

RESOLUTION 2022-19

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, REGARDING CERTAIN REAL PROPERTY TAX ABATEMENT DEDUCTIONS FOR SKJODT-BARRETT CONTRACT PACKAGING, LLC

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 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded; and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 adopted its Resolution 95-12 on October 23, 1995 and Resolution 07-07 on June 25, 2007 (collectively, the “Declaratory Resolutions”) pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City comprising 130+/- acres within the Lebanon Business Park an Economic Revitalization Area (the “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 95-13 on November 13, 1995 and Resolution 07-07a on July 9, 2007 confirming the Declaratory Resolutions, thereby establishing the Area; and

WHEREAS, Skjodt-Barrett Contract Packaging, LLC (the “Applicant”) has advised the Council that it intends to expand its distribution facility located in the Area at the location commonly known as 401 South Enterprise Boulevard, Lebanon, Indiana (the “Real Estate”), and more particularly described in Exhibit A and depicted in Exhibit B, which exhibits are both attached hereto and made a part hereof;

WHEREAS, Applicant submitted to the Council a Statement of Benefits Real Property (Form SB-1/RP) and Statement of Benefits Personal Property (Form SB-1/PP) (collectively, the “Statements”) each attached hereto as Exhibit C and made a part hereof, and provided all information and documentation necessary for the Council to make an informed decision regarding Applicant’s proposed expansion Project (as defined herein); and

WHEREAS, Applicant has advised the Council that it proposes completing a significant investment involving: (i) the redevelopment or rehabilitation of the Real Estate to construct an approximately 340,000 square foot expansion of the current 209,019 square foot facility located on the Real Estate (the “Facility”), and (ii) the addition of three new production lines within the

existing building, and (iii) the addition of eight new production lines and 20,000 sq. ft. of freezer and cooler space into the expanded Facility (collectively, the “Project”); and

WHEREAS, Applicant has requested the City approve a five (5) year real property tax deduction schedule and a three (3) year personal property tax deduction schedule for the Project; and

WHEREAS, this Council has reviewed the Statements; and

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; and

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 real and 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 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 Statements, this Council makes the following findings:

- (a) The estimate value of Applicant’s Project shown on the Statements is reasonable;
- (b) The estimate of the number of individuals who will be employed as a result of the proposed Project 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 Statements can reasonably be expected to result from the proposed Project; and

(e) The totality of benefits from the proposed Project is sufficient to justify the real property and personal property tax deduction schedules as set out herein.

Section 3. That 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 4. The Statements submitted by the Applicant are approved.

Section 5. Applicant is entitled to personal property tax deductions for the proposed addition of eleven (11) new production lines in total, expansion of the existing facility by an additional 340,000 sq. ft., and 20,000 sq. ft. of freezer and cooler space as part of the Project for a period of three (3) 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	100%
2	100%
3	100%

Section 6. Applicant is entitled to real property tax deductions for the proposed redevelopment or rehabilitation of the Real Estate as part of the Project for a period of five (5) years, in accordance with the following abatement schedule, hereby adopted pursuant to Section 17 of the Act:

<i>Real Property Tax Abatement Schedule Year</i>	<i>% of Assessed Value Exempt From Real Property Taxes</i>
1	100%
2	100%
3	50%
4	50%
5	25%

Section 7. Pursuant to the Act, a copy of this Resolution shall be filed with the Boone County Assessor.

Section 8. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ALL OF WHICH IS ADOPTED this ____ day of July, 2022 by the 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

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution No. 2022-19 was delivered to the Mayor of the City of Lebanon, Indiana on the ____ day of July, 2022, at ____:____ __.m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2022-19 ____ this ____ day of July, 2022, at ____:____ __.m.

I hereby VETO RESOLUTION 2022-19 this ____ day of July, 2022, at ____:____ __.m.

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

This document prepared by:
Robert S. Schein, Esq.
Dinsmore & Shohl, LLP (317) 860-5391

EXHIBIT A

Legal Description of Real Estate

Commonly known as 121 North Enterprise Boulevard, Lebanon, Indiana

Local Parcel No. 015-77777-11

State Parcel No. 06-06-02-000-018.000-002

LAND BOUNDARY DESCRIPTION

PARCEL 1

A part of the Northwest and Southwest Quarters of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, being a part of that land shown on the survey prepared by Woolpert Consultants of the Lenox Tracts, recorded in Survey Book 2, page 4 through 6 as Instrument Number 10955, and a part of that land shown on the survey prepared by Woolpert Consultants of the Grindley Tract, recorded in Survey Book 2, page 8 as Instrument Number 10957, both recorded in the Office of the Recorder of Boone County, Indiana, described as follows: Commencing at the southwest corner of said Southwest Quarter, said corner being South 89 degrees 24 minutes 21 seconds West 2,744.39 feet from the southeast corner of said quarter section; thence easterly along the south line of said southwest quarter North 89 degrees 24 minutes 21 seconds East 2129.96 feet; thence North 00 degrees 07 minutes 34 seconds East 2424.34 feet to the POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds West 1334.36 feet to the northeast right-of-way line of Enterprise Boulevard, as described in the deed to the Lebanon Redevelopment Authority recorded as Instrument Number 97-995 in said Recorder's office; thence along said northeast right-of-way line, described in Instrument Numbers 97-995 and 97-1004, North 40 degrees 59 minutes 40 seconds West 1152.49 feet to the southwest corner of the parcel of land known as Building 8 in Lebanon Business Park; thence North 90 degrees 00 minutes 00 seconds East along the south line of said Building 8 parcel 992.16 feet to the west line of a parcel of land known as Building 7 in Lebanon Business Park; thence South 00 degrees 00 minutes 00 seconds West along said west line 19.43 feet to the southwest corner of said Building 7 parcel; thence North 90 degrees 00 minutes 00 seconds East along the south line of said Building 7 parcel 1050.09 feet to the west right-of-way line of the Conrail Railroad (formerly Pennsylvania Railroad, Deed Record 1, page 517 said Boone County Recorder's office); thence South 00 degrees 07 minutes 34 seconds West 628.06 feet along said west right-of-way line to the south line of said Conrail Railroad; thence North 89 degrees 13 minutes 15 seconds East 50.01 feet along the south line of said Conrail Railroad to the west right-of-way line of Conrail Railroad (formerly Pennsylvania Railroad, Deed Record 1, page 536 said Boone County Recorder's office); thence South 00 degrees 07 minutes 34 seconds West 223.06 feet along the west right-of-way of said Conrail Railroad to the POINT OF BEGINNING containing 33.003 acres, more or less. The bearings in this description are based on the south line of the Southwest Quarter of Section 1, Township 18 North, Range 1 West having a bearing of North 89 degrees 24 minutes 21 seconds East.

EXCEPTING Therefrom:

A part of the Southwest Quarter of Section 1, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, More particularly described as follows: Commencing at the Southwest corner of said quarter section, said corner being South 89 degrees 24 minutes 21 seconds West, 2744.39 feet from the Southeast corner of said quarter section; thence North 89 degrees 24 minutes 21 seconds East, 2129.96 feet along the south line of said quarter section to the west right-of-way line of the Conrail Railroad (formerly Pennsylvania Railroad, Deed Record 1, Page 536 in the Office of the Recorder of Boone County Indiana; thence North 00 degrees 07 minutes 34 seconds East, 2424.34 feet along said right-of-way line to the Northeast corner of the land described in the deed to Duke Realty L. P. as recorded in Instrument Number 05-00464 in said Recorders office and the POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds West, 887.07 feet to the southeast corner of the land described in the deed to Duke Realty L. P. as recorded in instrument number 2003-5026 in said Recorders office; thence North 00 degrees 00 minutes 00 seconds East, 210.99 feet along the east line of said Duke land to the southwest corner of the land described in the deed to Duke Realty L. P. recorded in Instrument Number 97-3219 in said Recorders office; thence North 89 degrees 13 minutes 15 seconds East, 887.64 feet along the south line of said Duke land to the said west right-of-way line of the Conrail Railroad; thence South 00 degrees 07 minutes 34 seconds West, 223.06 feet along the said west right-of-way line to the POINT OF BEGINNING containing 4.42 acres, more or less. The bearings in this description are based on the south line of the Southwest Quarter of Section 1, Township 18 North, Range 1 West having a bearing of North 89 degrees 24 minutes 21 seconds East.

LAND BOUNDARY DESCRIPTION

PARCEL 2

A part of the Southwest Quarter of Section 1, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, More particularly described as follows: Commencing at the Southwest corner of said quarter section, said corner being South 89 degrees 24 minutes 21 seconds West, 2744.39 feet from the Southeast corner of said quarter section; thence North 89 degrees 24 minutes 21 seconds East, 2129.96 feet along the south line of said quarter section to the west right-of-way line of the Conrail Railroad (formerly Pennsylvania Railroad, Deed Record 1, Page 536 in the Office of the Recorder of Boone County Indiana; thence North 00 degrees 07 minutes 34 seconds East, 2424.34 feet along said right-of-way line to the Northeast corner of the land described in the deed to Duke Realty L. P. as recorded in Instrument Number 05-00464 in said Recorders office and the POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds West, 887.07 feet to the southeast corner of the land described in the deed to Duke Realty L. P. as recorded in instrument number 2003-5026 in said Recorders office; thence North 00 degrees 00 minutes 00 seconds East, 210.99 feet along the east line of said Duke land to the southwest corner of the land described in the deed to Duke Realty L. P. recorded in Instrument Number 97-3219 in said Recorders office; thence North 89 degrees 13 minutes 15 seconds East, 887.64 feet along the south line of said Duke land to the said west right-of-way line of the Conrail Railroad; thence South 00 degrees 07 minutes 34 seconds West, 223.06 feet along the said west right-of-way line to the POINT OF BEGINNING containing 4.42 acres, more or less. The bearings in this description are based on the south line of the Southwest Quarter of Section 1, Township 18 North, Range 1 West having a bearing of North 89 degrees 24 minutes 21 seconds East.

LAND BOUNDARY DESCRIPTION

OVERALL PARCEL

A part of the Northwest and Southwest Quarters of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, being a part of that land shown on the survey prepared by Woolpert Consultants of the Lenox Tracts, recorded in Survey Book 2, page 4 through 6 as Instrument Number 10955, and a part of that land shown on the survey prepared by Woolpert Consultants of the Grindley Tract, recorded in Survey Book 2, page 8 as Instrument Number 10957, both recorded in the Office of the Recorder of Boone County, Indiana, described as follows: Commencing at the southwest corner of said Southwest Quarter, said corner being South 89 degrees 24 minutes 21 seconds West 2,744.39 feet from the southeast corner of said quarter section; thence easterly along the south line of said southwest quarter North 89 degrees 24 minutes 21 seconds East 2129.96 feet; thence North 00 degrees 07 minutes 34 seconds East 2424.34 feet to the POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds West 1334.36 feet to the northeast right-of-way line of Enterprise Boulevard, as described in the deed to the Lebanon Redevelopment Authority recorded as Instrument Number 97-995 in said Recorder's office; thence along said northeast right-of-way line, described in Instrument Numbers 97-995 and 97-1004, North 40 degrees 59 minutes 40 seconds West 1152.49 feet to the southwest corner of the parcel of land known as Building 8 in Lebanon Business Park; thence North 90 degrees 00 minutes 00 seconds East along the south line of said Building 8 parcel 992.16 feet to the west line of a parcel of land known as Building 7 in Lebanon Business Park; thence South 00 degrees 00 minutes 00 seconds West along said west line 19.43 feet to the southwest corner of said Building 7 parcel; thence North 90 degrees 00 minutes 00 seconds East along the south line of said Building 7 parcel 1050.09 feet to the west right-of-way line of the Conrail Railroad (formerly Pennsylvania Railroad, Deed Record 1, page 517 said Boone County Recorder's office); thence South 00 degrees 07 minutes 34 seconds West 628.06 feet along said west right-of-way line to the south line of said Conrail Railroad; thence North 89 degrees 13 minutes 15 seconds East 50.01 feet along the south line of said Conrail Railroad to the west right-of-way line of Conrail Railroad (formerly Pennsylvania Railroad, Deed Record 1, page 536 said Boone County Recorder's office); thence South 00 degrees 07 minutes 34 seconds West 223.06 feet along the west right-of-way of said Conrail Railroad to the POINT OF BEGINNING containing 33.003 acres, more or less. The bearings in this description are based on the south line of the Southwest Quarter of Section 1, Township 18 North, Range 1 West having a bearing of North 89 degrees 24 minutes 21 seconds East.

EXHIBIT B

EXHIBIT C

Statement of Benefits Real Property (SB-1/RP)

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

(To be attached)