radius of 130.00 feet, the radius point of which bears North 90 degrees 00 minutes 00 seconds East; thence northerly along said curve an arc distance of 54.86 feet to a point bearing South 65 degrees 49 minutes 17 seconds West from the radius point; containing 38.010 acres, more or less.

EXHIBIT B

Aerial Location Map

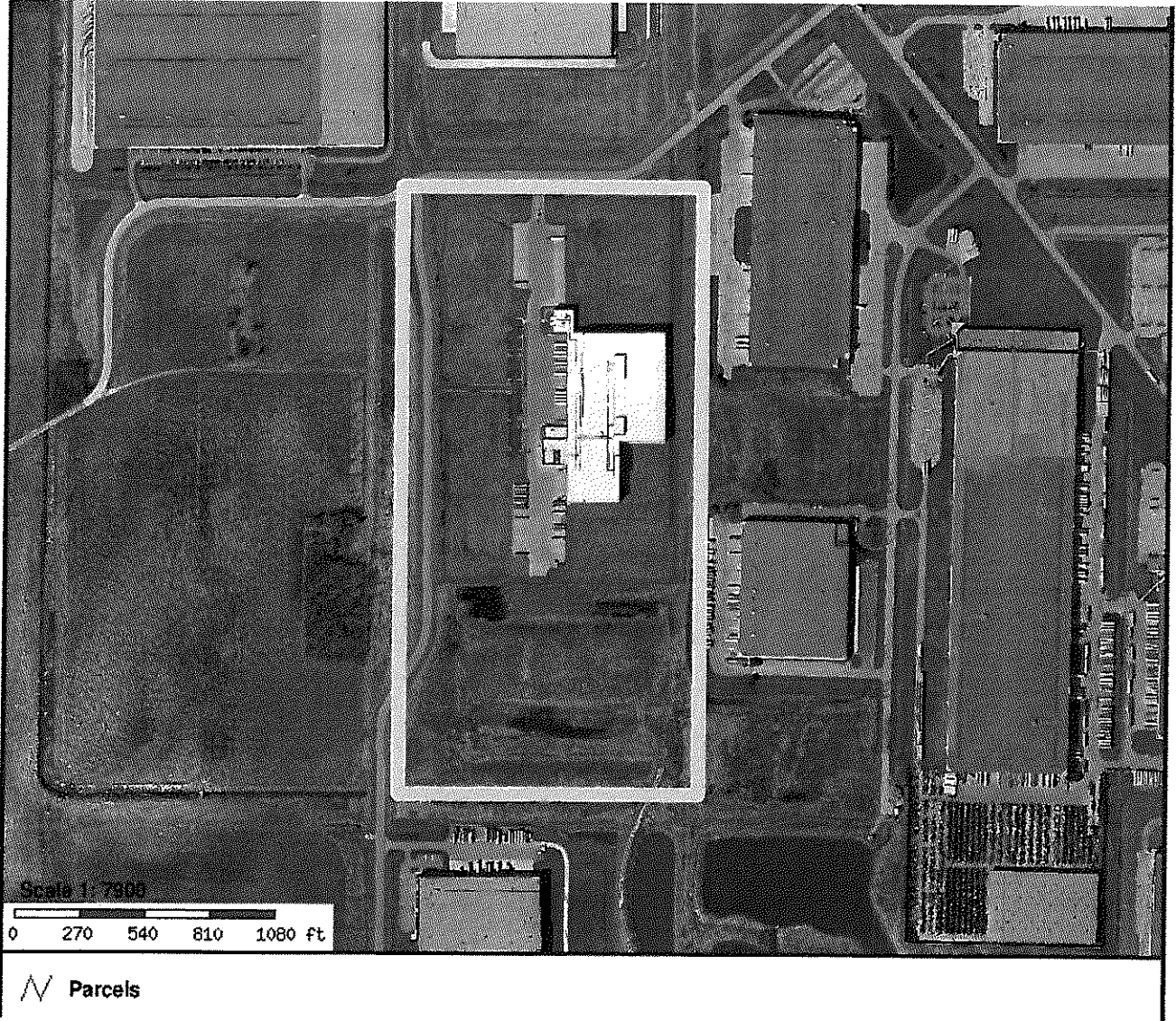


EXHIBIT C

Form SB-1/PP



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51784 (R4 / 11-16)
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 6-1.1-12.1-5.4.

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 submitted 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 abetable 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 GF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-3.6)
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 United States Cold Storage, Inc.			Name of contact person Erica Matthews				
Address of taxpayer (number and street, city, state, and ZIP code) 201 Laurel Road, Suite 400, Voorhees, NJ 08043				Telephone number (856) 813-4892			
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT							
Name of designating body Lebanon City Council				Resolution number (s)			
Location of property 415 S. Mt. Zion Road, Lebanon, IN 46052			County Boone		DLGF taxing district number 06-002		
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.) Logistics equipment to support the expansion of existing refrigerated cold storage warehouse and distribution facility by an additional 100,000 sq ft to accommodate increased growth in Midwest region distribution.				ESTIMATED			
				START DATE		COMPLETION DATE	
				Manufacturing Equipment			
				R & D Equipment			
				Logist Dist Equipment		12/01/2017	12/31/2019
IT Equipment							
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT							
Current number 73	Salaries \$2,437,032	Number retained 73	Salaries \$2,437,032	Number additional 30	Salaries \$1,058,304		
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		COST		COST		COST	
ASSESSED VALUE		ASSESSED VALUE		ASSESSED VALUE		ASSESSED VALUE	
Current values				13,000,000			
Plus estimated values of proposed project							
Less values of any property being replaced							
Net estimated values upon completion of project							
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER							
Estimated solid waste converted (pounds) 0			Estimated hazardous waste converted (pounds) 0				
Other benefits: N/A							
SECTION 6 TAXPAYER CERTIFICATION							
I hereby certify that the representations in this statement are true.							
Signature of authorized representative <i>Erica Matthews</i>				Date signed (month, day, year) 11/20/2017			
Printed name of authorized representative ERICA MATTHEWS			Title Financial Manager & Corporate Secretary				

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 |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Check box if an enhanced abatement was approved for one or more of these types. |
| 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 |
| <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 | Number of years approved: _____ |
| | | | | | (Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
- 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 by: (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, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

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.