

## RESOLUTION NUMBER 11-02

### RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS FOR EGO ENTERPRISES 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 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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**, Ego Enterprises LLC (the “Applicant”) has filed with this Council a Statement of Benefits, Real Estate Improvements (Form SB-1/Real Property) (“Form SB-1”) which describes the proposed project (the “Project”) to be constructed on certain property to be owned by the Applicant, in order to receive real property tax abatement for the Project;

**WHEREAS**, the Project includes the construction of a Fifty Thousand (50,000) square foot building in the Area on approximately Eight and One Half (8.5) 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 Five Hundred Thousand Dollars (\$2,500,000) as the value of the improvements to be constructed is reasonable for projects of that nature.
- (2) The estimate of twenty-four (24) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) 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.
- (4) The estimate of hiring twelve (22) new individuals who will be employed at the Project can be reasonably expected to result from the proposed Project.
- (5) 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.
- (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 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.

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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

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Robert L. Horkay

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

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

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Kenneth Kingshill

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

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Robert J. Smith

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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 11-02 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ m.

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

I hereby APPROVE Resolution 11-02  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

I hereby VETO Resolution 11-02  
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).

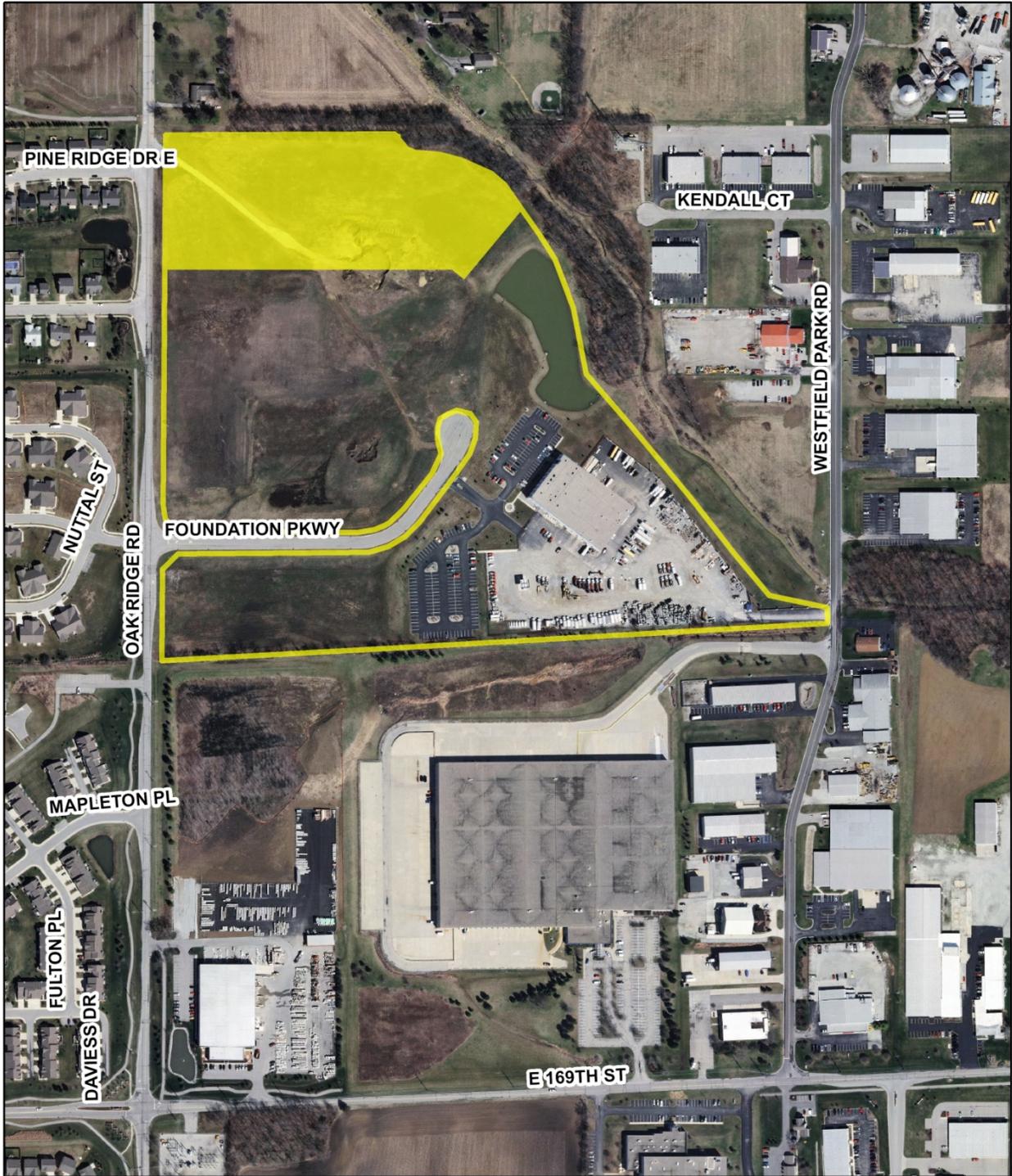
Subject to a 20 foot wide Utility Easement lying West of and adjacent to the West right-of-way line of Westfield Park Road, per Dedication of Utility Easement to the Town of Westfield, Indiana, per a document recorded as Instrument 89-22665 in the Office of the Recorder of Hamilton County, Indiana.

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")
-  Ego Enterprises LLC (the "Project")





**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R2 / 1-07)  
Prescribed by the Department of Local Government Finance

20 <u>12</u> PAY 20 <u>13</u>
FORM SB-1 / Real Property

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)
- Eligible vacant building (IC 6-1.1-12.1-4.8)

**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. "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)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
- To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>Ego Enterprises, LLC</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>	E-mail address <b>mshebek@automaticpoolcovers.net</b>

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

Name of designating body <b>Westfield Redevelopment Commission and Westfield City Council</b>	Resolution number
Location of property <b>NE Approx. 8.53 Acres of Custom Commerce Park, Westfield, IN 46074</b>	County <b>Hamilton</b>
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Construct a fifty thousand square foot building</b>	DLGF taxing district number <b>015</b>
	Estimated start date (month, day, year) <b>01/01/2011</b>
	Estimated completion date (month, day, year) <b>12/31/2013</b>

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
24.00	\$1,397,760.00	24.00	\$1,397,760.00	22.00	\$882,252.80

**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.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
	Current values	
	Plus estimated values of proposed project	2,500,000.00
	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) _____
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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 	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, 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
  - 3. Occupancy of a vacant building       Yes       No
- C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.
- D. Other limitations or conditions (specify) \_\_\_\_\_
- E. The deduction is allowed for \_\_\_\_\_ years\* (see below).

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)
Attested by (signature and title of attester)	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 6-1.12-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
  - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
  - 2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
- C. For vacant buildings, the deduction period may not exceed two (2) years.