

RESOLUTION 2021-26

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

A DECLARATORY RESOLUTION REGARDING THE PRELIMINARY DESIGNATION OF AN ECONOMIC REVITALIZATION AREA AND QUALIFYING CERTAIN PROPOSED PERSONAL PROPERTY FOR TAX ABATEMENT

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 the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real and personal property taxes for real estate and personal property located within an area declared by the Council to be 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 desires to declare an area located in the City, more particularly described in Exhibit A (the “Area”) attached hereto and made a part hereof, which Area 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 and lessees may make application to the City for abatement of real and/or personal property taxes which, if pursuant to the Act subsequently is 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 received a written application filed on behalf of Catalina Snacks Inc. (“Applicant”) for a personal property tax abatement pursuant to the Act; and

WHEREAS, Applicant anticipates installing approximately Five Million Dollars (\$5,000,000) of new manufacturing equipment, logical distribution, and/or information technology equipment within the Area by December 31, 2026 in order to equip a food grade production and distribution facility (the “Project”), and has requested a personal property tax abatement with respect to such new personal property; and

WHEREAS, Applicant has submitted to the Council a Statement of Benefits Personal Property (SB-1/PP) form attached hereto as Exhibit C and made a part hereof in connection with the Project (the “Statement”), and provided all information and documentation necessary for the Council to make an informed decision; and

WHEREAS, the Council has considered the Statement and has conducted a complete and proper investigation of the Area and determined that the Area qualifies as an Economic Revitalization Area under the Act;

WHEREAS, the Council has considered the following factors under the Act in connection with the Project:

- 1) The total amount of Applicant's investment in personal property for the Project;
- 2) The number of new full-time equivalent jobs to be created by the Project;
- 3) The average wage of the new employees for the Project compared to the state minimum wage; and
- 4) The infrastructure requirements for Applicant's investment in the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City meeting in a duly noticed and regularly scheduled meeting as follows:

Section 1. The Council states that the Area is now undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors that have impaired value or prevent normal development of property. Based upon the information in the Statement, this Council makes the following findings:

- (a) The estimate of the cost of the new manufacturing equipment, logical distribution, and/or information technology equipment to be installed in connection with the Project is reasonable for equipment of that type;
- (b) The estimate of the number of individuals who will be employed as a result of the proposed installation of the new manufacturing equipment, logical distribution, and/or information technology equipment can reasonably be expected to result from the proposed Project;
- (c) The estimate of annual salaries of those individuals who will be employed can reasonably be expected to result from the proposed Project;
- (d) The benefits described in the Statement can reasonably be expected to result from the proposed Project; and
- (e) The totality of benefits from the proposed Project is sufficient to justify a personal property tax deduction schedule as set out herein.

Section 2. That all of the conditions for the designation of the Economic Revitalization Area and all of the requirements for the tax deductions to be granted hereby have been met, and the foregoing findings are true and all information required to be submitted has been submitted in proper form.

Section 3. The Statement is hereby approved.

Section 4. The Area is hereby designated an Economic Revitalization Area pursuant to the Act.

Section 5. Applicant is entitled to personal property tax deductions for the proposed installation of manufacturing equipment as part of the Project for a period of four (4) years from the date each item of personal property is first assessed, in accordance with the following abatement schedule, hereby adopted pursuant to Section 17 of the Act:

<i>Personal Property Tax Abatement Schedule Year</i>	<i>% of Assessed Value Exempt From Personal Property Taxes</i>
1	80%
2	60%
3	40%
4	20%

Section 6. A public hearing shall be held at the time and place of the regular meeting of the Council on November 22, 2021 at 7:30 p.m. (local time) at the City of Lebanon Municipal Building, 401 South Meridian Street, Lebanon, Indiana 46052. The Council shall publish or cause to be published, pursuant to the Act, notice (the “Notice”) of the adoption and substance of this Resolution in accordance with Indiana Code 5-3-1 one (1) time at least ten (10) days before the date of the public hearing on this matter (the “Public Hearing”), which Notice shall state the date and time for the Public Hearing, that the Council will hear all remonstrances and objections from interested persons at the Public Hearing, that at the conclusion of the Public Hearing the Council may take final action on the proposed designation determining whether the qualifications for an economic revitalization area have been met and confirming, modifying, or rescinding this Resolution, and that a copy of this Resolution, including the description of the Area, has been filed with and shall be available for inspection in the office of the Boone County Assessor.

Section 7. The Economic Revitalization Area designation terminates seven (7) years after the date this final resolution is adopted; however, relative to the installation of the new manufacturing equipment, logical distribution, and/or information technology equipment completed before the end of this seven (7) year period, this termination does not limit the period of time the Applicant or a successor owner is entitled to receive the personal property abatement to a period of less than four (4) years.

Section 8. Pursuant to Section 2.5(b) of the Act, a copy of this Resolution shall be filed with the Boone County Assessor.

Section 9. Pursuant to Section 2.5(c) of the Act, the Council shall file a copy of the Notice with each taxing unit that has authority to levy property taxes in the

geographic area where the Area is located. Such information shall be filed with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under Indiana Code 6-1.1-17-5 at least ten (10) days prior to the date of the Public Hearing.

Section 10. Notwithstanding anything contained herein to the contrary, the granting of the tax deductions described herein is conditioned on and subject to the terms to be agreed upon in a Memorandum of Agreement between Applicant and the City.

Section 11. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ALL OF WHICH IS ADOPTED this 8th day of November, 2021 by the 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

Morris Jones
Morris Jones

Morris Jones

Morris Jones

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger
Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson
Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat
Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Mia Riley

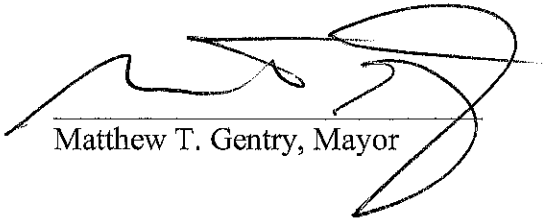
~~Tonya Thayer, Clerk-Treasurer~~
Mia Riley, 1st Deputy Clerk-Treasurer

I hereby certify that Resolution No. 2021-26 was delivered to the Mayor of the City of Lebanon, Indiana on the 8th day of November, 2021, at 7 : 45 p.m.

Mia Riley
~~Tonya Thayer, Clerk-Treasurer~~
Mia Riley, 1st Deputy Clerk-Treasurer

I hereby APPROVE RESOLUTION 2021-26
this 9 day of November, 2021, at
9 : 30 a.m.

I hereby VETO RESOLUTION 2021-26 this
____ day of November, 2021, at ____ : ____
____.m.


Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Mia Riley
~~Tonya Thayer, Clerk-Treasurer~~
Mia Riley, 1st Deputy Clerk-Treasurer

This document prepared by:

Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276

EXHIBIT A

Legal Description of Area

PARCEL I

A PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 1 WEST, BOONE COUNTY, INDIANA, BEING A PORTION OF THE LAND DESCRIBED IN THE DEED TO DUKE REALTY LIMITED PARTNERSHIP RECORDED IN INSTRUMENT 96-3095 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE RAILROAD RAIL MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 35, SAID CORNER BEING NORTH 00 DEGREES 26 MINUTES 43 SECONDS EAST 2,767.18 FEET, MEASURED ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 1 WEST, FROM THE IRON PIN WITH WOOLPERT CAP SET AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 89 DEGREES 40 MINUTES 44 SECONDS EAST 2,526.25 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35 TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING NORTH 89 DEGREES 40 MINUTES 44 SECONDS WEST 131.38 FEET MEASURED ALONG THE SOUTH LINE OF SAID QUARTER SECTION FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID DUKE REALTY LIMITED PARTNERSHIP LAND; THENCE NORTH 89 DEGREES 40 MINUTES 44 SECONDS WEST 200.95 FEET ALONG THE SOUTH LINE OF SAID DUKE REALTY LIMITED PARTNERSHIP LAND TO THE SOUTHWEST CORNER OF SAID DUKE REALTY LIMITED PARTNERSHIP LAND; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST 119.97 FEET ALONG THE WEST LINE OF SAID DUKE REALTY LIMITED PARTNERSHIP LAND TO THE SOUTHERN RIGHT-OF-WAY LINE OF ENTERPRISE BOULEVARD, DESCRIBED IN THE DEED TO LEBANON REDEVELOPMENT AUTHORITY RECORDED IN DEED RECORD 253, PAGE 53 IN SAID RECORDER'S OFFICE, THENCE SOUTH 83 DEGREES 08 MINUTES 53 SECONDS EAST 202.43 FEET ALONG SAID SOUTHERN RIGHT-OF-WAY LINE; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 96.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.500 ACRES, MORE OR LESS.

PARCEL II

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 1 WEST AND A PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 1 WEST, BOONE COUNTY, INDIANA, BEING A PORTION OF THE LAND DESCRIBED IN THE DEED TO ALMA C. AND JOHN L. NELSON, TRUSTEES RECORDED IN DEED RECORD 202, PAGE 766 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE RAILROAD RAIL MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2, SAID CORNER BEING NORTH 00 DEGREES 26 MINUTES 43 SECONDS EAST 2,767.18 FEET, MEASURED ALONG THE WEST LINE OF SAID QUARTER SECTION, FROM THE IRON PIN WITH WOOLPERT CAP SET AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 40 MINUTES 44 SECONDS EAST 2,526.25 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING NORTH 89 DEGREES 40 MINUTES 44 SECONDS WEST 131.38 FEET MEASURED ALONG THE NORTH LINE OF SAID QUARTER SECTION FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 10.76 FEET TO THE SOUTHERNLINE OF SAID NELSON LAND, SAID LINE BEING THE NORTHERN LINE OF THE LAND DESCRIBED IN THE QUITCLAIM DEED TO FAIRY TRISLER RECORDED IN INSTRUMENT NUMBER 96-11576; THENCE SOUTH 65 DEGREES 26 MINUTES 20 SECONDS WEST 1,323.39 FEET ALONG THE NORTHERN LINE OF SAID TRISLER LAND TO THE NORTHWEST CORNER OF SAID TRISLER LAND, SAID CORNER BEING THE SOUTHWEST CORNER OF SAID NELSON LAND; THENCE NORTH 00 DEGREES 43 MINUTES 54 SECONDS EAST 86.77 FEET ALONG THE WEST LINE OF SAID NELSON LAND TO THE BEGINNING OF NEW DIVISION LINE AND A NON- TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID NEW DIVISION LINE THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY 502.29 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 535.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 38 DEGREES 43 MINUTES 23 SECONDS EAST AND A LENGTH OF 484.04 FEET; (2) NORTHEASTERLY 313.31 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 465.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 46 DEGREES 19 MINUTES 00 SECONDS EAST AND A LENGTH OF 307.42 FEET; (3) NORTH 27 DEGREES 00 MINUTES 50 SECONDS EAST 99.08 FEET TO THE SOUTHERN RIGHT-OF- WAY LINE OF ENTERPRISE BOULEVARD, DESCRIBED IN THE DEED TO LEBANON REDEVELOPMENT AUTHORITY, RECORDED IN DEED RECORD 253, PAGE 53 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF SAID ENTERPRISE BOULEVARD THE FOLLOWING TWO (2) COURSES: (1) SOUTHEASTERLY, AND EASTERLY 182.14 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 530.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 73 DEGREES 18 MINUTES 11 SECONDS EAST AND A LENGTH OF 181.24 FEET; (2) SOUTH 83 DEGREES 08 MINUTES 53 SECONDS EAST 259.69 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST A DISTANCE OF 119.97 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 44 SECONDS EAST A DISTANCE OF 200.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.925 ACRES, MORE OR LESS.

PARCEL III

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 18 NORTH,

RANGE 1 WEST, BOONE COUNTY, INDIANA, BEING A PORTION OF THE LAND DESCRIBED IN THE DEED TO FAIRY V. TRISLER RECORDED IN DEED RECORD 155, PAGE 890 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, AND A PORTION OF THE LAND DESCRIBED IN THE QUITCLAIM DEED TO FAIRY TRISLER RECORDED IN INSTRUMENT NUMBER 96-11576 IN SAID RECORDER'S OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE RAILROAD RAIL MARKING THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID CORNER BEING NORTH 00 DEGREES 26 MINUTES 43 SECONDS EAST 2,767.18 FEET, MEASURED ALONG THE WEST LINE OF SAID QUARTER SECTION, FROM THE IRON PIN WITH WOOLPERT CAP SET AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 40 MINUTES 44 SECONDS EAST 2,526.25 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION, SAID POINT BEING NORTH 89 DEGREES 40 MINUTES 44 SECONDS WEST 131.33 FEET MEASURED ALONG THE NORTH LINE OF SAID QUARTER SECTION FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 10.76 FEET TO THE SOUTHERN LINE OF THE LAND DESCRIBED TN THE DEED TO ALMA C. AND JOHN L. NELSON, TRUSTEES RECORDED IN DEED RECORD 202, PAGE 766 IN SAID RECORDER'S OFFICE, SAID LINE BEING THE NORTHERN LINE OF SAID TRISLER LAND, INSTRUMENT NUMBER 96-11576 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 1,017.07 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO DUKE REALTY LIMITED PARTNERSHIP RECORDED IN INSTRUMENT NUMBER 96-11750 IN SAID RECORDER'S OFFICE; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 1,209.61 FEET ALONG THE NORTH LINE OF SAID DUKE LAND TO THE NORTHWEST CORNER OF SAID DUKE LAND, SAID CORNER BEING THE SOUTHWEST CORNER OF SAID TRISLER LAND, DEED RECORD 155, PAGE 890; THENCE NORTH 00 DEGREES 43 MINUTES 54 SECONDS EAST 467.02 FEET ALONG THE WEST LINE OF SAID TRISLER LAND AND ALONG THE WEST LINE OF THE TRISLER LAND DESCRIBED IN INSTRUMENT NUMBER 96-11576 TO THE NORTHWEST CORNER OF SAID TRISLER LAND, SAID CORNER BEING THE SOUTHWEST CORNER OF SAID NELSON LAND, DEED RECORD 202, PAGE 766; THENCE NORTH 65 DEGREES 26 MINUTES 20 SECONDS EAST 1,323.39 FEET ALONG THE SOUTHERN LINE OF SAID NELSON LAND TO THE POINT OF BEGINNING. CONTAINING 20.536 ACRES, MORE OR LESS.

PARCEL IV

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 1 WEST, BOONE COUNTY, INDIANA, BEING A PORTION OF THE LANDS DESCRIBED IN THE DEED TO DUKE REALTY LIMITED PARTNERSHIP RECORDED IN INSTRUMENT NUMBER 96-11750 DESCRIBED AS FOLLOWS: COMMENCING AT THE RAILROAD RAIL MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2, SAID CORNER BEING NORTH 00 DEGREES, 26

MINUTES, 43 SECONDS EAST 2,767.18 FEET, MEASURED ALONG THE WEST LINE OF SAID QUARTER SECTION FROM THE IRON PIN WITH WOOLPERT CAP SET AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 40 MINUTES 44 SECONDS EAST 2,526.25 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 1,027.83 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO DUKE REALTY LIMITED PARTNERSHIP, RECORDED IN INSTRUMENT NUMBER 96-11750 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 67.50 FEET; THENCE ALONG A LINE PARALLEL TO THE NORTH LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT NUMBER 96-11750, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1210.47 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT NUMBER 96-11750; THENCE ALONG THE WEST LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT NUMBER 96-11750, NORTH 00 DEGREES 43 MINUTES 54 MINUTES EAST, A DISTANCE OF 67.51 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN SAID INSTRUMENT NUMBER 96-11750; THENCE ALONG THE NORTH LINE OF THE LAND DESCRIBED IN SAID INSTRUMENT NUMBER 96-11750, SOUTH 90 DEGREES, 00 MINUTES 00 SECONDS EAST 1,209.61 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.88 ACRES MORE OR LESS.

EXHIBIT B

Map of Area

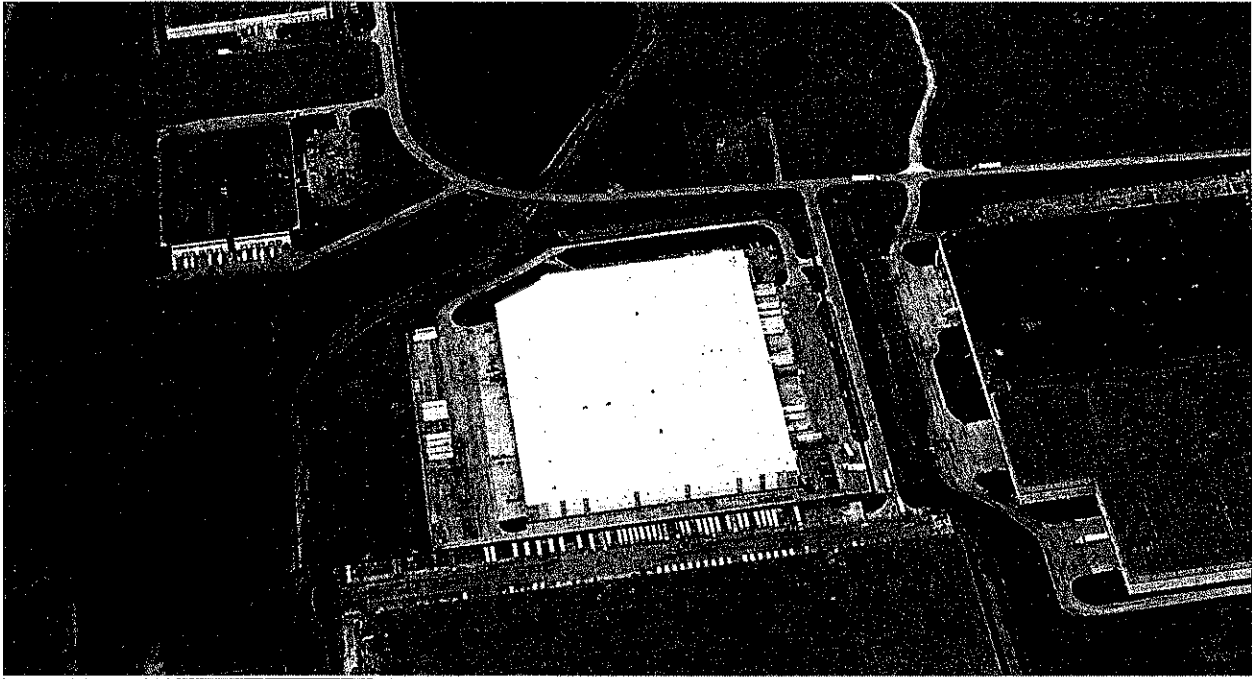


EXHIBIT C

Statement of Benefits Personal Property (SB-1/PP)

(To be attached)