

## RESOLUTION NUMBER 11-01

### RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS FOR AUTOMATIC POOL COVERS, INC.

**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 and to also abate the payment of personal property taxes within the 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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 attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B (the “Area”) 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**, Automatic Pool Covers, Inc. (the “Applicant”) has filed with this Council a Statement of Benefits, Personal Property (Form SB-1/PP) (“Form SB-1”) which describes the proposed project (the “Project”) to be installed by the Applicant, in order to receive personal property tax abatement for the Project;

**WHEREAS**, the Project includes the installation of new manufacturing, logistical distribution, and information technology equipment consisting of production and information technology equipment in the Applicant's manufacturing facility to be constructed and located in the Area which will be utilized by the Applicant in its manufacturing operations located in the Area;

**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 Hundred and Seventy Thousand Dollars (\$270,000) as the value of the new manufacturing equipment to be installed is reasonable for projects of that nature.
- (2) The estimate of One Hundred and Thirty Thousand Dollars (\$130,000) as the value of the new logistical distribution equipment to be installed is reasonable for projects of that nature.
- (3) The estimate of One Hundred Thousand Dollars (\$100,000) as the value of the new information technology equipment to be installed is reasonable for projects of that nature.
- (4) The estimate of twenty-four (24) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (5) The estimate of One Million Three Hundred Ninety Seven Thousand Seven Hundred and Sixty Dollars (\$1,397,760) for the aggregate annual salaries of those individuals whose employment will be retained can be reasonably expected to result from the proposed Project.

- (6) The estimate of hiring twelve (22) new individuals who will be employed can be reasonably expected to result from the proposed Project.
- (7) The estimate of Eight Hundred Eighty Two Thousand Two Hundred Fifty Two Dollars and Eighty Cents (\$882,252.80) for the aggregate annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed Project.
- (8) 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.
- (9) The totality of benefits is sufficient to justify the granting of personal 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.**

Personal property tax deductions for the Project are hereby approved. The period for personal property tax deductions under the Act for the Project shall be five (5) years utilizing such schedule provided in the Act provided, however, 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

ADOPTED AND PASSED THIS 10<sup>TH</sup> DAY OF JANUARY 2011, BY THE  
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD COMMON COUNCIL

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Robert L. Horkay

\_\_\_\_\_  
Robert L. Horkay

\_\_\_\_\_  
Robert L. Horkay

\_\_\_\_\_  
Kenneth Kingshill

\_\_\_\_\_  
Kenneth Kingshill

\_\_\_\_\_  
Kenneth Kingshill

\_\_\_\_\_  
Robert J. Smith

\_\_\_\_\_  
Robert J. Smith

\_\_\_\_\_  
Robert J. Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

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

I hereby certify that RESOLUTION 11-01 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ m.

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

I hereby APPROVE Resolution 11-01  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

I hereby VETO Resolution 11-01  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

This resolution prepared by:  
Deanne Ludwig  
Community Development Department  
City of Westfield

EXHIBIT A

Legal Description of Area

Commonly Known as 17303 Oak Ridge Road, Westfield, Indiana

PARCEL 25: Part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, said corner being located 79.77 feet North 89 degrees 49 minutes 58 seconds East (assumed bearing) from the Southeast corner of Southwest Quarter of Section 36, Township 19 North, Range 3 East; thence South 89 degrees 49 minutes 58 seconds West on the North line of said Northwest Quarter 476.30 feet to the centerline of Westfield Park Road; thence South 01 degree 02 minutes 08 seconds West on the centerline of Westfield Park Road 582.00 feet to the point of curvature of a curve to the right having a radius of 325.00 feet; thence Southwesterly, curving to the right, on said centerline, an arc distance of 98.38 feet to the point of tangency of said curve, thence South 18 degrees 22 minutes 43 seconds West on said centerline and tangent to said curve 121.06 feet to the point of curvature of a curve to the left having a radius of 300.00 feet; thence Southwesterly, curving to the left on said centerline, an arc distance of 96.23 feet to the point of tangency of said curve; thence South 00 degrees 00 minutes 00 seconds on said centerline and tangent to said curve 757.22 feet; thence South 90 degrees 00 minutes 00 seconds West, leaving said centerline, 567.54 feet to the PLACE OF BEGINNING of the within (aka Grassy Branch); thence South 90 degrees 00 minutes 00 seconds West 147.25 feet to the Westerly line of real estate described in a Warranty Deed recorded as Instrument 8803348 in the Office of the Recorder of Hamilton County, Indiana; thence South 01 degrees 04 minutes 34 seconds East on the Westerly line of said real estate 761.48 feet to the South line of said Northwest Quarter; thence North 86 degrees 46 minutes 06 seconds East on the South line of said Northwest Quarter 676.56 feet to the Westerly right-of-way line of the aforesaid Westfield Park Road; thence North 00 degrees 00 minutes 00 seconds on said right-of-way line 86.85 feet, said point being the approximate centerline of the aforesaid Anna Kendall Legal Drain; thence Northwesterly with the meandering of the centerline of said Legal Drain to the place of beginning, containing 7.6 acres, more or less.

Subject to the Statutory Easement for the right-of-way of the Anna Kendall Legal Drain (aka Grassy Branch).

Subject to a 20 foot wide Utility Easement lying West of and adjacent to the West right-of-way line of Westfield Park Road, per Dedication of Utility Easement to the Town of Westfield, Indiana, per a document recorded as Instrument 89-22665 in the Office of the Recorder of Hamilton County, Indiana.

Subject to all other legal easements and rights-of-way.

Part of the West Half of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the intersection of the West line of said half-quarter section with the South right of way line of Chicago and Southeastern Railroad; thence South along said west line to the Southwest corner of said half-quarter section; thence East along the South line of said half-quarter section 80 rods to the Southeast corner thereof; thence North along the East line of said half-quarter section to said south railroad right of way line; thence West along said south right of way line to the point of beginning and containing 47.5 acres, more or less. Subject to all legal easements and rights of way of record.

EXHIBIT B



**Legend**

-  Economic Revitalization Area (the "Area")
-  Automatic Pool Covers, Inc. (the "Project")





# STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R / 1-06)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

### PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

#### INSTRUCTIONS:

1. 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** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, **BEFORE** a deduction may be approved
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001. For equipment installed prior to March 2, 2001, the schedules and statutes in effect at the time shall continue to apply. (IC 6-1.1-12.1-4.5(f) and (g))

### SECTION 1 TAXPAYER INFORMATION

Name of taxpayer <b>Automatic Pool Covers, Inc.</b>	
Address of taxpayer (number and street, city, state, and ZIP code) <b>9001 East 133rd Place Fishers, IN 46038</b>	
Name of contact person <b>Michael Shebek</b>	Telephone number <b>(317) 579-2000</b>

### SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body <b>Westfield Redevelopment Commission and Westfield City Council</b>		Resolution number (s)		
Location of property <b>NE Approx. 8.53 Acres of Custom Commerce Park, Westfield, IN 46074</b>		County <b>Hamilton</b>	DLGF taxing district number <b>015</b>	
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (use additional sheets if necessary)  <b>Manufacturing, logistic distribution, and IT equipment for automatic pool cover manufacturing facility</b>		ESTIMATED		
		START DATE      COMPLETION DATE		
		Manufacturing Equipment	<b>01/01/2011</b>	<b>12/31/2013</b>
		R & D Equipment		
		Logist Dist Equipment	<b>01/01/2011</b>	<b>12/31/2013</b>
IT Equipment	<b>01/01/2011</b>	<b>12/31/2013</b>		

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

Current number <b>24</b>	Salaries <b>1,397,760.00</b>	Number retained <b>24</b>	Salaries <b>1,397,760.00</b>	Number additional <b>22</b>	Salaries <b>882,252.80</b>
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### SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values								
Plus estimated values of proposed project	<b>270,000.00</b>				<b>130,000.00</b>		<b>100,000.00</b>	
Less values of any property being replaced								
Net estimated values upon completion of project								

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

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
Other benefits:	

### SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative <i>Michael J. Shebek</i>	Title <b>President</b>	Date signed (month, day, year) <b>12-28-10</b>
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**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

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. Installation of new manufacturing equipment;            | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Installation of new information technology equipment;   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

G. Other limitations or conditions (specify) \_\_\_\_\_

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> 1 year     | <input type="checkbox"/> 6 years     |
| <input type="checkbox"/> 2 years    | <input type="checkbox"/> 7 years     |
| <input type="checkbox"/> 3 years    | <input type="checkbox"/> 8 years     |
| <input type="checkbox"/> 4 years    | <input type="checkbox"/> 9 years     |
| <input type="checkbox"/> 5 years ** | <input type="checkbox"/> 10 years ** |

\*\* For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

Also we have 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)	Telephone number	Date signed (month, day, year)
Attested by:	Designated body	

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5