

RESOLUTION NUMBER 16-112

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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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 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 adoption 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 Property (Form SB-1/RP) (“Form SB-1”) attached hereto as Exhibit C which describes the proposed project (the “Project”) to be constructed on certain property to be owned by the Applicant at the location commonly known as 17397 Oak Ridge Road, Westfield, Indiana (the “Property”), in order to receive real property tax abatement for the Project;

WHEREAS, the Project includes the construction of an approximately 30,000 square-foot building addition for warehouse and approximately 2,500 square-foot building addition for office space onto the existing Property.;

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 Three Million Four-Hundred Thousand Dollars (\$3,400,000) as the assessed value of the Project is reasonable.
- (2) The estimate of Forty-Nine (49) individuals whose employment will be retained can be reasonably expected to result from the proposed Project.
- (3) The estimate of Three Million One-Hundred Eighty-Five Thousand Dollars (\$3,185,000) 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 Forty-Seven (47) 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 Four-Hundred Eighteen Thousand Five Hundred Eighty-Two Dollars and Forty Cents (\$2,418,582.40) 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.
SECTION IV.

The Form SB-1 submitted by the Applicant is approved. 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 Resolution with the Hamilton County Auditor.

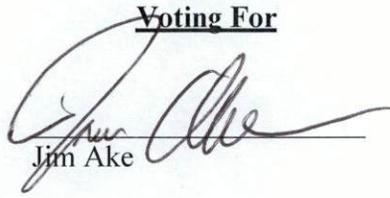
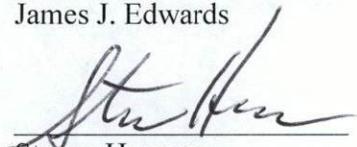
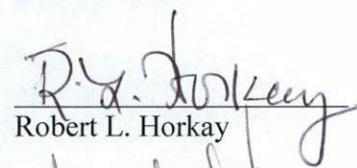
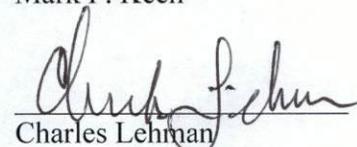
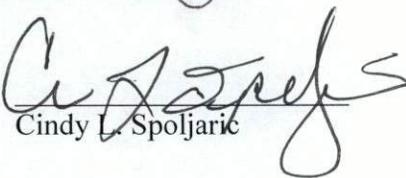
SECTION VI.

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

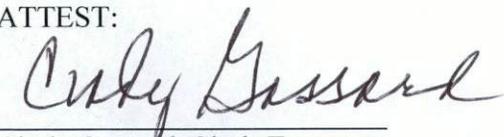
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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 13 DAY OF June, 2016.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

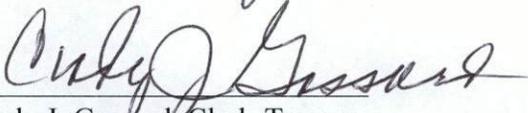
<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 Jim Ake	_____ Jim Ake	_____ Jim Ake
_____ James J. Edwards	_____ James J. Edwards	_____ James J. Edwards
 Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
 Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
 Mark F. Keen	_____ Mark F. Keen	_____ Mark F. Keen
 Charles Lehman	_____ Charles Lehman	_____ Charles Lehman
 Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric

ATTEST:

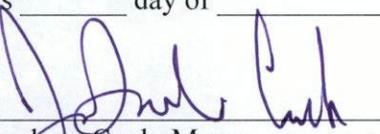

Cindy Gossard, Clerk-Treasurer

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 16-112 was delivered to the Mayor of Westfield on the 14th day of June, 2016, at 2:00p m.


Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 16-112
This _____ day of _____, 2016


J. Andrew Cook, Mayor

I hereby VETO Resolution 16-112
This _____ day of _____, 2016

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

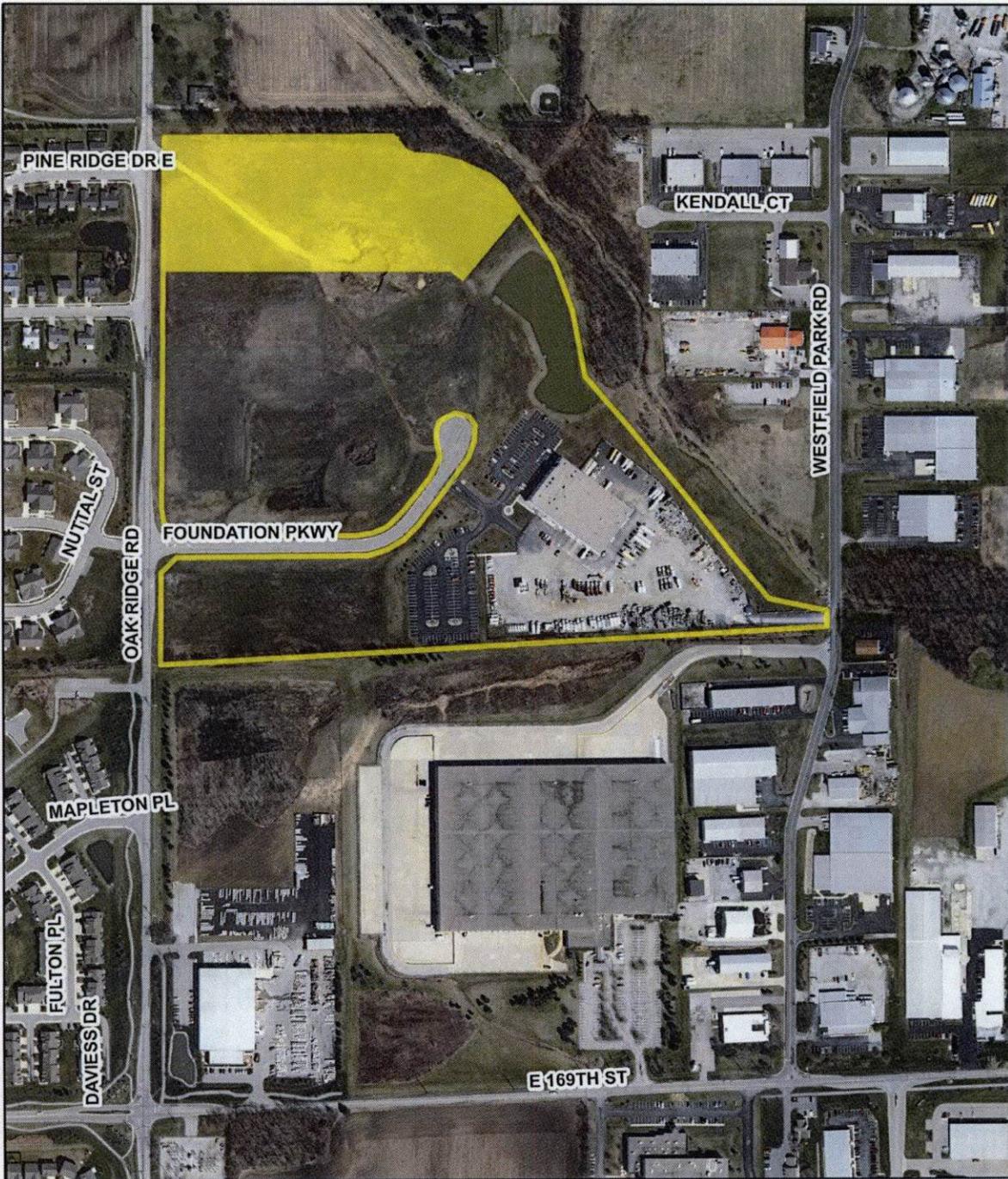
LOT 3 IN CUSTOM COMMERCE PARK, A SUBDIVISION IN HAMILTON COUNTY, INDIANA, AS PER FIRST AMENDMENT TO THE SECONDARY PLAT OF CUSTOM COMMERCE PARK, RECORDED MARCH 24, 2011, AS INSTRUMENT 2011015213, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A PART OF LOT 3 IN THE FIRST AMENDMENT TO THE SECONDARY PLAT OF CUSTOM COMMERCE PARK RECORDED AS INSTRUMENT NUMBER 2011015213 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 3, SOUTH 89 DEGREES 54 MINUTES 18 SECONDS EAST 610.13 FEET FROM THE NORTHWEST CORNER OF SAID LOT 3; THENCE CONTINUE SOUTH 89 DEGREES 54 MINUTES 18 SECONDS EAST 75.00 FEET ALONG SAID NORTH LINE TO A NORTHEASTERN CORNER OF SAID LOT 3, THE NEXT TWO (2) COURSES ARE ALONG A NORTHEASTERN LINE OF SAID LOT 3; (ONE) THENCE SOUTH 00 DEGREES 05 MINUTES 15 SECONDS WEST 6.76 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET, THE RADIUS POINT WHICH BEARS SOUTH 89 DEGREES 54 MINUTES 45 SECONDS EAST; (TWO) THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 67.07 FEET TO A POINT WHICH BEARS SOUTH 04 DEGREES 41 MINUTES 30 SECONDS WEST FROM SAID RADIUS POINT; THENCE SOUTH 00 DEGREES 05 MINUTES 42 SECONDS WEST 1.71 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS WEST 118.16 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 42 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.076 ACRES, MORE OR LESS.

EXHIBIT B



Legend

-  Economic Revitalization Area (the "Area")
-  Ego Enterprises LLC (the "Project")



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 <u>17</u> PAY 20 <u>18</u>
FORM SB-1 / Real Property
PRIVACY NOTICE 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 EGO Enterprises, LLC f/b/o Automatic Pool Covers		
Address of taxpayer (number and street, city, state, and ZIP code) 17397 Oak Ridge Road, Westfield, IN 46074		
Name of contact person Michael Shebek	Telephone number (317) 804-2800	E-mail address mshebek@apc-mfg.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Westfield Redevelopment Commission and Westfield City Council	Resolution number
Location of property Approx. 8.48 acres, Sec 1, Twp 18, Range 3, Lot 3 of Custom Commerce Park	County Hamilton
Description of real property improvements, redevelopment, or rehabilitation (<i>use additional sheets if necessary</i>) Addition of approximately 30,000 SF of warehouse and 2,500 SF of office space onto the existing property located at 17397 Oak Ridge Road.	DLGF taxing district number 29015
	Estimated start date (month, day, year) 09/18/2016
	Estimated completion date (month, day, year) 5/31/2017

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
49.00	\$3,185,000.00	49.00	\$3,185,000.00	47.00	\$2,418,582.40

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		2,515,100.00
Plus estimated values of proposed project	3,400,000.00	
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 <i>Michael Shebek</i>	Date signed (month, day, year) 5-19-2016
Printed name of authorized representative Michael Shebek	Title President

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 <i>Charles Lehman</i>	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body CHARLES LEHMAN	Name of designating body	
Attested by (signature and title of attester) <i>Clayton Howard Clerk Treasurer</i>	Printed name of attester Clayton Howard Clerk Treasurer	

* 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.