

HENDRICKS COUNTY COUNCIL

RESOLUTION NO. 2016-07

**RESOLUTION SETTING FORTH FINAL ACTION IN GRANTING A
~~PERSONAL~~ PROPERTY TAX ABATEMENT FOR I-70 WEST, LLC**

WHEREAS, the Hendricks County Council of Hendricks County, Indiana adopted a Tax Abatement Procedures Ordinance on October 7, 1997; and

WHEREAS, pursuant to said Tax Abatement Procedures Ordinance, **I-70 West, LLC** has filed with the Hendricks County Auditor an "Application for Designation of Economic Revitalization" on February 26, 2016; and

WHEREAS, at a duly constituted meeting of the Hendricks County Council held on May 9, 2013 said County Council declared certain real estate within Hendricks County, Indiana, to be an "Economic Revitalization Area" pursuant to the specifications of Resolution No. 97-37 adopted and approved that date; and

WHEREAS, said application has been reviewed by the Tax Abatement Committee and the Hendricks County Council, and has received from the applicant the requisite filing fee; and

WHEREAS, pursuant to I.C.6-1,1-12,1-1 et seq. the County Council of Hendricks County, Indiana has properly published "Notice of Public Hearing Regarding Final Action to Approve Real Property Tax Abatement" and the application has been considered at a duly held public meeting of said County Council; and

WHEREAS, no remonstrances, written or oral, have been filed with regard to the proposed tax abatement stating opposition, of any type or character, to said Resolution, or the designation of the real estate described therein as an "Economic Revitalization Area"; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF HENDRICKS COUNTY, INDIANA, AS FOLLOWS:

1. Real Property. The County Council of Hendricks County, Indiana hereby declares that any and all eligible improvements placed upon the real estate described in

Exhibit A attached hereto, after the date of the adoption of the Resolution by the County Council, shall, be eligible for the property tax abatement pursuant to the provisions of I.C.6-1.1-12.1-1 et seq.

2. Compliance with Applicable Resolution and Statutes. It is hereby declared by the County Council of Hendricks County, Indiana that the Application of I-70West, LLC heretofore filed complies in all respects with the Tax Abatement Procedure Ordinance No. 97-37 adopted October 7, 1997 and all governing Indiana statutes, and that said Application, in all respects, is hereby granted and approved.
3. No Limitation or Restrictions. It is hereby declared by the County Council of Hendricks County, Indiana that based on Hendricks County's Tax Abatement Procedure Ordinance No. 97-37 adopted October 7, 1997, an allowance for a ten (10) year Abatement Duration as requested by the applicant meets the requirements of the Tax Abatement Procedures Ordinance.
4. Final Action. After legally required public notice, and after public hearing pursuant to such notice the County Council of Hendricks County, Indiana hereby takes "final action" as that phrase is defined in I.C. 6-1,1-12,1-1 et.seq. with regard to the aforestated Application of I-70 West, LLC.
5. Confirmation of Resolution No. 13-5. It is hereby declared by County Council of Hendricks County, Indiana that Resolution No. 13-5, adopted on May 9, 2013 is in all respects hereby confirmed, and it is hereby stated that the qualifications for an economic revitalization area have been met and Exhibit A of this resolution is within the real property described in Exhibit A of Resolution No. 13-5.
6. Effective Date. This Resolution shall be effective immediately upon its passage, subject to any right of appeal as provided by State Law.

EXHIBIT A

A part of the Southeast Quarter of Section 26, Township 14 North, Range 1 West, Liberty Township, Hendricks County, Indiana, being more particularly described as follows:


Commencing at a stone found at the Northwest Corner of said Southeast Quarter Section; thence North 89 degrees 43 minutes 55 seconds East (State Plane Bearing, Indiana West Zone) along the north line thereof a distance of 159.25 feet to the Point of Beginning; thence continuing North 89 degrees 43 minutes 55 seconds East along the north line thereof a distance of 1413.85 feet to the west line of property to I-70 West, LLC and recorded as Instrument Number 2015-1082 and recorded in the office of the Recorder of Hendricks County, Indiana; thence South 00 degrees 00 minutes 09 seconds East along the west line thereof a distance of 1411.98 feet to the north line of Innovation Boulevard as described in Instrument Number 2013-13906, also to a curve concave southerly, having a radius of 715.00 feet and a radius point which bears South 06 degrees 48 minutes 01 seconds West; thence westerly along said curve and north line an arc distance of 88.51 feet to a point which bears North 00 degrees 17 minutes 32 seconds West from the radius point; thence South 89 degrees 42 minutes 28 seconds West continuing along the north line thereof a distance of 1325.61 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 1407.11 feet to the Point of Beginning, containing 45.67 acres, more or less.

Currently a part of Parcel #007-326412-400016.

Adopted by the County Council of Hendricks County, Indiana this 14th day of
April, 2016.

AYE

NAY


Caleb M. Brown

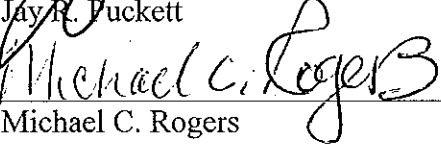
Caleb M. Brown


Larry R. Hesson

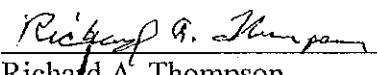
Larry R. Hesson


Jay R. Puckett

Jay R. Puckett


Michael C. Rogers

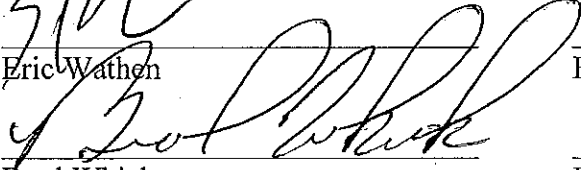
Michael C. Rogers


Richard A. Thompson

Richard A. Thompson

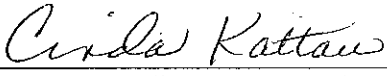

Eric Wathen

Eric Wathen


Brad Whicker

Brad Whicker

Attest:


Cinda Kattau, Auditor

Indiana Tax Abatement Results

- Hendricks County, Liberty Township
- Tax Rate (2015): 1.3091
- Project Name: Sunbeam Spec 2

Real Property: \$17,000,000.00

	Abatement Percentage	With Abatement			Without Abatement			Estimated Tax Abatement Savings
		Property Taxes	Circuit Breaker Tax Credit	Net Property Taxes	Property Taxes	Circuit Breaker Tax Credit	Net Property Taxes	
Year 1	100%	\$ 0.00	\$0.00	\$0.00	\$222,547.00	\$0.00	\$222,547.00	\$222,547.00
Year 2	95%	\$ 11,127.00	\$0.00	\$11,127.00	\$222,547.00	\$0.00	\$222,547.00	\$211,420.00
Year 3	80%	\$ 44,509.00	\$0.00	\$44,509.00	\$222,547.00	\$0.00	\$222,547.00	\$178,038.00
Year 4	65%	\$ 77,891.00	\$0.00	\$77,891.00	\$222,547.00	\$0.00	\$222,547.00	\$144,656.00
Year 5	50%	\$ 111,274.00	\$0.00	\$111,274.00	\$222,547.00	\$0.00	\$222,547.00	\$111,273.00
Year 6	40%	\$ 133,528.00	\$0.00	\$133,528.00	\$222,547.00	\$0.00	\$222,547.00	\$89,019.00
Year 7	30%	\$ 155,783.00	\$0.00	\$155,783.00	\$222,547.00	\$0.00	\$222,547.00	\$66,764.00
Year 8	20%	\$ 178,038.00	\$0.00	\$178,038.00	\$222,547.00	\$0.00	\$222,547.00	\$44,509.00
Year 9	10%	\$ 200,292.00	\$0.00	\$200,292.00	\$222,547.00	\$0.00	\$222,547.00	\$22,255.00
Year 10	5%	\$ 211,420.00	\$0.00	\$211,420.00	\$222,547.00	\$0.00	\$222,547.00	\$11,127.00
Totals		\$1,123,862.00	\$0.00	\$1,123,862.00	\$2,225,470.00	\$0.00	\$2,225,470.00	\$1,101,608.00

Disclosures

- The abatement calculations were prepared by Umbaugh, a financial consulting firm, in conjunction with Hoosier Energy, based on current State statute. This calculation is intended to provide an ILLUSTRATIVE and PRELIMINARY indication of the level of property taxes and potential tax savings for a proposed investment based on certain assumptions. Please read the Disclosures carefully.
- Companies must consult their own tax advisors to determine their actual tax liability and to prepare their annual Indiana tax filings.
- To be eligible to receive property tax abatements in Indiana, a Company must follow a specific application process. Please contact your Hoosier Energy representative for further guidance.
- Assumes pay 2014 property tax rates, as provided by the Department of Local Government Finance.
- Actual assessed value of a structure will be determined by the local Assessor. This value may be materially different from value provided for this estimate.
- Real property in Indiana is subject to annual adjustments of assessed value to the market value of the structure based on annual sales data ("Trending").
- All personal property (equipment) is assumed to be new, and is assumed to be depreciated in Pool #2 (5-8 year depreciable life). A mixture of new and existing equipment (as well as a mixture of depreciation pools) will produce different tax savings results.
- Assumes a one-time investment in real and personal property. Staggering the investments may have a material effect on the actual value of tax abatements.
- Includes the calculation of Minimum Value Ratio (MVR) for tax abatement of personal property which effectively increases the assessed value used in the abatement calculation when the taxpayer is subject to the 30% floor. The MVR equals the adjusted assessed value at the 30% floor divided by the depreciated assessed value of the equipment.
- Includes the application of the Circuit Breaker Tax Credit, which limits the total property tax liability of a taxpayer to 3.00% of the gross assessed value of commercial/industrial real and depreciable personal property.
- The tax abatement savings value is an ESTIMATE based on preliminary information entered into this calculator. Actual abatement savings may differ materially from the results of this calculator, based on the timing of the investment, actual assessment of structures, differences in the depreciation pools for personal property, annual changes in tax rates, adoption of a local option income tax for property tax relief purposes, changes to Indiana property tax law or regulations, or changes in assessment methodology.
- The results of this calculator should be treated as an ESTIMATE available for illustrative purposes only, and should be treated as an estimate when discussing, negotiating and offering incentives; and should be noted as such in memoranda and legal documents related thereto.



Hoosier Energy's Tax Abatement Estimator was developed with the assistance of Umbaugh.

Hoosier Energy Economic Development

(A division of Hoosier Energy Rural Electric Cooperative, Inc.)

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PO Box 808
Bloomington, Indiana 47402-0808
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812-876-5000
hard@hoosierenergy.com

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STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

FILED

FEB 26 2016

Cinda Kattan
AUDITOR HENDRICKS COUNTY

20__ PAY 20__

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:

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** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. 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.
3. 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.
4. 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)
5. 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


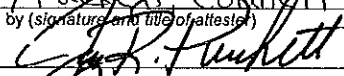
SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer I-70 West LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 9200 East 116th Street, Fishers, IN 46037					
Name of contact person Chad Lindley		Telephone number (317) 842-1166		E-mail address clindley@sunbeamdevelopment.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Hendricks County Council				Resolution number	
Location of property 32-14-26-400-016.000-013 located on Innovation Blvd.		County Hendricks		DLGF taxing district number 32013	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) This is a proposed 602,074 sqft. distribution/warehouse speculative building for this location.				Estimated start date (month, day, year) 5/1/2016	
				Estimated completion date (month, day, year) 12/1/2016	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			0.00	0.00	
Plus estimated values of proposed project			17,000,000.00		
Less values of any property being replaced					
Net estimated values upon completion of project			17,000,000.00		
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>Chad S. Lindley</i>				Date signed (month, day, year) 2-26-16	
Printed name of authorized representative Chad S. Lindley				Title Director of Development	

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 (317) 745-9315	Date signed (month, day, year) 4/14/16
Printed name of authorized member of designating body Jay Puckett Council President	Name of designating body Hendricks County Council	
Attested by (signature and title of attester) 	Printed name of attester Cinda Kattau	

* 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.