

RESOLUTION NUMBER 13-107

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS FOR HADAH II, 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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, Hadah II, 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 Thirty Five Thousand (35,000) square foot building in the Area on approximately Six (6) 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 Eight Hundred Thousand Dollars (\$2,800,000) as the value of the improvements to be constructed is reasonable for projects of that nature.
- (2) The estimate of twenty-five (25) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) The estimate of One Million Three Hundred Thousand Dollars (\$1,300,000) 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 (20) new individuals who will be employed can be reasonably expected to result from the proposed Project.

- (5) The estimate of Nine Hundred Fifteen Thousand Two Hundred Dollars (\$915,200) 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 (IC 6-1.1-12.1-4 Version b (d) (10)) 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 11TH DAY OF MARCH, 2013, BY THE
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD COMMON COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

John Dippel

John Dippel

John Dippel

Steve Hoover

Steve Hoover

Steve Hoover

Robert Horkay

Robert Horkay

Robert Horkay

Robert Smith

Robert Smith

Robert Smith

Cindy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that RESOLUTION 13-107 was delivered to the Mayor of Westfield on the _____ day of _____, 2013, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 13-107
this _____ day of _____, 2013.

J. Andrew Cook, Mayor

I hereby VETO Resolution 13-107
this _____ day of _____, 2013.

J. Andrew Cook, Mayor

This resolution prepared by:
Jennifer Miller, AICP
Economic and Community Development Department
City of Westfield

March 11, 2013

EXHIBIT A

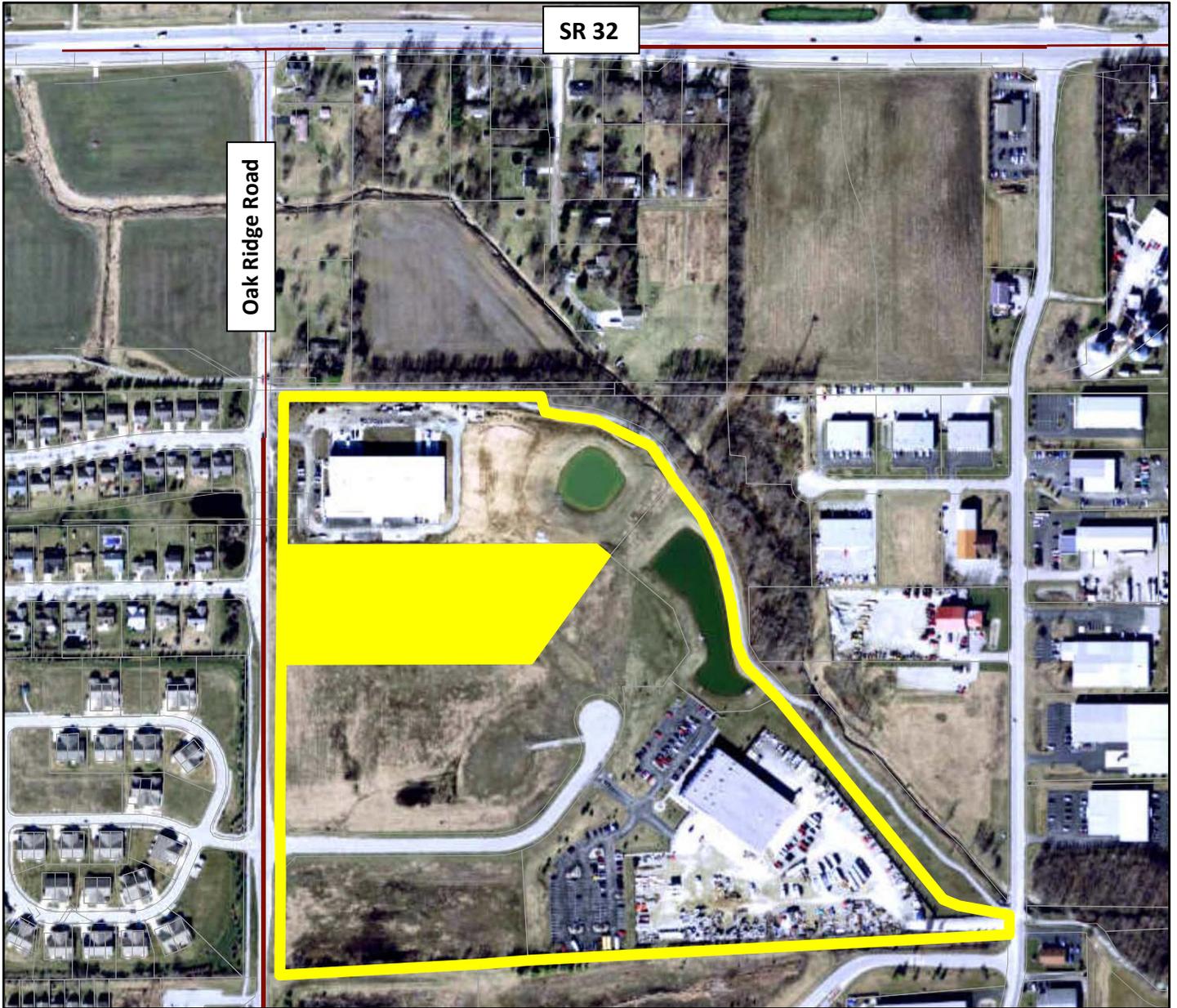
Legal Description of Area

Commitment Number: 13-0089

Part of Lot 4 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 No. 2011015213, in the Office of the Recorder of Hamilton County, Indiana and being located within the Northwest Quarter of Section 1, Township 18 North, Range 3 East, described as follows.

Beginning at the northwest corner of said Lot 4, thence South 89 degrees 54 minutes 18 seconds East (an assumed bearing) 842.75 feet along the north line of said lot; thence South 50 degrees 24 minutes 48 seconds East 44.33 feet along said north line to the centerline of a 100 foot Marathon Ashland High Pressure Pipeline Easement, recorded as Instrument No. 200658449; thence South 39 degrees 35 minutes 10 seconds West 411.59 feet along said centerline; thence North 89 degrees 54 minutes 18 seconds West 617.08 feet parallel with the north line of said Lot 4 to the west line of said lot; thence North 00 degrees 24 minutes 18 seconds East 345.83 feet along said west line to the Point of Beginning, containing 6.00 acres, more or less. NOTE: The acreage calculation is included for descriptive purposes only.

EXHIBIT B



Legend

-  Economic Revitalization Area (the "Area")
-  Weas Engineering, Inc. (the "Project")

N





STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R3 / 12-11)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

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, if any, or the county 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, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). 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 HADAH II, LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 17819 Commerce Drive, Westfield, IN, 46074		
Name of contact person Andy Weas	Telephone number (317) 867-4477	E-mail address andyweas@weasengineeri

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Westfield Common Council	Resolution number
Location of property Custom Commerce Park, Westfield, IN 46074	County Hamilton
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Construct a thirty-five thousand square foot building	DLGF taxing district number 015
	Estimated start date (month, day, year)
	Estimated completion date (month, day, year)

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
25.00	\$1,300,000.00	25.00	\$1,300,000.00	20.00	\$915,200.00

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	2,800,000.00
	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 President, Weas Eng. Inc.	Date signed (month, day, year) 2/12/13
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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).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

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.