

## **RESOLUTION NUMBER 14-129**

### **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS FOR THIENEMAN PROPERTIES, LLC.**

**WHEREAS**, pursuant to Indiana Code 6-1.1-12.1-1, *et. seq.* (the “Act”), the City of Westfield, 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;

**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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;

**WHEREAS**, the Council adopted its Resolution Number 03-08 (the “Declaratory Resolution”) on September 8, 2003 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;

**WHEREAS**, the Council, after following all applicable procedures of the Act, took final action adopting Resolution Number 03-09 (the “Confirmatory Resolution”) on October 18, 2003 confirming the Declaratory Resolution, thereby establishing an Economic Revitalization Area;

**WHEREAS**, the Council, after following all applicable procedures of the Act, amended the Confirmatory Resolution by adopting Resolution Number 07-19 (the “Amended Confirmatory Resolution”) on November 12, 2007;

**WHEREAS**, Thieneman Properties, LLC. (the “Applicant”) has filed with this Council a Statement of Benefits, Real Property (Form SB-1/RP) (“Form SB-1”) identified in Exhibit C, which describes the proposed project (the “Project”) to be installed and owned by the Applicant, in order to receive real property tax abatement for the Project;

**WHEREAS**, the Project includes the construction of a Twenty Six Thousand (26,000) square foot structure in the Area on approximately Four and Half (4.5) acres of land;

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

**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 BY THE COMMON COUNCIL OF  
THE CITY OF WESTFIELD, INDIANA AS FOLLOWS:**

**SECTION I.** The proposed Project will be located in the Area which has been confirmed as an economic revitalization area pursuant to the Act.

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

- (1) The estimate of Two Million Four-Hundred and Thirty Seven Thousand Dollars (\$2,437,000) as the value of the improvements to be constructed is reasonable for projects of that nature.
- (2) The estimate of Sixteen (16) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) The estimate of One Million Two-Hundred and Seventy Five Thousand Dollars (\$1,275,000) for the aggregate annual salaries of those individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (4) The estimate of hiring Twenty Eight (28) new individuals who will be employed can be reasonably expected to result from the proposed Project.
- (5) The estimate of Two Million Dollars (\$2,000,000) for the aggregate annual salaries without benefits of those individuals who will be employed can be reasonably expected to result from the proposed Project.
- (6) 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.
- (7) 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 III.** The Form SB-1 submitted by the Applicant is approved.

**SECTION IV.**

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 ten (10) years, utilizing the following schedule:

- Year 1 – 100%
- Year 2 – 90%
- Year 3 – 80%
- Year 4 – 70%
- Year 5 – 60%
- Year 6 – 50%
- Year 7 – 40%
- Year 8 – 30%
- Year 9 – 20%
- Year 10 – 10%

The effectiveness of the designation may be terminated by this Council in accordance with the Act.

**SECTION V.**

Pursuant to the Act, the Council shall cause to be filed a certified copy of this Resolution with the Hamilton County Auditor.

**SECTION VI.**

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

THE REMAINDER OF THIS PAGE IS BLANK INTENTIONALLY

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 13th DAY OF October, 2014.**

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Chuck Lehman

\_\_\_\_\_  
Chuck Lehman

\_\_\_\_\_  
Chuck Lehman

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Andrew P. Murray

**I hereby certify that RESOLUTION 14-129 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_ m.**

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 14-129  
This \_\_\_\_\_ day of \_\_\_\_\_, 2014

I hereby VETO Resolution 14-129  
This \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

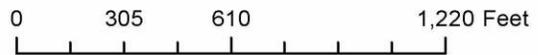
Prepared By:  
Andrew P. Murray, Associate Planner  
Economic and Community Development Department  
City of Westfield, Indiana

**EXHIBIT A**

Legal Description of Area

Lot 1 in the Custom Commerce Park, a subdivision in Hamilton County, Indiana, as per First Amendment to the Secondary Plat of Custom Commerce Park, recorded March 24, 2011, as Instrument 2011015213, in the Office of the Recorder of Hamilton County, Indiana.

**EXHIBIT B**



**Legend**

-  Subject Property
-  Parcels

**EXHIBIT C**

SB-1 Form



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R5 / 12-13)  
Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
<b>PRIVACY NOTICE</b>
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5 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 6-1.1-12.1-4)  
 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 <b>Thieneman Properties, LLC</b>		
Address of taxpayer (number and street, city, state, and ZIP code) <b>17241 Foundation Parkway, Suite 100</b>		
Name of contact person <b>Kenneth D. Thieneman</b>	Telephone number <b>( 317 ) 867-3462</b>	E-mail address <b>Ken.thieneman@thienemanconstruction.com</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body <b>Westfield City Council</b>	Resolution number
Location of property <b>Custom Commerce Park, Lot 1 (17219 Foundation Pkwy)</b>	County <b>Hamilton</b>
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>See attached.</b>	DLGF taxing district number <b>015-0007</b>
	Estimated start date (month, day, year) <b>10/15/2014</b>
	Estimated completion date (month, day, year) <b>11/01/2015</b>

**SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
16.00	\$1,275,000.00	16.00	\$1,275,000.00	28.00	\$2,000,000.00

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	363,000.00	9,300.00
Plus estimated values of proposed project	2,437,000.00	1,949,600.00
Less values of any property being replaced	0.00	0.00
Net estimated values upon completion of project	2,800,000.00	1,958,900.00

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) <b>0.00</b>	Estimated hazardous waste converted (pounds) <b>0.00</b>
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Other benefits

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) <b>9/30/14</b>
Printed name of authorized representative <b>Kenneth D. Thieneman</b>	Title <b>Member, Thieneman Properties, LLC</b>

**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 (      )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

\* 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.



September 30, 2014

Mr. Andrew Murray and Staff  
Economic & Community Development  
City of Westfield  
2728 E 171<sup>st</sup> St.  
Westfield, Indiana 46074

**Re: Form SB-1, Description of real property improvements, Custom Commerce Park Lot 1, 17219 Foundation Pkwy**

This 4.4 acre tract of land, presently zoned Industrial and part of the Custom Commerce Park PUD, is proposed to be developed with a 2 story office building and warehouse. We are in the process of applying for a change in zoning to allow for screened outside storage.

Thieneman Properties, LLC is presently applying for a change in zoning for lot 1 in Custom Commerce Park, located at the southeast corner of Foundation Parkway and Oak Ridge Road. The change in zoning to the existing PUD will allow for our planned construction office to be immediately adjacent to our storage yard, where we house our utility equipment and various construction supplies. The efficiency in having the storage yard adjacent to our construction office is invaluable to our operations.

We are planning to start construction quickly on phase one of our headquarters, a combination of 13,500 square feet of finished office, with capacity to finish another 4,500 square feet based upon growth and need, along with 12,500 square feet of warehouse. The property contains adequate room for our planned growth, including two added phases that will eventually total up to 60,000 square feet. Our plan calls for us to move to the new facility in late Fall of 2015. We have engaged an architect and can assemble a proposed lighting, signage and landscape plan at a later date, but the project will retain the commercial curb appeal consistent with the projects within the area.

We are excited about Thieneman Construction's projected growth and equally excited about the proposition of making that growth happen here in Westfield, where my wife Shannon and I and our four children have chosen to live the last six years. We are presently building a new house in Westfield and have become engrained in the community. Our oldest graduated from Guerin High School and has just left to pursue a passion for football and an engineering degree at Purdue University. Our son Brennan is a junior at Guerin High School and our two youngest attend St. Maria Goretti.

I founded Thieneman Construction in 1999 in Lake County, Indiana after leaving Bowen Engineering. We have grown to be a formidable competitor in the construction of water and waste water treatment plants in central and northern Indiana as well as the Chicago market. Our company maintains a significant office in Merrillville, Indiana. This year we will generate approximately \$35M in revenue, and our projections show us growing to over \$120M in the next 10 years.

We are a union contractor, and the employment data contained herein excludes our company's union field forces. We have made conservative assumptions below that our Indy office will represent 60% of our total office personnel, and the numbers indicated below refer solely to the headcount of our Westfield office employees. In terms of personnel, we presently employ 16 full time employees who work out of our Westfield headquarters and expect that number to grow to 44 full time employees in 10 years. These employees are white collar, construction professionals and will average over \$71,000 of annual salary and total over \$2M of payroll, all of which are unadjusted for inflation.

As for timing of the phasing, we would anticipate the second phase to begin somewhere between year 7 and year 10, and the third and final phase would occur 7-10 years following thereafter.

Our competitors, including Wilhelm Construction and Bowen Engineering, are both located inside the I-465 loop in Marion County. In fact, Bowen moved to its North Meridian address with significant incentives in 2008 after being founded in and growing in Hamilton County since the mid-1960's.

We are excited to share our company's plans with the City of Westfield, and to further enhance our local presence by adding jobs and improved real estate to the US Hwy 31 and SR 32 corridor. We look forward to the opportunity to helping improve the city where we have chosen to raise our children.

We look forward to your response on our real property tax abatement request.

Best regards,



Kenneth D. Thieneman  
Member, Thieneman Properties