

RESOLUTION 2018-50

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF LEBANON, INDIANA, REGARDING CERTAIN
REAL PROPERTY TAX ABATEMENT DEDUCTIONS
DUKE REALTY CORPORATION**

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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 2016-04 (the “Declaratory Resolution”) on August 8, 2016 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 250 +/- 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, after following all applicable procedures of the Act, took final action adopting Resolution 2016-05 (the “Confirmatory Resolution”) on August 22, 2016 confirming the Declaratory Resolution, thereby establishing an Economic Revitalization Area; and

WHEREAS, Duke Realty Corporation (the “Applicant”) has filed with this Council a Statement of Benefits, Real Estate Improvements (Form SB-1/Real Property) (“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 real property tax abatement for the Project; and

WHEREAS, the Project includes the new construction of an approximately 1,173,000 square foot industrial/warehouse facility to be constructed and located in the Area which will be utilized by the Applicant in its operations; and

WHEREAS, this Council has reviewed the Form SB-1; and

FILED

JAN 18 2019


Boone County Auditor

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. Based upon the information in the Form SB-1, this Council makes the following findings:

- (1) The estimate of Forty-Two Million Five Hundred Nine Thousand Eight Hundred Ninety-Three Dollars (\$42,509,893.00) as the cost of the improvements to be constructed is reasonable for projects of that nature.
- (2) The estimate of hiring fifty (50) new individuals who will be employed can be reasonable expected to result from the proposed Project.
- (3) The estimate of Two Million Eighty Thousand Dollars (\$2,080,000.00) 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 real property tax abatement to the Applicant through the deduction provided by the Act.

Section 3. The Form SB-1 submitted by the Applicant is approved.

Section 4. Real property tax deductions for the Project are hereby approved. The period for real property tax deductions under the Act for the Project shall be eight (8) years from the date the real property improvements upon completion are first assessed and provide further the deduction from assessed valuation shall equal:

Year 1-8: 55%

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 10th day of DECEMBER, 2018 by the Lebanon Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain


Keith Campbell

Keith Campbell

Keith Campbell


John Copeland


John Copeland

John Copeland


Dan Fleming


Dan Fleming

Dan Fleming


Mike Kincaid

Mike Kincaid

Mike Kincaid


Morris Jones

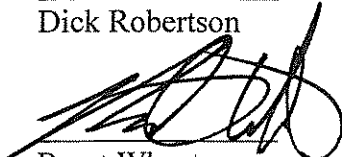
Morris Jones

Morris Jones


Dick Robertson

Dick Robertson

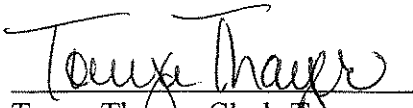
Dick Robertson


Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:


Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution 2018-50 was delivered to the Mayor of Lebanon on the 10th day of DECEMBER, 2018, at 7:55 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2018-50 this 10 day of December, 2018, at 8:10 p.m.

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2018-50 this ___ day of _____, 2018, at ___:___ m.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

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

EXHIBIT A

Legal

LEGAL DESCRIPTION

Parcel I - South of Mt. Zion Road

Part of Section 2, Township 18 North, Range 1 West of the Second Principal Meridian, Boone County, Indiana, being that 62.954-acre tract of land shown on the draft ALTA/NSPS Land Title Survey dated September 19, 2018 by Michael J. Smith, PS #LS20500025 of American Structurepoint, Inc. under project number 201801689, more particularly described as follows:

Commencing at a Harrison monument at the southeast corner of the Southwest Quarter of said Section 2; thence North 00 degrees 24 minutes 05 seconds East 44.38 feet along the east line of said Southwest Quarter (basis of bearings per Instrument Number 201400011291 on file in the Office of the Recorder of Boone County, Indiana) to the northwest corner of the 1.36-acre parcel described in Instrument Number 201600010293, on file in the Office of said Recorder; thence North 89 degrees 44 minutes 54 seconds East 45.58 feet along the north line of said 1.36-acre parcel to a corner of the 146.55-acre parcel described in said Instrument Number 201400011291; thence North 00 degrees 00 minutes 00 seconds East 983.89 feet along an east line of said 146.55-acre parcel to a 5/8-inch diameter rebar with a cap stamped "Structurepoint - 0094" set flush (hereafter referred to as "set rebar") at the POINT OF BEGINNING; thence North 89 degrees 58 minutes 46 seconds West 1,358.60 feet to a west line of said 146.55-acre parcel, the following fourteen (14) courses are along the west, north and east lines thereof; 1)thence North 00 degrees 32 minutes 22 seconds East 1,395.86 feet to a Mag Nail with a washer stamped "Structurepoint - 0094" set (hereafter referred to as "set Mag Nail"); 2)thence North 62 degrees 16 minutes 22 seconds East 151.07 feet to a set Mag Nail; 3)thence South 00 degrees 05 minutes 33 seconds West 33.41 feet to a set rebar; 4)thence Northeasterly 264.35 feet along a non-tangent curve to the left having a radius of 230.00 feet and subtended by a long chord having a bearing of North 33 degrees 01 minute 06 seconds East and a length of 250.04 feet to a set rebar; 5)thence North 00 degrees 05 minutes 33 seconds East 352.68 feet to a set rebar; 6)thence Northeasterly 345.58 feet along a curve to the right having a radius of 220.00 feet and subtended by a long chord having a bearing of North 45 degrees 05 minutes 33 seconds East and a length of 311.13 feet to a set rebar; 7)thence South 89 degrees 54 minutes 27 seconds East 837.61 feet to a set rebar; 8)thence South 00 degrees 58 minutes 37 seconds West 76.74 feet to a set rebar; 9)thence Southerly 14.35 feet along a non-tangent curve to the left having a radius of 63.50 feet and subtended by a long chord having a bearing of South 06 degrees 53 minutes 36 seconds West and a length of 14.31 feet to a set rebar; 10)thence South 00 degrees 00 minutes 52 seconds West 1,676.78 feet to a set rebar; 11)thence Easterly 134.57 feet along a curve to the left having a radius of 54.00 feet and subtended by a long chord having a bearing of South 71 degrees 22 minutes 47 seconds East and a length of 102.36 feet to a set rebar; 12)thence South 33 degrees 12 minutes 14 seconds West 71.21 feet to a set rebar; 13)thence Southerly 133.29 feet along a non-tangent curve to the left having a radius of 230.00 feet and subtended by a long chord having a bearing of South 16 degrees 36 minutes 07 seconds West and a length of 131.43 feet to a set rebar; 14)thence South 00 degrees 00 minutes 00 seconds East 227.86 feet to the POINT OF BEGINNING. Containing 62.954 acres, more or less.

Parcel II - North of Mt. Zion Road

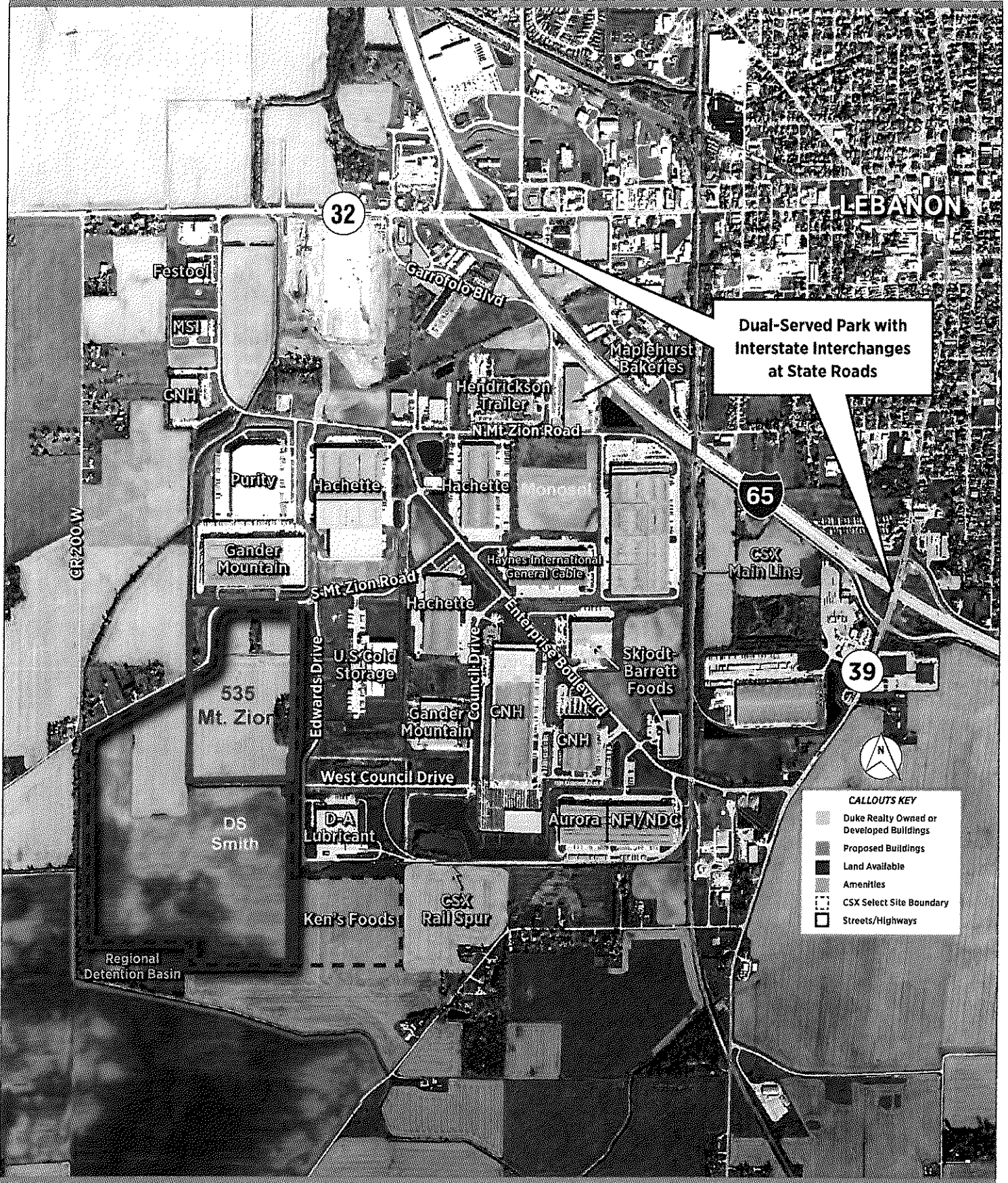
Part of the Northwest and Southwest Quarters of Section 2, Township 18 North, Range 1 West of the Second Principal Meridian, Boone County, Indiana, being that 3.645-acre tract of land shown on the draft ALTA/NSPS Land Title Survey dated September 19, 2018 by Michael J. Smith, PS #LS20500025 of American Structurepoint, Inc. under project number 201801689, more particularly described as follows:

Commencing at a Harrison monument at the southeast corner of said Southwest Quarter; thence North 89 degrees 32 minutes 06 seconds West 1,982.34 feet along the south line of said Southwest Quarter to a southwest corner of the 146.55-acre parcel described in Instrument Number 201400011291 on file in the Office of the Recorder of Boone County, Indiana (basis of bearings per said Instrument Number 201400011291), the following four (4) courses are along west and north lines of said 146.55-acre parcel; 1)thence North 00 degrees 32 minutes 22 seconds East 660.00 feet; 2)thence South 89 degrees 32 minutes 06 seconds East 660.00 feet; 3)thence North 00 degrees 32 minutes 22 seconds East 1,754.13 feet; 4)thence North 62 degrees 16 minutes 22 seconds East 151.07 feet to the west line of the "West Parcel" described in Instrument Number 0505790, on file in the Office of said Recorder, the following four (4) courses are along the west and south lines thereof; 1)thence North 00 degrees 05 minutes 33 seconds East 34.88 feet to a 5/8" diameter rebar with a cap stamped "Structurepoint – 0094" set flush (hereafter referred to as "set rebar") on the north right-of-way line of Mt. Zion Road as defined in Instrument Number 200600012522, on file in the Office of said Recorder, being the POINT OF BEGINNING; 2)thence continue North 00 degrees 05 minutes 33 seconds East 101.00 feet to a set rebar; 3)thence North 89 degrees 54 minutes 27 seconds West 132.02 feet to a set rebar; 4)thence North 00 degrees 43 minutes 54 seconds East 673.30 feet to a set rebar at the southwest corner of the 32.347-acre parcel described in Instrument Number 201500003767 on file in the Office of said Recorder; thence South 89 degrees 54 minutes 27 seconds East 477.25 feet along the south line of said 32.347-acre parcel to a set rebar on the north right-of-way line of said Mt. Zion Road, the following three (3) courses are along the north and west right-of-way lines thereof; 1)thence Southwesterly 436.66 feet along a non-tangent curve to the left having a radius of 280.00 feet and subtended by a long chord having a bearing of South 44 degrees 46 minutes 07 seconds West and a length of 393.74 feet to a set rebar; 2)thence South 00 degrees 05 minutes 33 seconds West 352.68 feet to a set rebar; 3)thence Southwesterly 167.34 feet along a curve to the right having a radius of 170.00 feet and subtended by a long chord having a bearing of South 28 degrees 17 minutes 17 seconds West and a length of 160.66 feet to the POINT OF BEGINNING. Containing 3.645 acres, more or less.

EXHIBIT B

LEBANON BUSINESS PARK

I-65 and S.R. 32 and 39, Lebanon, IN 46052



Dual-Served Park with Interstate Interchanges at State Roads

CALLOUTS KEY

- Duke Realty Owned or Developed Buildings
- Proposed Buildings
- Land Available
- Amenities
- CSX Select Site Boundary
- Streets/Highways

EXHIBIT C

SB-1 Form/Real Property



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
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 8-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 8-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- 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 the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property 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/Real Property 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


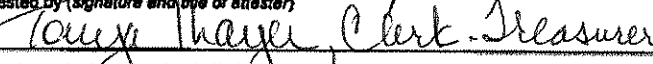
SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer Duke Realty					
Address of taxpayer (number and street, city, state, and ZIP code) 600 East 96th Street, Suite 100, Indianapolis, IN 46240					
Name of contact person Marc Armstrong, AVP Property Management, Duke Realty			Telephone number (317) 808-6844	E-mail address marc.armstrong@dukerealty.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of Lebanon			Resolution number 2018-50		
Location of property 535 South Mt. Zion Road (Estimated), Lebanon IN 46052			County Boone	DLGF taxing district number 0159560000	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) 1,173,298 square foot building with adjacent vehicle parking areas			Estimated start date (month, day, year) 3/15/2019		Estimated completion date (month, day, year) 3/31/2020
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0.00	Salaries \$0.00	Number retained	Salaries	Number additional 50.00	Salaries \$2,080,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values					
Plus estimated values of proposed project				42,509,893.00	
Less values of any property being replaced					
Net estimated values upon completion of project				42,509,893.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits The majority of the persons involved in the initial construction of the real property improvements will be Indiana residents.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 12/10/18	
Printed name of authorized representative Marc Armstrong			Title Assistant Vice President		

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- 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 _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. 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.

We have also 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 (signature and title of authorized member of designating body) 	Telephone number (765) 482-1201	Date signed (month, day, year) 1/16/19
Printed name of authorized member of designating body Matthew J. Genry	Name of designating body	
Attested by (signature and title of attester)  Clerk-Treasurer	Printed name of attester TONYA THAYER	

* 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.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

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.