

RESOLUTION 2018-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, CONFIRMING RESOLUTION 2018-14 AND DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET

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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 2018-14 (the "Declaratory Resolution") on April 23, 2018 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 18+/- acres (the "Area") 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 has caused to be published a notice (the "Notice") pursuant to the Act and Indiana Code 5-3-1 of the adoption and substances of the Declaratory Resolution, including notice that the Council would hold a public hearing (the "Public Hearing") in accordance with the Act which Notice was published as least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, the Council in accordance with Section 2 of the Act has caused to be filed a copy of the Notice and the Declaratory Resolution with the Boone County Assessor and the officers of each taxing unit which is authorized to fix budgets, tax rates, and tax levies under Indiana Code 6-1.1-17-5 in the Area at least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, at the Public Hearing held on the date hereof, the Council received, heard and considered any remonstrances and objections from interested persons and heard evidence concerning the qualifications of the Area as an Economic Revitalization Area; and

WHEREAS, after considering the evidence, this Council desires to take final action determining whether the qualifications for an economic revitalization area have been met and further, to take final action confirming the Declaratory Resolution.

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

Section 1. The Council hereby takes final action to modify and confirm the Declaratory Resolution as amended hereto and pursuant to the Act.

Section 2. The Council hereby modifies the Area, more particularly described in Exhibit A and depicted in Exhibit B, comprising of 16+/- acres within the corporate boundaries of the City.

Section 3. The Area is undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property or is an area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to decline in employment and tax revenues.

Section 4. Resolution 2018-14 adopted by the Council on April 23, 2018 is hereby modified, confirmed and approved.

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 14 day of May, 2018 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

ABSENT
Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz
Corey Kutz

Corey Kutz

Corey Kutz

Dick Robertson
Dick Robertson

Dick Robertson

Dick Robertson

ABSENT
Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2018-15 was delivered to the Mayor of Lebanon on the 14 day of May, 2018, at 8:15 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2018-15 this 14 day of May, 2018, at 8:13 p.m.

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2018-15 this ___ day of _____, 2018, at ___:___ m.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

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This document prepared by:
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KRIEG DEVAULT, LLP
(317) 238-6276

EXHIBIT A

A PART OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 1 WEST, BOONE COUNTY, INDIANA, BEING A PART OF THE LAND SHOWN ON THE SURVEYS BY WOOLPERT CONSULTANTS RECORDED DECEMBER 5, 1995 IN SURVEY BOOK 2, PAGE 9 AS INSTRUMENT NUMBER 95-10958 AND SURVEY BOOK 2, PAGES 14-15 AS INSTRUMENT NUMBER 95-10962 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, SAID CORNER BEING NORTH 89 DEGREES 24 MINUTES 21 SECONDS EAST 2,744.39 FEET FROM THE IRON PIN WITH CAP FOUND AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION AND SOUTH 01 DEGREE 13 MINUTES 55 SECONDS EAST 2,649.14 FEET FROM THE IRON PIN WITH ANDERSON & ASSOCIATES' CAP FOUND AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01 DEGREE 13 MINUTES 55 SECONDS WEST 994.61 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING THE NORTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO INDIANA GAS COMPANY, INC. RECORDED IN DEED RECORD 204, PAGE 633, IN SAID RECORDER'S OFFICE; THENCE NORTH 01 DEGREE 13 MINUTES 55 SECONDS WEST 0.23 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE NORTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE CITY OF LEBANON FOR ENTERPRISE BOULEVARD RECORDED AS INSTRUMENT NUMBER 98-11981 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 41 MINUTES 54 SECONDS WEST 194.19 FEET ALONG THE NORTH LINE OF SAID CITY OF LEBANON LAND TO THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO THE CITY OF LEBANON RECORDED AS INSTRUMENT NUMBER 2000-9949; THENCE NORTH 70 DEGREES 47 MINUTES 51 SECONDS WEST 287.41 FEET ALONG THE NORTHEAST LINE OF SAID CITY OF LEBANON LAND TO THE EAST RIGHT-OF-WAY LINE OF CONRAIL RAILROAD; THENCE NORTH 00 DEGREES 07 MINUTES 34 SECONDS EAST 456.16 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEEDS TO DONALD L. KENYON AND OTHERS FIRST RECORDED IN DEED RECORD 230, PAGE 266 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 08 MINUTES 54 SECONDS EAST 1,674.00 FEET ALONG THE SOUTH LINE OF SAID KENYON LAND TO THE SOUTHEAST CORNER OF SAID KENYON LAND, SAID CORNER BEING ON THE CENTER LINE OF STATE ROAD 39 AS ESTABLISHED ON THE PLANS FOR THE IMPROVEMENTS OF SAID ROAD UNDER INDIANA DEPARTMENT OF TRANSPORTATION PROJECT 404 SECTION C; THENCE SOUTH 36 DEGREES 08 MINUTES 36 SECONDS WEST 696.47 FEET ALONG SAID CENTER LINE TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO THE CITY OF LEBANON RECORDED AS 98782 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 06 MINUTES 50 SECONDS WEST 798.53 FEET ALONG THE NORTH LINE OF SAID CITY OF LEBANON LAND TO THE POINT OF BEGINNING AND CONTAINING

18.446 ACRES, MORE OR LESS. THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, HAVING A BEARING OF SOUTH 01 DEGREE 13 MINUTES 55 SECONDS EAST.

LESS THE FOLLOWING PARCEL, PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP OF BOONE COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1; THENCE NORTH 01 DEGREES 13 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION A DISTANCE OF 994.61 FEET; THENCE NORTH 89 DEGREES 06 MINUTES 51 SECONDS EAST A DISTANCE OF

EXHIBIT B

Area is generally located at the NW corner of SR 39 and S. Enterprise Blvd

