

RESOLUTION 2018-~~43~~<sup>44</sup>

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF LEBANON, INDIANA, CONFIRMING RESOLUTION 2018-43 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 2018-43 (the “Declaratory Resolution”) on October 29, 2018 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City 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 2018-43 adopted by the Council on October 29, 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 15th day of November, 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

[Signature]  
Dan Fleming

\_\_\_\_\_  
Dan Fleming

\_\_\_\_\_  
Dan Fleming

ABSENT  
Mike Kincaid

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Mike Kincaid

[Signature]  
Morris Jones

\_\_\_\_\_  
Morris Jones

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Morris Jones

[Signature]  
Dick Robertson

\_\_\_\_\_  
Dick Robertson

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Dick Robertson

[Signature]  
Brent Wheat

\_\_\_\_\_  
Brent Wheat

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Brent Wheat

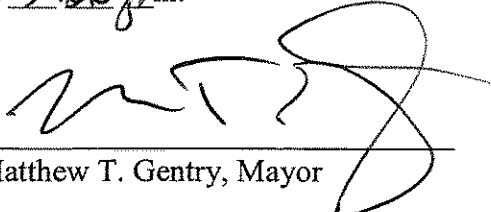
ATTEST:

Cindy Thine for Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2018-44 was delivered to the Mayor of Lebanon on the 13 day of NOVEMBER 2018, at 7:40 p.m.

  
\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

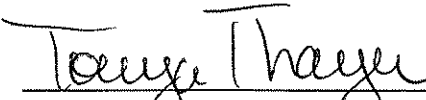
I hereby APPROVE RESOLUTION 2018-\_\_  
this 26 day of November, 2018,  
at 3:20 p.m.

  
\_\_\_\_\_  
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2018-\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 2018,  
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

## **EXHIBIT A**

### **Legal Description of Area**

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 575.48 feet to the POINT OF BEGINNING, thence North 00 degrees 53 minutes 10 seconds West a distance of 270.00 feet; thence North 89 degrees 06 minutes 50 seconds East a distance of 426.72 feet to the centerline of State Road 39; thence South 36 degrees 08 minutes 36 seconds West along said centerline a distance of 338.21 feet; thence South 89 degrees 06 minutes 50 seconds West a distance of 223.05 feet to the point of beginning, containing 2.014 acres of land, more or less.

**EXHIBIT B**

