

## RESOLUTION NUMBER 16-115

### RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN AMENDED TAX ABATEMENT DEDUCTIONS FOR DURAMARK TECHNOLOGIES, 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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 15-122 (the “Declaratory Resolution”) on September 14, 2015 pursuant to the Act declaring the area as 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;

**WHEREAS**, the Council, after following all applicable procedures of the Act, took final action adopting Resolution Number 15-126 (the “Confirmatory Resolution”) on October 12, 2015 confirming the Declaratory Resolution, thereby establishing an Economic Revitalization Area.

**WHEREAS**, DuraMark Technologies, LLC (the “Applicant”) has previously filed with this Council a Statement of Benefits, Real Property (Form SB-1/RP) (“Form SB-1”) which was adopted as Resolution 15-127 and now files this Amended Form SB-1, attached hereto as Exhibit C which describes the proposed project (the “Project”) to be installed at the location commonly known as 16450 South Park Drive, Westfield, Indiana, 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, by the Applicant, in order to receive real property tax abatement for the Project;

**WHEREAS**, the Project includes the relocation of the Applicant’s headquarters;

**WHEREAS**, this Council has reviewed the Amended 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 Amended Form SB-1, this Council makes the following findings:

- (1) The estimate of Two Million One-Hundred Thirty-Four Thousand Dollars (\$2,134,000) as the assessed value of the Project is reasonable.
- (2) The estimate of Twenty-Two (22) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) The estimate of One Million Seventy-Three Thousand Seventy-Two Dollars (\$1,073,072) 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 Forty-One (41) new individuals who will be employed through term of the abatement period can be reasonably expected to result from the proposed Project.
- (5) The estimate of Two Million Six Hundred Eighty-Six Thousand Three Hundred Twenty Dollars (\$2,686,320) 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 a ten (10) year real property tax abatement to the Applicant.

**SECTION III.** The Amended 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%

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

**SECTION VI.** This Resolution shall be in full force and effect immediately upon its adoption. Resolution 15-127 is hereby replaced by this resolution and attachments. All acts undertaken to create this Resolution and replace Resolution 15-127 are hereby ratified.

THE REMAINDER OF THIS PAGE IS BLANK INTENTIONALLY

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

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

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

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

\_\_\_\_\_  
James J. Edwards

\_\_\_\_\_  
James J. Edwards

\_\_\_\_\_  
James J. Edwards

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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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Mark F. Keen

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Mark F. Keen

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Mark F. Keen

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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: Kevin M. Todd

**I hereby certify that RESOLUTION 16-115 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ m.**

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

I hereby APPROVE Resolution 16-115  
This \_\_\_\_\_ day of \_\_\_\_\_, 2016

I hereby VETO Resolution 16-115  
This \_\_\_\_\_ day of \_\_\_\_\_, 2016

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

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

Prepared By:  
Kevin M. Todd, AICP, Senior Planner  
Economic and Community Development Department  
City of Westfield, Indiana

**EXHIBIT A**

Legal Description

Lot 1A of the Secondary Replat of Lot 1 of the West Oak Subdivision (Instrument No. 2015045200).



**EXHIBIT C**

Statement of Benefits Form



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)  
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>DuraMark Technologies, Inc.</b>		
Address of taxpayer (number and street, city, state, and ZIP code) <b>209 E. 175th Street, Westfield, IN</b>		
Name of contact person <b>Bill Bussick</b>	Telephone number <b>( 317 ) 413-3888</b>	E-mail address <b>bill@duramarkusa.com</b>

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

Name of designating body <b>Westfield City Council</b>	Resolution number <b>15-127</b>
Location of property <b>16450 South Park Dr., Westfield, IN</b>	County <b>Hamilton</b>
DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>New construction of DuraMark Headquarters facility. The building will be approximately 18,000 square feet of office and production space.</b>	Estimated start date (month, day, year) <b>9/30/2015</b>
	Estimated completion date (month, day, year) <b>12/31/2016</b>

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
<b>22.00</b>	<b>\$1,073,072.00</b>	<b>22.00</b>	<b>\$1,073,072.00</b>	<b>41.00</b>	<b>\$2,686,320.00</b>

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

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	0.00	
Plus estimated values of proposed project	2,134,000.00	1,813,900.00
Less values of any property being replaced	0.00	
Net estimated values upon completion of project	2,134,000.00	1,813,900.00

**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 	Date signed (month, day, year) <b>5/17/2016</b>
Printed name of authorized representative <b>Bill Bussick</b>	Title <b>President</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.