

RESOLUTION 2018-21

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF LEBANON, INDIANA, CONFIRMING RESOLUTION 2018-19 AND
DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC
REVITALIZATION AREA HAVE BEEN MET**

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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 2018-19 (the “Declaratory Resolution”) on May 14, 2018 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 58+/- acres 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 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 Area is located within the corporate boundaries of the City.
- Section 2.** 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 3.** Resolution 2018-19 adopted by the Council on May 14, 2018 is hereby confirmed and approved.
- Section 4.** 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 29 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

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

Dick Robertson
Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat
Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2018-21 was delivered to the Mayor of Lebanon on the 29 day of May, 2018, at 7:50p m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2018-21 this 29 day of May, 2018, at 7:54 pm.

Matthew T. Gentry
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2018-21 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:
Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276

EXHIBIT A

Legal Description of Area

Instrument #201700001269

A part of the West Half of the Northeast Quarter of Section 1, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, situated in Lebanon, Indiana, more fully described by:

Commencing at the Southwest corner of the Northeast Quarter of said Section 1, thence North 00 degrees 29 minutes 27 seconds East, along the Quarter Section line, a distance of 1371.67 feet to the point of beginning; thence continuing North 00 degrees 29 minutes 27 seconds East, along the quarter section line, a distance of 594.11 feet; thence South 53 degrees 38 minutes 31 seconds East, along the Southwesterly right of way of the frontage road of Interstate 65, a distance of 575.00 feet; thence South 36 degrees 21 minutes 29 seconds West, a distance of 317.40 feet; thence North 89 degrees 30 minutes 33 seconds West, a distance of 280.00 feet, to the point of beginning, containing 4.0043 acres, more or less.

Instrument #201600013013 - Combined Tract Land Description

A part of the Northeast Quarter of Section 1, Township 18 North, Range 1 West, City of Lebanon, Boone County, Indiana, being more particularly described as follows:

Beginning at a 5/8 inch diameter rebar found marking the Southwest corner of the Northeast Quarter of said Section 1; thence North 00 degrees 04 minutes 59 seconds East 1371.67 feet along the West line of the Northeast Quarter of said Section 1 to the Southwest corner of the Oles Engineering Corp. parcel described in Instrument Number 9914698, recorded in the Office of the Recorder of Boone County, Indiana, and a 5/8 inch diameter rebar with plastic cap stamped "DODGE S-0288"; thence South 89 degrees 54 minutes 38 seconds East 280.00 feet along the Southern line of said Oles Engineering Corp. parcel to a Southern corner thereof and a 5/8 inch diameter rebar with plastic cap stamped 'DODGE S-0288'; thence North 35 degrees 57 minutes 01 second East 317.40 feet along the Southeastern line of said Oles Engineering Corp. parcel to the Southwestern right-of-way line of the Frontage Road of Interstate Highway 65 and a found 1/2 inch diameter rebar; thence South 54 degrees 02 minutes 59 seconds East 751.26 feet along the Southwestern right-of-way line of said Frontage Road to a found 5/8 inch diameter rebar; thence South 00 degrees 00 minutes 07 seconds West 526.89 feet to a found 5/8 inch diameter rebar; thence South 00 degrees 01 minute 20 seconds East 637.80 feet to the South line of the Northeast Quarter of said Section 1 and a 5/8 inch diameter rebar with plastic cap stamped 'FIRM 0066'; thence South 88 degrees 48 minutes 22 seconds West 1076.95 feet along the South

line of the Northeast Quarter of said Section 1 to the point of beginning, containing 34.64 acres, more or less.

Instrument #9601549 (20% interest), #9601550 (20% interest), #9601551 (20% interest), #9601552 (20% interest), #9601553 (5% interest), #9601554 (5% interest), #9601555 (5% interest), #9601556 (5% interest)

A part of the northwest quarter of Section 1, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by:

Beginning at the southeast corner of the northwest quarter of said Section 1, thence south 89 degrees 12 minutes 57 seconds west, along the quarter section line, a distance of 373.00 feet; thence north 00 degrees 08 minutes 18 seconds east, along the east right of way line of the now or formerly Pennsylvania Railroad, a distance of 2393.82 feet; thence south 53 degrees 38 minutes 31 seconds east, along the centerline of the south bound lane of Interstate 65, formerly the centerline of the U.S. 52 bypass, a distance of 478.33 feet; thence south 00 degrees 29 minutes 27 seconds west along the quarter section line, a distance of 2105.22 feet to the point of beginning. Containing 19.6141 acres, more or less.

EXHIBIT B

The Area is generally located at the Southwest corner of I-65 and SR 39.

