

RESOLUTION NO. 2017-6

DECLARATORY RESOLUTION

A RESOLUTION OF THE LA PORTE COUNTY COUNCIL
DECLARING A PORTION OF LA PORTE COUNTY, INDIANA
AN ECONOMIC REVITALIZATION AREA
PURSUANT TO I.C. 6-1.1-12.1-1, *ET. SEQ.*,
FOR
KINGSBURY ELEVATOR, INC
(REAL PROPERTY)

WHEREAS, the La Porte County Council is the statutory body with the authority to designate an area within its jurisdiction as an economic revitalization area as defined in I.C. 6-1.1-12.1-1, *et. seq.*; and,

WHEREAS, a petition for real property tax abatement has been filed with and for consideration by the La Porte County Council requesting that the area located in Washington Township, La Porte County, Indiana, State Tax Parcel Identification No. 46-11-31-352.000-066, and more particularly described on attached Exhibit "A" and titled in the names of Edgar K. & Yvonne L. Lindborg, be designated as an Economic Revitalization area under the provisions of I.C. 6-1.1-12.1 *et. seq.*; and,

WHEREAS, the La Porte County Council has reviewed the information contained in the Statement of Benefits filed by the Petitioner with its request, including the impact on the tax rate incorporated therein.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE LA PORTE COUNTY COUNCIL, THAT:

SECTION 1. The La Porte County Council now finds that the benefits described in the Statement of Benefits filed in regard to this area can be reasonably expected to result from the project and are sufficient to justify the applicable deduction in the event the above-referenced property is designated and confirmed to be an economic revitalization area.

SECTION 2. The area described hereinabove and located within La Porte County is hereby declared to be an economic revitalization area, pursuant to I.C. 6.1.1-12.1, *et. seq.*

SECTION 3. The designation of this area is put in effect for a period of two (2) years from the passage of the confirmation of this Resolution.

SECTION 4. This Resolution shall be in full force and effect from and after its passage and approved and confirmation, as required by law.

Passed and adopted this 19 day of JUNE, 2017.



President, La Porte County Council

LEGAL DESCRIPTION



A parcel of land lying South of the Grand Trunk and Western Railroad and East of U.S. Highway No. Thirty-five (35) situated in that portion of the Middle part (Gvnt. Lots No. four (4) and six (6)) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-one (31), Township Thirty-six (36) North, Range Two (2) West which lies East of U.S. Highway No. Thirty-five (35), being more particularly described as follows:

Commencing at a cast iron monument marking the Southwest corner of Section Thirty-one (31), Township Thirty-six (36) North, Range two (2) West, LaPorte County, Indiana; thence North eighty-eight degrees fifty-six minutes twenty-one seconds East ($N88^{\circ}56'21''E$), along the South Line of said Section Thirty-one (31) a distance of two thousand four hundred sixty-six and fifty-six hundredths (2466.56) feet to a masonry nail marking the approximate Southeast corner of the Middle part (Gvnt. Lots No. four (4) and six (6)) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section; thence North zero degrees thirty-nine minutes thirty seconds West ($N00^{\circ}39'30''W$), along the approximate East Line of said Middle part a distance of seven hundred fifty (750.00) feet to an iron pipe, for the point of beginning; thence South eighty-eight degrees fifty-six minutes twenty-one seconds West ($S88^{\circ}56'21''W$), a distance of one thousand ninety-six and forty-eight hundredths (1096.48) feet to an iron pipe on the East right of way line of U.S. Highway No. Thirty-five (35); thence North eleven degrees thirty minutes eleven seconds West ($N11^{\circ}30'11''W$), along said East right of way line, a distance of four hundred thirty-six and fifty-five hundredths (436.55) feet to a concrete highway right of way marker; thence North eight degrees fifty-six minutes twenty-four seconds West ($N08^{\circ}56'24''W$), continuing along said East right of way line, a distance of two hundred fifty (250.00) feet to a concrete highway marker; thence North eight degrees forty-seven minutes seventeen seconds West ($N08^{\circ}47'17''W$), continuing along said East right of way line, a distance of five hundred eighty-seven and fifty-nine hundredths (587.59) feet to a railroad spike on the Southerly right of way line of the Grand Trunk and Western Railroad; thence North sixty-three degrees forty-three minutes twenty-two seconds East ($N63^{\circ}43'22''E$), along said Southerly right of way line, a distance of twenty-two and fifty hundredths (22.50) feet to a railroad spike; thence South eleven degrees twenty minutes thirty-one seconds East ($S11^{\circ}20'31''E$), along the Westerly right of way line of said Railroad, a distance of fifty-one and eighty-five hundredths (51.85) feet to an iron pipe marking the intersection of said Westerly right of way line with the Southerly right of way line and marking the Northwest corner of a parcel of land as recorded in Micro-film Record No. 79-04062; thence South fifteen degrees fifty-two minutes twenty-two seconds East ($S15^{\circ}52'22''E$), along the Westerly side of said parcel a distance of sixty-one and twenty-eight hundredths (61.28) feet to an iron pipe; thence South twenty-six degrees thirty-

one minutes eighteen seconds East ($S26^{\circ}31'18''E$), continuing along said Westerly side a distance of sixty-one and seventy hundredths (61.70) feet to an iron pipe marking the Southwest corner thereof; thence North seventy-five degrees twenty-five minutes fifty-two seconds East ($N75^{\circ}25'52''E$), along the Southerly side thereof, a distance of two hundred thirty-six and twenty-seven hundredths (236.27) feet to an iron pipe; thence North one degree twenty-four minutes eight seconds West ($N01^{\circ}24'08''W$), along the Easterly side thereof a distance of one hundred thirty-three and sixty-seven hundredths (133.67) feet to an iron pipe; thence North sixty-four degrees four minutes fifty-two seconds East ($N64^{\circ}04'52''E$), along the Southerly side of said parcel and the Southerly side of a parcel of land as recorded in Micro-film Record No. 78-13310, a distance of six hundred twenty-two and eighty-three hundredths (622.83) feet to an iron pipe marking the Southeastery corner thereof; thence North two degrees thirty-six minutes eight seconds West ($N02^{\circ}36'08''W$), (South two degrees fifty-seven minutes thirty-eight seconds East ($S02^{\circ}57'38''E$)) recording the Easterly side of said parcel, a distance of one hundred eleven and ninety hundredths (111.90) feet (one hundred thirteen and sixty-nine hundredths (113.69) feet record) to an iron pipe on the Southerly right of way line of the Grand Trunk and Western Railroad and the Northeastery corner thereof; thence North sixty-three degrees forty-three minutes twenty-two seconds East ($N63^{\circ}43'22''E$), along the Southerly right of way line of said Railroad, a distance of four hundred eighty-six and sixty-three hundredths (486.63) feet to an iron pipe on the approximate East Line of the Middle part (Gvmt. Lots No. four (4) and Six (6)) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section thirty-one (31); thence South zero degrees thirty-nine minutes thirty seconds East ($S00^{\circ}39'30''E$), along said approximate East Line, a distance of one thousand eight hundred seventy-three and eight hundredths (1873.08) feet to point of beginning, containing forty-one and two hundred seventy-nine thousandths (41.279) acres, more or less.

Exhibit C

Indiana Tax Abatement Deduction Percentages

One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten (Real)	Ten (Personal)
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	50%	65%	75%	80%	85%	85%	88%	88%	95%	90%
		33%	50%	60%	66%	71%	75%	77%	80%	80%
			25%	40%	50%	57%	63%	66%	65%	70%
				20%	34%	43%	50%	53%	50%	60%
					17%	29%	38%	44%	40%	50%
						14%	25%	33%	30%	40%
							13%	22%	20%	30%
								11%	10%	20%
									5%	10%



**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 KINGSBURY ELEVATOR, INC.					
Address of taxpayer (number and street, city, state, and ZIP code) P.O. BOX 66					
Name of contact person EDGAR LINDBORG		Telephone number (219) 393-5581		E-mail address	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body LAPORTE COMMON COUNCIL				Resolution number	
Location of property 5621 SOUTH HWY 35, KINGSBURY, IN 46345		County LAPORTE		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) LAND IMPROVEMENT - 8,000 FEET OF RAIL TRACK, EXCAVATING WORK, RAIL TRACK BASE, RAIL TRACK SWITCHES, RAILROAD TIES, AND CONSTRUCTION OF A NEW OFFICE BUILDING.				Estimated start date (month, day, year) 07-01-2017	
				Estimated completion date (month, day, year) 12-31-2018	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 37.00	Salaries \$1,668,862.00	Number retained 37.00	Salaries \$1,668,862.00	Number additional 10.00	Salaries \$572,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values			1,122,600.00		1,122,600.00
Plus estimated values of proposed project			2,750,000.00		2,750,000.00
Less values of any property being replaced					
Net estimated values upon completion of project			3,872,600.00		3,872,600.00
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 				Date signed (month, day, year) 6/5/17	
Printed name of authorized representative EDGAR K. LINDBORG			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:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* see below)
<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> 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.