**Lafayette Common Council Agenda**

Lafayette City Hall: Common Council Chambers

**Regular Session**

Monday, April 6, 2020 @ 6:30PM

**Pledge Of Allegiance**

**Roll Call**

**Public Hearing**

Resolution 2020-05 (A Resolution Declaring The Designation Of Certain Real Estate As An Economic Revitalization Area (ERA) And Approving The Application For Property Tax Abatement -Southwire Company LLC, Personal Property)

Documents:

RESOLUTION 2020-05.PDF

Resolution 2020-06 (A Resolution Declaring The Designation Of Certain Real Estate As An Economic Revitalization Area (ERA) And Approving The Application For Property Tax Abatement -Whitenack & Brothers, LLC, Real Estate)

Documents:

RESOLUTION 2020-06.PDF

**Approval Of Minutes**

Regular Meeting March 2, 2020

**Presentation And Disposal Of Claims**

**Presentation Of Petitions And Communications**

**Reports Of City Offices On File In The City Clerk's Office**

Fleet Maintenance Monthly-February

Police Department Monthly-February

Renew Department Monthly-February

Water Works Department Monthly-February

Water Works 2019 Annual Report

Parks And Recreation Department 2019 Annual Report

**Ordinances For Second Reading**

Ordinance 2020-09 (A SPECIAL ORDINANCE Authorizing The City Of Lafayette To Issue Up To $8,000,000 Bonds, Series 2020 (Briarwood Of Lafayette Project) (The "Bonds") In One Or More Series And Approving And Authorizing Other Actions In Respect Thereto.)

Documents:

ORDINANCE 2020-09 DRAFT.PDF

**Ordinances For First Reading**

Ordinance 2020-10 (An Ordinance To Amend The Zoning Ordinance Of Tippecanoe County, Indiana, To Rezone Certain Real Estate From R2 To NBU-106 S 16th St, Elliot Rose, LLC D/B/A Fuel Coffee Shop)

Documents:

ORDINANCE 2020-10 DRAFT.PDF

**Resolutions:**

Resolution 2020-07 (A Reimbursement Resolution Of The City Of Lafayette, Indiana Declaring It Official Intent To Reimburse Expenditures For Costs Related To The Construction Of The New Police Station And Public Parking Garage)

Documents:

RESOLUTION 2020-07 DRAFT.PDF

Resolution 2020-08 (A Resolution Confirming The Designation Of Certain Real Estate As An Economic Revitalization Area (ERA) And Approving The Application For Property Tax Abatement -Southwire Company LLC, Personal Property)

Documents:

RESOLUTION 2020-08 DRAFT.PDF

Resolution 2020-09 (A Resolution Confirming The Designation Of Certain Real Estate As An Economic Revitalization Area (ERA) And Approving The Application For Property Tax Abatement -Whitenack & Brothers, LLC, Real Estate)

Documents:

RESOLUTION 2020-09 DRAFT.PDF

**Reports Of Standing Committees**

**Reports Of Special Committees**

**Reports By The Mayor**

**Miscellaneous And New Business**

**Reports Of Councilmen**

**Public Comment**

**Adjournment**

**Public Comment:** We welcome public comment and encourage active participation at this

meeting. However, in order to proceed efficiently, public comment will be limited to two areas of this meeting. First, there will be an opportunity for public comment on ordinances or resolutions currently before the Council. These comments should be limited to three (3) minutes in length and be germane and relevant to the Ordinance or Resolution. All participants will be required to maintain a high level of civility, respect, and courtesy for everyone present. Any participant, who after being advised, persists in a discourteous or hostile manner which may disrupt the meeting will be asked to leave.

At the end of the meeting, time will be reserved for public comment on any issue or concern you may have. Please remember to keep your comments concise and limited to three (3) minutes. Finally, the open comment section is not an opportunity for you to make inappropriate comments about, or personally attack council members or city officials. Again, all participants are required to maintain a high level of civility, respect, and courtesy for everyone present. Any participant, who after being advised, persists in a discourteous or hostile manner which may disrupt the meeting will be asked to leave. This is your opportunity to contribute to the community and assist the council in addressing issues that are important to the City of Lafayette.

**RESOLUTION NO. 2020-05**

FILED
CITY CLERK
2020 FEB 25 A 9:31
CAROL FORRAY

**LAFAYETTE COMMON COUNCIL**

**A RESOLUTION DECLARING THE DESIGNATION OF CERTAIN REAL ESTATE AS AN ECONOMIC REVITALIZATION AREA (ERA) AND APPROVING THE APPLICATION FOR PROPERTY TAX ABATEMENT**

**SOUTHWIRE COMPANY, LLC**
**PERSONAL PROPERTY**

**WHEREAS,** IC 6-1.1-12.1 allows for a partial abatement of property taxes attributable to the redevelopment/rehabilitation of real property and/or installation of new personal property in an Economic Revitalization Area (ERA); and

**WHEREAS,** IC 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas (ERAs); and

**WHEREAS**, the Common Council has designated the Lafayette Redevelopment Commission as the agency to make preliminary investigations, determinations, and recommendations to the Common Council as to what areas should be designated Economic Revitalization Areas; and

**WHEREAS,** Southwire Company, LLC has requested the real estate named in Exhibit "A" be designated an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings, which request has been accompanied by an Application, Statement of Benefits dated January 29, 2020, and a Supplement to Statement of Benefits and other information set forth in said attachments included in Exhibit A; and

**WHEREAS**, Southwire Company, LLC has requested a deduction from the assessed value of such new manufacturing equipment installed pursuant to the Statement of Benefits over a period of seven (7) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

**WHEREAS,** Southwire Company, LLC has agreed to enter into a Memorandum of Agreement (MOA) setting forth certain terms and understandings related to the approval of the deduction for tax abatement purposes, which MOA is attached hereto as Exhibit "B;" and

**WHEREAS,** on February 27, 2020, the Lafayette Redevelopment Commission recommended approval of the designation of the real estate described in Exhibit A as an Economic Revitalization Area and Statement of Benefits, Supplement to Statement of Benefits and Memorandum of Agreement through passage of Resolution No. LRC-2020-04;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE** that:

1. The Common Council finds that
   A. The subject real estate complies with the statutory criteria for an Economic Revitalization Area; and
   B. The estimate of cost of installation of new manufacturing equipment is reasonable for projects of this nature; and
   C. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
   D. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
   E. The tax base of the City of Lafayette and all relevant taxing districts can be reasonably expected to increase from the proposed installation of new manufacturing equipment; and
   F. The total benefits are sufficient to justify the deduction.

2. The Common Council designates, finds, and establishes the subject real estate as an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings as permitted under IC 6-1.1-12-1, subject to final confirmation after public hearing.

3. The Economic Revitalization Area designation terminates ten (10) years after January 1, 2020.

4. Subject to final confirmation after public hearing, the Statement of Benefits filed January 29, 2020, and Supplement to Statement of Benefits are hereby approved.

5. Subject to final confirmation after public hearing, Southwire Company, LLC is entitled to the opportunity to apply for a property tax deduction for an increase in assessed value resulting from the installation of new

manufacturing equipment for a period of seven (7) years in accordance with the following schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

6. That the attached Memorandum of Agreement (MOA) be approved and entered into by the Common Council.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA,** on the 2nd day of March, 2020.

COMMON COUNCIL OF THE
CITY OF LAFAYETTE, INDIANA

Nancy Nargi, President

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette this 2nd day of March, 2020.

Cindy Murray, City Clerk

Signed and approved by me, the Mayor of the City of Lafayette, Indiana, this 2nd day of March, 2020.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, City Clerk

Sponsored by Tony Roswarski, Mayor

**RESOLUTION NO. LRC-2020-04**

**LAFAYETTE REDEVELOPMENT COMMISSION**

**A RESOLUTION RECOMMENDING DESIGNATION OF AN ECONOMIC REVITALIZATION AREA FOR TAX ABATEMENT AND RECOMMENDING APPROVAL OF DEDUCTION FOR TAX ABATEMENT**

**SOUTHWIRE COMPANY, LLC**
**PERSONAL PROPERTY**

**WHEREAS**, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to the rehabilitation/redevelopment of real property and/or the installation of new tangible personal property in "Economic Revitalization Areas" (ERA); and

**WHEREAS**, I.C 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas (ERA); and

**WHEREAS**, the Common Council of the City of Lafayette, Indiana has designated the Lafayette Redevelopment Commission as the agency to make preliminary investigations, determinations, and recommendations to said Common Council as to what areas should be designated Economic Revitalization Areas (ERA); and

**WHEREAS**, Southwire Company, LLC has requested certain real estate be designated as an Economic Revitalization Area (ERA) for the purpose of achieving real and/or personal property tax savings which request will be considered by the Common Council at its meetings on March 2, 2020 and April 1, 2020; and

**WHEREAS**, Southwire Company, LLC filed a Statement of Benefits dated January 29, 2020, and a Supplement to Statement of Benefits, requesting the approval of a deduction for the purposes of Tax Abatement in an Economic Revitalization Area (ERA) for a period of seven (7) years on personal property, which Statement of Benefits and Supplement are attached hereto as Exhibit "A"; and

**WHEREAS**, Southwire Company, LLC has requested a deduction from the assessed value of such new Manufacturing Equipment pursuant to the Statement of Benefits over a period of seven (7) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |

| | |
|---|---|
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

**WHEREAS,** Southwire Company, LLC has agreed to enter into a Memorandum of Agreement (MOA) setting forth certain terms and understandings related to the approval of the deduction for tax abatement purposes, which MOA is attached hereto as Exhibit "B"; and

**WHEREAS,** the applications for deduction for the purpose of tax abatement within an ERA meets the criteria for approval of a deduction for the purpose of tax abatement under IC 6-1.1-12.1;

**NOW THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF LAFAYETTE** that the following recommendations be made to the Common Council:

1. That the request of Southwire Company, LLC for the designation of an Economic Development Area (ERA) for the real estate described on Exhibit "C" be granted for a period of ten (10) years commencing January 1, 2020.

2. That the Application for deduction for the purposes of tax abatement meet the criteria for approval of a deduction for the purpose of tax abatement under IC 6-1.1-12.1 and, subject to the establishment of an Economic Revitalization Area ("ERA") by the Common Council, Southwire Company, LLC be entitled the opportunity to apply for property tax deductions for the installation of new Manufacturing Equipment over a period of seven (7) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

3. That the attached Memorandum of Agreement (MOA) be approved and entered into by the Common Council.

**ADOPTED AND PASSED** by the Lafayette Redevelopment Commission this 27th day of February, 2020.

**LAFAYETTE REDEVELOPMENT COMMISSION**

Jos Holman, President

Jim Terry, Vice President

T.J. Thieme, Secretary

Shelly Henriott, Commissioner

Don Teder, Commissioner

ATTEST:

Dave Moulton

Randy Bond

# EXHIBIT "A"

**Statement of Benefits Personal Property Improvements (SB-1/Personal Property)**

**and**

**Supplement to Statement of Benefits – Real Estate & Personal Property**

# STATEMENT OF BENEFITS
# PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**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.

*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*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment 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 installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP 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/PP 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 | Name of contact person |
|---|---|
| Southwire Company, LLC | Bradley Bromich |

| Address of taxpayer *(number and street, city, state, and ZIP code)* | Telephone number |
|---|---|
| One Southwire Dr, Carrollton, GA 30119 | ( 770 ) 832-5443 |

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

| Name of designating body | Resolution number (s) |
|---|---|
| City of Lafayette, Indiana | |

| Location of property | County | DLGF taxing district number |
|---|---|---|
| 3400 Union Street, Lafayette, IN 47905 | Tippecanoe | 004 |

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*

The proposed project would include a the installation of new manufacturing equipment costing approximately $15,000,000 over the next 5 years.

| | ESTIMATED START DATE | ESTIMATED COMPLETION DATE |
|---|---|---|
| Manufacturing Equipment | 03/01/2020 | 12/31/2024 |
| R & D Equipment | | |
| Logist Dist Equipment | | |
| IT Equipment | | |

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 159 | $7,639,632 | 159 | $7,639,632 | 16 | $480,480 |

**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. | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Current values | | | | | | | | |
| Plus estimated values of proposed project | 15,000,000 | 6,000,000 | | | | | | |
| Less values of any property being replaced | | | | | | | | |
| Net estimated values upon completion of project | 15,000,000 | 6,000,000 | | | | | | |

**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)* |
|---|---|
| | 1/29/20 |

| Printed name of authorized representative | Title |
|---|---|
| BRAD BROMICH | V.P. TAX |

# EXHIBIT "A"

**Boundary Map & Legal Description**

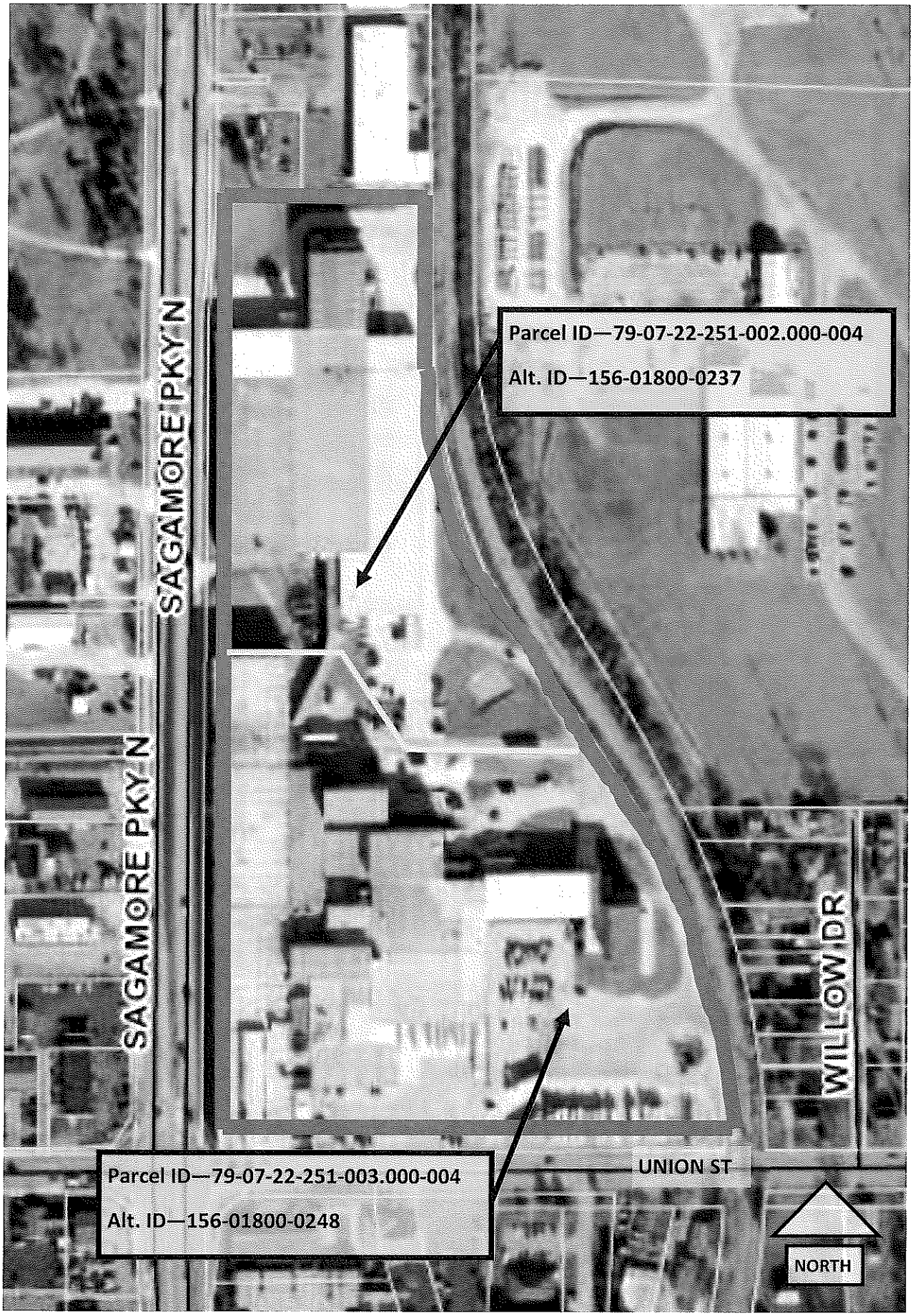
**and**

**Statement of Benefits Personal Property Improvements (SB-1/Personal Property)**

**and**

**Supplement to Statement of Benefits – Real Estate & Personal Property**

# E.R.A. BOUNDARY MAP & LEGAL DESCRIPTION



03008804 03/05/2003 03:56pm
PAMELA K BERGLUND, TIPPECANOE COUNTY RECORDER

156-01800-0237
156-01800-0248

MAIL TAX BILLS TO:
1115 West Plymouth Street
Bremen, Indiana 46506

**SPECIAL WARRANTY DEED**

THIS INDENTURE WITNESSETH, That **ESSEX ELECTRIC INC.**, a Delaware corporation ("Grantor"), CONVEYS AND WARRANTS to **COPPERFIELD, LLC**, a Minnesota limited liability company ("Grantee"), in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, that certain real estate located in Tippecanoe County, Indiana, being more particularly described on Exhibit "A" attached hereto and made a part hereof ("Property").

This conveyance is made and accepted subject to all matters (the "Permitted Encumbrances") set forth on Exhibit "B" attached hereto and made a part hereof.

Subject to the Permitted Encumbrances, Grantor covenants and warrants that the Property is free of any encumbrance made or suffered by Grantor and will forever defend the right and title to the Property unto the Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

The undersigned person executing this deed represents and certifies on behalf of the Grantor that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the Property is situated; that the Grantor has fully corporate capacity to convey the Property; and that all necessary corporate action for the making of this conveyance has been duly taken.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

MAR 05 2003

AUDITOR OF TIPPECANOE CO.

FWIMAN1 277571v1

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 27th day of February, 2003.

ESSEX ELECTRIC INC., a Delaware corporation

By: _____
Harold M. Karp, President

STATE OF INDIANA )
) SS:
COUNTY OF ALLEN )

Before me the undersigned, a Notary Public in and for said County and State, personally appeared HAROLD M. KARP, the President of ESSEX ELECTRIC INC., a Delaware corporation, and acknowledged the execution of the foregoing deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 27th day of February, 2003.

_____
Notary Public

My Commission Expires:
_____

JULIA E. HARBER NOTARY SEAL STATE OF INDIANA NOTARY PUBLIC

(Printed Name) JULIA E HARBER
A resident of NOTARY PUBLIC County, Indiana.
RESIDENT OF ALLEN COUNTY, IN
MY COMMISSION EXP. OCT. 22, 2009

THIS INSTRUMENT PREPARED by Jon A. Bomberger, Attorney at Law, Baker & Daniels, 111 East Wayne Street, Suite 800, Fort Wayne, Indiana 46802.



FWIMAN1 277571v1

# EXHIBIT A

Part of the West half of the Northeast Quarter of Section Twenty-two (22), Township Twenty-three (23) North, Range Four (4) West, in Fairfield Township, Tippecanoe County, Indiana, described as follows:
Beginning at the center of Section Twenty-two (22), Township Twenty-three (23) North, Range Four (4) West; thence North on the West line of the Northeast Quarter of said Section 22 a distance of 898.55 feet to a point; (said point being the Southwest corner of a tract conveyed by Nopco Chemical Company, Grantor, to Essex Wire Corporation, Grantee, by Warranty Deed dated December 30, 1964, as appears in Deed Record 291, Page 535, of the Deed Records of Tippecanoe County, Indiana); thence North 89 degrees and 23 minutes East a distance of 265.29 feet; thence South 20 degrees and 47 minutes East a distance of 202.9 feet; thence North 89 degrees and 18 minutes East a distance of 353.03 feet to a point in the westerly right of way line of Lafayette Union Railway Company; thence in a Southeasterly direction along the curve of the westerly right of way line of the Lafayette Union Railway Company to a point 495 feet North and 810 feet East of the center line of said Section 22; thence continuing in a Southeasterly direction following the curve of the west right of way line of the Lafayette Union Railway Company, which curve is on the arc of a circle having a radius of 1,146 feet to the center line of said Section 22; thence West along the center line of said Section to the place of beginning.

EXCEPT such part of the above real estate and rights therein as is more particularly described in that portion of a quitclaim deed recorded May 27, 1968 in Deed Record 311, Page 84 in the Deed Records of Tippecanoe County, Indiana, from H.K. Porter Company, Inc., to the State of Indiana, as is described as follows:
A part of the Southwest Quarter of the Northeast quarter of Section 22, Township 23 North, Range 4 West, Tippecanoe County, Indiana, described as follows:
Beginning on a north line of the owner's land 898.55 feet (distance quoted from Deed Record 273, Page 626) Northerly (along the west line of said quarter-quarter section) and 53.96 feet Easterly (along said north line of the owner's land) from the southwest corner of said quarter-quarter section, which point of beginning is also on an east boundary of U.S.R. 52 By-Pass and 50.00 feet Easterly, measured at right angles, from the existing center line of said U.S.R. 52 By-Pass; (1) thence Easterly 11.41 feet along said north line of the owner's land; (2) thence South 0 degrees 23 minutes 00 seconds West 63.70 feet; (3) thence South 0 degrees 38 minutes 33 seconds East 205.82 feet; (4) thence Southerly 548.70 feet along an arc to the left and having a radius of 22,864.31 feet and subtended by a long chord having a bearing of South 0 degrees 32 minutes 04 seconds East and a length of 548.69 feet; (5) thence South 16 degrees 00 minutes 36 seconds East 58.71 feet to a point on a north boundary of Union Street; (6) thence North 18 degrees 34 minutes 57 seconds West 61.08 feet along a northeastern boundary of U.S.R. 52 By-Pass to an east boundary of said U.S.R. 52 By-Pass; (7) thence along said east boundary Northerly 419.60 feet along an arc to the right and having a radius of 214,809.17 feet and subtended by a long chord having a bearing of North 1 degree 05 minutes 21 seconds West and a length of 419.60 feet; (8) thence North 1 degree 02 minutes 00 seconds West 397.12 feet along said east boundary to the point of beginning and containing 0.121 acres, more or less.

ALSO: All those certain lots, tracts or parcels of land, together with the buildings thereon and the appurtenances thereto pertaining, hereinafter particularly described, situate, lying and being in the Township of Fairfield, Tippecanoe County and State of Indiana:
A part of the West half of the Northeast quarter of Section 22, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana, and described as follows:
Beginning at a point on the west line 898.55 feet north of the southwest corner of the northeast quarter of Section 22, said point being 3.31 feet west of the center line of the present pavement on U.S. 52 By-Pass;

thence North 89 degrees and 23 minutes East a distance of 265.29 feet; thence south 20 degrees and 47 minutes East a distance of 202.9 feet; thence North 89 degrees and 18 minutes East a distance of 353.03 feet to a point in the westerly right of way line of Lafayette Union Railroad Belt line; thence North 35 degrees and 29 minutes West along the Westerly right of way line of said railroad a distance of 122.4 feet; thence on a curve to the right having a radius of 985 feet for a distance of 557.1 feet; thence South 89 degrees and 32 minutes West a distance of 20.48 feet; thence North 0 degrees and 28 minutes West and on the Westerly right of way line of said railroad a distance of 1336.26 feet to a point on the north line of said northeast quarter; thence South 89 degrees and 37 minutes West along the north line of said northeast quarter a distance of 435.95 feet to the northwest corner of the northeast quarter of said Section 22, said point being at the intersection of the north line of Greenbush Road with the center line of the present pavement on U.S. 52 By-Pass; thence South 0 degrees and 55 minutes East along the west line of said northeast quarter a distance of 1769.6 feet to the place of beginning.

Containing 18.75 acres, more or less.

EXCEPTING FROM THE 18.75 acres the following:

A part of the northeast quarter of Section 22, Township 23 North, Range 4 West, City of Lafayette, Fairfield Township, Tippecanoe County, Indiana, described as follows:

Commencing at the northwest corner of the northeast quarter of said Section 22; thence north 89°37'00" East along the northern line of the northeast quarter of said section 22, 435.95 feet; thence south 0°28'00" East 81.54 feet to the point of beginning of this description; said point being further described as the intersection of the southern right of way line of Greenbush Street and the western right of way line of the Lafayette Union Railway; thence south 0°28'00" east along the western right of way line of the Lafayette Union Railway 1,009.00 feet; thence South 88°55'07" West 337.19 feet to the eastern right of way line of US 52; the next three calls traverse the eastern right of way line of US 52; thence North 0°23'00" east 555.50 feet; thence north 2°31'51" East 400.28 feet; thence north 24°05'27" east 63.61 feet to the southern right of way line of Greenbush Street; thence leaving the eastern right of way line of US 52 north 89°37'00" east along the southern right of way line of Greenbush Street 281.56 feet to the point of beginning, containing 7.55 acres, more or less.

ALSO EXCEPTING THEREFROM:

A part of the West half of the Northeast quarter of Section Twenty-two (22), Township Twenty-three (23) North, Range Four (4) West in Fairfield Township, Tippecanoe County, Indiana, described as follows:

Beginning at the intersection of the East right of way line of U.S. 52 By-Pass and a line parallel to and Fifty (50) feet South of the North line of said Northeast quarter of Section Twenty-two (22); thence East and parallel to said North line of the Northeast quarter of Section Twenty-two (22) a distance of 385.95 feet to the West right of way line of the Lafayette Union Railway Company; thence South 31.54 feet; thence West and parallel with said North line of the Northeast quarter of Section Twenty-two (22) 385.95 feet to a point on the East right of way line of U.S. By-Pass; thence North on said right of way line 31.54 feet to the place of beginning.

ALSO EXCEPTING THEREFROM:

A part of the West half of the Northeast quarter of Section 22, Township 23 North, Range 4 West, Tippecanoe County, Indiana, described as follows:

Beginning on the South line of the owner's land 898.55 feet (distance quoted from Deed Record 291, page 535) Northerly (along the West line of said half quarter quarter Section) and 53.96 feet Easterly (along said South line of the owner's land) from the Southwest corner of said half-quarter Section, which point of beginning is also on an East boundary of U.S.R. 52 By-Pass and 50.00 feet Easterly, measured at right angles, from the existing centerline of said U.S.R. By-Pass (1) thence North 01 degrees 02 minutes 00 seconds West 1,683.18 feet along said East boundary to a Southern boundary of said U.S.R. 52 By-Pass; (2) thence North 29 degrees 07 minutes 02 seconds East 3.53 feet along said Southeastern boundary to a South boundary of Greenbush Street; (3) thence North 89 degrees 26 minutes 00 seconds East 100.84

feet along said South boundary; (4) thence south 24 degrees 05 minutes 27 seconds West 62.18 feet; (5) thence South 2 degrees 31 minutes 51 seconds West 400.28 feet; (6) thence South 0 degrees 23 minutes 00 seconds West 700.00 feet; (7) thence South 11 degrees 41 minutes 36 seconds West 50.99 feet East; (8) thence South 0 degrees 23 minutes 00 seconds West 150.00 feet; (9) thence South 2 degrees 28 minutes 45 seconds East 100.12 feet; (10) thence South 0 degrees 23 minutes 00 seconds West 200.00 feet ; (11) thence North 89 degrees 37 minutes 00 seconds West 4.50 feet; (12) thence South 0 degrees 23 minutes 00 seconds West 30.30 feet to a South line of the owner's land; (13) thence Westerly 11.41 feet along said South line to the point of beginning.

ALSO EXCEPT:

The Southern 30.00 feet of the land of Essex International, Inc., as described in Deed Record 70, Page 2519, in the Tippecanoe County Recorder's Office, and located in a part of the West Half of the Northeast Quarter of Section 22, Township 23 North, Range 4 West of the Second Principal Meridian in the City of Lafayette, Fairfield Township, Tippecanoe County, Indiana.

Containing 0.56 of an acre, more or less. The portion of the above described real estate which is not already encompassed within the apparent public right of way contains 0.09 of an acre, more or less.

**EXHIBIT "B"**

Permitted Encumbrances

1. The lien of real estate taxes for the year 2002, due and payable in May and November 2003, and all subsequent real estate taxes which are not yet due and payable.

2. Rights of way for drainage tiles, ditches, laterals and feeders, as delineated on the ALTA/ACSM Land Title Survey prepared for Essex Electric Company, Project No. 20030092-001 by Bock & Clark's National Surveyors Network dated February 25, 2003, and last revised February 27, 2003.

3. Rights of the public, the State of Indiana, and County of Tippecanoe, and the municipality in and to that part of the premises taken or used for road purposes as delineated on the ALTA/ACSM Land Title Survey prepared for Essex Electric Company, Project No. 20030092-001 by Bock & Clark's National Surveyors Network dated February 25, 2003, and last revised February 27, 2003.

4. Grant of Right of Way dated February 16, 1893, recorded September 16, 1893, in Deed Record 99, Page 533, from The Heinz Company, as Grantor, to The Lafayette Union Railway Company, as Grantee.

5. Grant of Electric Pole Line Easement, and incidental purposes, dated April 1, 1947, recorded June 13, 1947, in Deed Record 212, page 292, from Brown Rubber Co., Inc., as Grantor, to Public Service Company of Indiana, Inc., as Grantee.

6. Grant of Easement by Brown Rubber Company, Inc. to Nopco Chemical Company for the purpose of maintenance of six electric light poles and fixtures recorded June 30, 1961 in Deed Record 273, Page 628.

7. Permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility [to be known as U.S.R. 52 By-Pass and as Project U-74(48)] to and from the owner's abutting lands. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands. Set forth in a Quitclaim Deed from H.K. Porter Company Inc. to the State of Indiana dated March 18, 1968 and recorded May 27, 1968 in Record 311, page 84

# STATEMENT OF BENEFITS
# PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**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.

*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*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment 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 installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP 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/PP 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 | Name of contact person |
|---|---|
| Southwire Company, LLC | Bradley Bromich |

| Address of taxpayer *(number and street, city, state, and ZIP code)* | Telephone number |
|---|---|
| One Southwire Dr, Carrollton, GA 30119 | ( 770 ) 832-5443 |

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

| Name of designating body | Resolution number (s) |
|---|---|
| City of Lafayette, Indiana | |

| Location of property | County | DLGF taxing district number |
|---|---|---|
| 3400 Union Street, Lafayette, IN 47905 | Tippecanoe | 004 |

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*

The proposed project would include a the installation of new manufacturing equipment costing approximately $15,000,000 over the next 5 years.

| | ESTIMATED START DATE | ESTIMATED COMPLETION DATE |
|---|---|---|
| Manufacturing Equipment | 03/01/2020 | 12/31/2024 |
| R & D Equipment | | |
| Logist Dist Equipment | | |
| IT Equipment | | |

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 159 | $7,639,632 | 159 | $7,639,632 | 10 | $480,480 |

**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. | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Current values | | | | | | | | |
| Plus estimated values of proposed project | 15,000,000 | 6,000,000 | | | | | | |
| Less values of any property being replaced | | | | | | | | |
| Net estimated values upon completion of project | 15,000,000 | 6,000,000 | | | | | | |

**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*) |
|---|---|
| | 1/29/20 |

| Printed name of authorized representative | Title |
|---|---|
| BRAD BROMICH | V.P. TAX |

## 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 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____10_____ calendar years * *(see below)*. The date this designation expires is __1 2/31/ 20 29_____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; X Yes No
2. Installation of new research and development equipment; ☐ Yes X No
3. Installation of new logistical distribution equipment, ☐ Yes ☒ No
4. Installation of new information technology equipment; ☐ Yes ☒ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 15,000,000 cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

☐. The amount of deduction applicable to new research and development equipment is limited to $ __N A_____ cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ __N A_____ cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ __N A_____ cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)*_____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 6
☐ Year 6 X Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18 Number of years approved: _____ *(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*

I. 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? X 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.

Also we have 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 by: *(signature and title of authorized member of designating body)* Nancy Kargi | Telephone number (765) 807-1021 | Date signed *(month, day, year)* 3/2/2020 |
| Printed name of authorized member of designating body Nancy Kargi Council President | Name of designating body Common Council | |
| Attested by: *(signature and title of attester)* Cindy Murray, City Clerk | Printed name of attester CINDY MURRAY | |

* 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.

**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.

# SUPPLEMENT TO STATEMENT OF BENEFITS
## Real Estate & Personal Property

INSTRUCTIONS:

1. This completed SUPPLEMENT and the completed STATEMENT OF BENEFITS, along with all other requested materials, must be submitted to Greater Lafayette Commerce.

2. This SUPPLEMENT TO STATEMENT OF BENEFITS is part of the total application, and the CERTIFICATION in the STATEMENT OF BENEFITS applies to all statements in the APPLICATION.

**SECTION 1 APPLICANT**

| | |
|---|---|
| Name of Taxpayer:<br>**Southwire Company, LLC** | |
| Address of Taxpayer (street and number, city, state & ZIP code):<br>**One Southwire Dr Carrollton, GA 30119** | Telephone: (770) 832-5443<br>E-mail: www.southwire.com |

| | |
|---|---|
| Name of Applicant if different from Taxpayer: | |
| Address of Applicant if different from Taxpayer (street and number, city, state & ZIP code): | Telephone:<br>E-mail: |
| Description of relationship of Applicant to Taxpayer: | |

| | |
|---|---|
| Contact for this Application:<br>**Dave Metz** | |
| Address of Contact if different from Taxpayer (street and number, city, state & ZIP code):<br>3400 Union St., Lafayette, IN 47905 | E-mail: dave.metz@southwire.com<br>Telephone: 847-672-2572 |

| |
|---|
| Name of Parent Company (if any): |

| | | | | |
|---|---|---|---|---|
| Does the company currently conduct business at this site? | Yes | X | No | |
| If "No", how is the site currently used? | | | | |

Annual Report & History of Company

Company Certified Public Accountant: Ernst & Young

Company Commercial Bankers: Bank of America, Bank of China Shenzhen, Bank of Montreal, Bank of North Georgia, BB&T, BBVA Bancomer CCB, HSBC, JP Morgan Chase, Northern Trust, Wells Fargo

Company Counsel: Southwire In-house counsel

**To be completed by GLC Staff**

| | | | | |
|---|---|---|---|---|
| Is this area currently designated as an Economic Revitalization Area? | Yes | | No | X |
| Has it ever been so designated in the past? | Yes | X | No | |
| Is this property in a Tax Increment Finance (TIF) district (requires RD Commission Approval)? | Yes | X | No | |

## SECTION 2 — JURISDICTION & PURPOSE

| Jurisdiction: | | Purpose of Application: | |
|---|---|---|---|
| Lafayette | X | Real Estate Tax Abatement - | N/A years |
| West Lafayette | | | |
| Tippecanoe | | Personal Property Tax Abatement - | 7 years |

Type of Industry:

| | |
|---|---|
| Research & Development | |
| Manufacturing | X |
| Logistics | |
| Information Technology | |
| Other | Please specify: |

Describe proposed project.

Southwire is North America's leading manufacturer of wire and cable used in distribution and transmission of electricity. Southwire *employs over 7,500 full and part time employees globally. Locations throughout the United States, Mexico, Canada, Honduras, China,* the UK and the Netherlands. In the United States, Southwire has over 30 manufacturing plants, 9 customer service centers and employs approximately 6,900 employees.

The Lafayette, IN facility currently employs 169 employees at its 395,000 square feet facility. The facility is currently competing *against 35 other Southwire manufacturing plants for limited capital investment allocation. The proposed project is a modernization* initiative to produce dependable, best-in-class products on which customers and end users may safely rely upon. The proposed project would include hiring over 10 new full-time employees and capital expenditures of approximately $15,000,000 over the next 6 years. This proposed project would benefit the Lafayette facility to remain competitive from an internal and external perspective.

## SECTION 3 — PROPERTY DESCRIPTION

Assessor's Personal Property Key Number(s): 79-07-22-251-003,000-004

Location of Real Property (street and number, city, state & ZIP code):
3400 Union Street
Lafayette, IN 47906

**ATTACH LEGAL DESCRIPTION & PLAT MAP WITH LOCATION** See attached

## SECTION 4 — NATURE OF REAL ESTATE IMPROVEMENTS

Describe any Real Property Improvements:

Size of facility to be constructed and /or renovated
N/A

Rehabilitation of existing structure(s), especially architecturally significant or historic structures
N/A

Demolition of architecturally significant or historic structure(s)
N/A

Estimated Investment N/A

## SECTION 5 PERSONAL PROPERTY

Type of Project:

| | |
|---|---|
| Research & Development | |
| Machinery & Equipment | X |
| Logistics | |
| Information Technology | |
| Other | Please specify: |

Estimated Investment $15,000,000

***APPLIES ONLY FOR THE CITY OF LAFAYETTE***

Please note that all Personal Property tax abatements are subject to a Memorandum of Agreement that may require repayment of all or a portion of the tax savings realized in a designated ERA if it is terminated because the property is removed from the City of Lafayette by the applicant. Please contact the City of Lafayette Economic Department for details.

## SECTION 6 EMPLOYMENT

| | | |
|---|---|---|
| How many do you employ today? | 159 | |
| How many will you employ after the project is complete? | 169 | |
| How many jobs will be created? | 10 Full-time | 0 Part-time |
| How many jobs are retained? | 159 Full-time | 0 Part-time |
| How many jobs will be eliminated? | 0 Full-time | 0 Part-time |

Will any of the new positions be temporary or filled by contract employees? Yes ____ No X

If "Yes", describe the contract:

Will new employees be hired from the Tippecanoe region? Yes X No ____

If any positions are to be eliminated, please explain the circumstances and if any of the employees from these positions will be eligible for the new positions.

N/A

How many additional employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 10 | $23.10 |
| Administrative | | |
| Management | | |
| Professional/ Technical | | |
| Other | | |
| Total/ Average Wage | 10 | $23.10 |

How many retained employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 159 | $23.10 |
| Administrative | | |
| Management | | |
| Professional/ Technical | | |
| Other | | |
| Total/ Average Wage | 159 | $23.10 |

What is the anticipated time frame for reaching full employment and the salary goals, per SB-1, from completion of improvement?

| Year | 1 yr | 2 yrs | 3 yrs | 4 yrs | 5 yrs | > 5 |
|---|---|---|---|---|---|---|
| Employment | 161 | 163 | 165 | 167 | 169 | |
| Salary | $ 48,048 | $ 48,048 | $ 48,048 | $ 48,048 | $ 48,048 | |

****IF GREATER THAN FIVE YEARS PROVIDE DETIALED TIMETABLE****

Does the company provide benefits to full time employees? Yes X No

If "Yes", explain and list:

| | | |
|---|---|---|
| Health Insurance | 60 | % paid |
| Life Insurance | 100 | % paid |
| Disability | 50 | % paid |
| Childcare | 0 | % paid |
| Vacation | 10 | min. # of days |
| Retirement | 1.5 | % paid |
| Other | | % paid |

To be completed by GLC Staff.

Is the average wage at or above the Tippecanoe County average? Yes X No

## SECTION 7 IMPACTS & STATUS

Please estimate the % of your products or services sold outside this 8-county economic region? 99 %

Does the applicant supply any local firms? Yes ____ No ____

If yes, please list:

Will any additional public utilities, city services or other infrastructure be required by this project? Yes ____ No X

If "Yes", explain:

Will any environmental permits be needed? Yes ____ No X

If "Yes", explain:

Current Zoning ____

Will any changes, special exceptions be required? Yes ____ No X

Have they been approved? Yes ____ No ____ N/A X

Has the applicant or any predecessor of the applicant defaulted in any material respect the performance of financial obligations by the applicant? Yes ____ No X

Is there any pending litigation materially affecting the applicant? Yes ____ No X

If "Yes", please describe giving procedural posture of the case(s):

| | | |
|---|---|---|
| Are there any restrictions contained in the applicant's Articles or Certificate of Incorporation, Charter, Bylaws, Code of Regulations or any agreements to which the applicant is a party that could affect the applicant's ability to engage in this project? | Yes<br>No | <br>X |

If "Yes", explain:

## SECTION 8 AFFIRMATION OF TAX PAYMENTS

**I affirm that the applicant is current with all local, state, and federal tax obligations and understand that failure to have paid said taxes in a timely manner may render the applicant, during the course of this tax abatement, noncompliant and, therefore, ineligible for tax abatement.**

| | |
|---|---|
| Signature | 1/29/20<br>Date |
| BRAD BROMICH<br>Name Printed | V.P. TAX<br>Title |
| BRADLEY.BROMICH@SOUTHWIRE.COM<br>E-mail | 770-832-5443<br>Phone |

**EXHIBIT B**

**CITY OF LAFAYETTE, INDIANA**

**MEMORANDUM OF AGREEMENT**

**SOUTHWIRE COMPANY, LLC**

This Memorandum of Agreement ("Agreement") is dated this 27th day of February, and serves as the confirmation of the commitment by Southwire Company, LLC (the "Applicant"), to comply with the project description and job creation and retention (and associated wage rates and salaries) figures contained in its designation application; Statement of Benefits; Supplement to Statement of Benefits; Resolution No. LRC-2020-04, a resolution of the Lafayette Redevelopment Commission ("Commission"); Resolution No. 2020-05 and Resolution No. 2020-__, adopted by the Lafayette Common Council ("Council"); and this Agreement ("Commitments").

Section 1. Grant of Abatement.

Subject to the adoption of the deduction approval Resolution by the Council, the City of Lafayette, Indiana ("City") commits to providing a seven (7) - year personal property tax abatement based on the scale below for the Applicant's capital expenditures of approximately fifteen million ($15,000,000) dollars for new manufacturing equipment, approved as part of the Commitments. The Applicant shall assume responsibility for the redevelopment and the installation of the new manufacturing equipment and for compliance with the Statement of Benefits. The project will create ten (10) full-time, permanent positions, retain one hundred and fifty-nine (159) existing full-time, permanent positions, and create zero (0) full-time variable positions, aside from those created or retained through the construction phase of the project. The capital expenditures for the Project shall occur no later than the estimated completion date of 12/31/2024 for manufacturing equipment installation as contained in the Statement of Benefits Form ("Completion Date").

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

Section 2. Annual Information.

During the term of the tax abatement and for a period of two (2) years thereafter, the City or its authorized agent may annually request information from the Applicant concerning the nature of the Project and the approved capital expenditures for the Project and the Applicant shall provide the City with adequate written evidence thereof within 45 days of such request ("Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in the Commitments at all times after the Commitment Date and during the duration of the tax abatement. The applicant further agrees to provide the City with such additional information requested by the City related to the information provided in the Annual Survey and the CF-1 form within a reasonable time following any such request.

Section 3. Termination.

A. Right to Terminate. The City, by and through the Council, after recommendation by the Commission, reserves the right to terminate the personal property tax abatement deduction if it determines that the Applicant has not made reasonable efforts to substantially comply with all of the Commitments and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its control.

B. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of the designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with the Agreement. New technological developments and process improvements may also be included as factors beyond of the control of the applicant.

C. Repayment Upon Termination: Pursuant to Resolution 2004-22 if the new manufacturing equipment is removed from the City of Lafayette before the expiration of the term of the abatement, and the City terminates the personal property tax abatement, the City may require the Applicant to repay all or a pro-rated portion of the personal property tax abatement savings received through the date of such termination.

D. Notice of Termination and Repayment. In the event that the City determines that the tax abatement deductions should be terminated or that all or a pro-rated portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax benefits repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have ninety (90) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax benefits repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or tax benefits repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Council before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. If the Council adopts a Resolution terminating the tax abatement and/or requiring repayment of tax benefits, the Applicant shall be entitled to appeal that determination to a Tippecanoe County Superior or Circuit Court.

E. Time of Repayment. In the event that the City requires repayment or partial payment of the tax abatement benefits as provided hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall make such repayment to the City within ninety (90) days of the date of delivery of the Statement, unless such repayment has been stayed pending an appeal. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.

Section 4. Use of Local Suppliers and Contractors for Project and Local Persons to Fill Positions Created by Project.

The Applicant agrees to make a meaningful, good-faith effort to use local suppliers, and local contractors for the Project.

Local suppliers and local contractors are defined as contractors and suppliers that are primarily engaged, reside in or have their principal office in Tippecanoe County or employ a significant number of residents of the City of Lafayette.

Additionally, applicant agrees to make a meaningful, good-faith effort to hire qualified individuals who are residents of the City of Lafayette for the new positions that will be created by the Project.

Section 5. General Provisions.

A. This Agreement contains the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the tax abatement are solely the responsibility of the Applicant.

B. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

C. This Agreement and all questions relating to its validity, interpretation, performance and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana, without regard to conflict of law principles.

D. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Tippecanoe County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action relating to this Agreement or any documents or instruments delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County an in such Court.

E. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

| | |
|---|---|
| If to Applicant: | Southwire Company, LLC<br>One Southwire Drive<br>Carrollton, GA 30119<br>Attn: Bradley Bromich,<br>Vice President Tax |
| Copy to: | Southwire Company, LLC<br>3400 Union Street |

Lafayette, IN 47905
Attn: David Metz,
Plant Manager

If to City: City of Lafayette, Indiana
515 Columbia Street
Lafayette, Indiana 47901
Attn: Dennis H. Carson,
Director, Economic Development

F. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, which consent shall not be unreasonably withheld.

G. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he or she has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of such party.

H. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provisions shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

I. No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

J. The Parties hereto agree to treat, and to cause their respective directors, officers, employees and agents to treat, as strictly confidential to the fullest extent

permitted by law (including the Federal Freedom of Information Act, and any counterpart Indiana statutes), the contents of this Agreement and all attachments hereto, all documents executed in connection herewith and all information provided by or to the Parties in connection herewith.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Applicant

Southwire Company, LLC

By: _____
Bradley Bromich

Printed: BRAD BROMICH
Title, Vice President Tax

City

City of Lafayette, Indiana

By: _____
Nancy Nargi, Common Council

Attest: _____
Cindy Murray, City Clerk

FILED
CITY CLERK
2020 FEB 25 A 9:32
CINDY MURRAY

**RESOLUTION NO. 2020-06**

**LAFAYETTE COMMON COUNCIL**

**A RESOLUTION DECLARING THE DESIGNATION OF CERTAIN REAL ESTATE AS AN ECONOMIC REVITALIZATION AREA (ERA) AND APPROVING THE APPLICATION FOR PROPERTY TAX ABATEMENT**

**WHITENACK & BROTHERS, LLC**
**REAL ESTATE**

**WHEREAS,** IC 6-1.1-12.1 allows for a partial abatement of property taxes attributable to the redevelopment/rehabilitation of real property and/or installation of new personal property in an Economic Revitalization Area (ERA); and

**WHEREAS,** IC 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas (ERAs); and

**WHEREAS**, the Common Council has designated the Lafayette Redevelopment Commission as the agency to make preliminary investigations, determinations, and recommendations to the Common Council as to what areas should be designated Economic Revitalization Areas; and

**WHEREAS,** Whitenack & Brothers, LLC has requested the real estate named in Exhibit "A" be designated an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings, which request has been accompanied by an Application, Statement of Benefits dated February 13, 2020, and a Supplement to Statement of Benefits and other information set forth in said attachments included in Exhibit A; and

**WHEREAS**, Whitenack & Brothers, LLC has requested a deduction from the assessed value for the redevelopment of real estate pursuant to the Statement of Benefits over a period of ten (10) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 90 |
| 3 | 80 |
| 4 | 70 |
| 5 | 60 |
| 6 | 50 |
| 7 | 40 |
| 8 | 30 |
| 9 | 20 |
| 10 | 10 |

**WHEREAS,** on February 27, 2020, the Lafayette Redevelopment Commission recommended approval of the designation of the real estate described in Exhibit A as an Economic Revitalization Area and the Statement of Benefits, Supplement to Statement of Benefits, through passage of Resolution No. LRC-2020-05;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE** that:

1. The Common Council finds that
   A. The subject real estate complies with the statutory criteria for an Economic Revitalization Area; and
   B. The estimate of cost of rehabilitation/redevelopment of real estate is reasonable for projects of this nature; and
   C. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed rehabilitation/redevelopment of real estate; and
   D. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed rehabilitation/redevelopment of real estate; and
   E. The tax base of the City of Lafayette and all relevant taxing districts can be reasonably expected to increase from the proposed rehabilitation/redevelopment of real estate; and
   F. The total benefits are sufficient to justify the deduction.

2. The Common Council designates, finds, and establishes the subject real estate as an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings as permitted under IC 6-1.1-12-1, subject to final confirmation after public hearing.

3. The Economic Revitalization Area designation terminates ten (10) years after January 1, 2020.

4. Subject to final confirmation after public hearing, the Statement of Benefits filed February 13, 2020, and Supplement to Statement of Benefits are hereby approved.

5. Subject to final confirmation after public hearing, Whitenack & Brothers, LLC is entitled to the opportunity to apply for a property tax deduction for an increase in assessed value resulting from redevelopment/rehabilitation of real estate for a period of ten (10) years in accordance with the following schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 90 |
| 3 | 80 |
| 4 | 70 |
| 5 | 60 |
| 6 | 50 |
| 7 | 40 |
| 8 | 30 |
| 9 | 20 |
| 10 | 10 |

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA,** on the 2nd day of March, 2020.

COMMON COUNCIL OF THE
CITY OF LAFAYETTE, INDIANA

Nancy Vargi, President

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette this 2nd day of March, 2020.

Cindy Murray, City Clerk

Signed and approved by me, the Mayor of the City of Lafayette, Indiana, this 2nd day of March, 2020.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, City Clerk

Sponsored by Tony Roswarski, Mayor

**RESOLUTION NO. LRC-2020-05**

**LAFAYETTE REDEVELOPMENT COMMISSION**

**A RESOLUTION RECOMMENDING DESIGNATION OF AN ECONOMIC REVITALIZATION AREA FOR TAX ABATEMENT AND RECOMMENDING APPROVAL OF DEDUCTION FOR TAX ABATEMENT**

**WHITENACK & BROTHERS LLC REAL PROPERTY**

**WHEREAS**, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to the rehabilitation/redevelopment of real property and/or the installation of new tangible personal property in "Economic Revitalization Areas" (ERA); and

**WHEREAS**, I.C 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas (ERA); and

**WHEREAS**, the Common Council of the City of Lafayette, Indiana has designated the Lafayette Redevelopment Commission as the agency to make preliminary investigations, determinations, and recommendations to said Common Council as to what areas should be designated Economic Revitalization Areas (ERA); and

**WHEREAS**, the Lafayette Redevelopment Commission has considered applications dated February 13, 2020, for designation of real estate, which real estate is more completely described on the attached Exhibit "A", as an ERA for the purpose of achieving real and/or personal property tax savings, and has reviewed the Statement of Benefits submitted by Whitenack & Brothers LLC (which is the real estate entity for the business operation of Antique Candle Works, Inc) and other relevant information presented at their regularly scheduled meeting on the Attached Exhibit "B"; and

**WHEREAS**, Whitenack & Brothers LLC. has requested a deduction from the assessed value for the redevelopment of real estate pursuant to the Statement of Benefits over a period of ten (10) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 90 |
| 3 | 80 |
| 4 | 70 |
| 5 | 60 |
| 6 | 50 |

| | |
|---|---|
| 7 | 40 |
| 8 | 30 |
| 9 | 20 |
| 10 | 10 |

**WHEREAS,** the area meets the criteria for designation of an Economic Development Area (ERA) under IC 6-1.1-12.1; and

**WHEREAS,** the applications for deduction for the purpose of tax abatement within an ERA meets the criteria for approval of a deduction for the purpose of tax abatement under IC 6-1.1-12.1;

**NOW THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF LAFAYETTE** that the following recommendations be made to the Common Council:

1. That the request of Whitenack & Brothers LLC. for the designation of an Economic Development Area (ERA) for the real estate described on Exhibit A be granted for a period of ten (10) years commencing January 1, 2020.

2. That the Application for deduction for the purposes of tax abatement meet the criteria for approval of a deduction for the purpose of tax abatement under IC 6-1.1-12.1 and as such that Whitenack & Brothers LLC. be entitled the opportunity to apply for property tax deductions for the redevelopment/rehabilitation of real estate over a period of ten (10) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 90 |
| 3 | 80 |
| 4 | 70 |
| 5 | 60 |
| 6 | 50 |
| 7 | 40 |
| 8 | 30 |
| 9 | 20 |
| 10 | 10 |

**ADOPTED AND PASSED** by the Lafayette Redevelopment Commission this 27th day of February, 2020.

**LAFAYETTE REDEVELOPMENT COMMISSION**

Jos Holman, President

Jim Terry, Vice President

T.J. Thieme, Secretary

Shelly Henriott, Commissioner

Donald J. Teder, Commissioner

ATTEST:

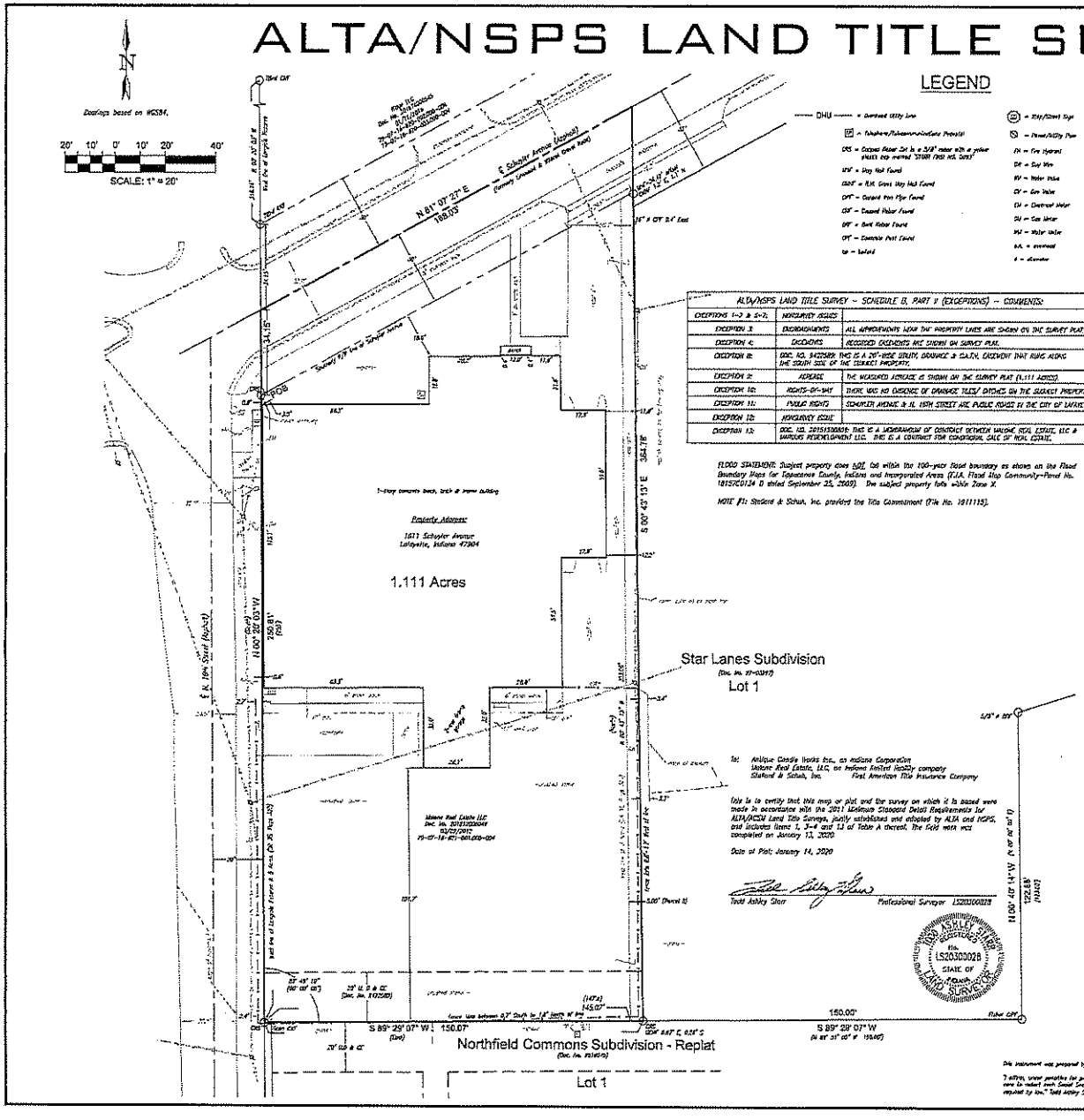
Dave Moulton

Randy Bond

# Exhibit A

## Boundary Map (Site Survey)
## and
## Legal Description

# ALTA/NSPS LAND TITLE SURVEY


N
Bearings based on WGS84.
20' 10' 0' 10' 20' 40'
SCALE: 1" = 20'
Tibbs Cut
Fore Inc.
Doc. No. 2012012000
01/20/2012
79-07-16-021-000.000-004
Vacated Alley
Vacated Alley
N 01° 27' 27" E
168.05'
S Schuyler Avenue (Asphalt)
(Formerly Linwood & Wildcat Grove Road)
Centerline of Schuyler Avenue
Monument Line
N 00° 20' 03" W
250.81'
(Calc)
S 00° 43' 13" E
364.78'
1-Story concrete block, brick & frame building
Property Address:
1611 Schuyler Avenue
Lafayette, Indiana 47904
1.111 Acres
Star Lanes Subdivision
(Doc. No. 92-03287)
Lot 1
Northfield Commons Subdivision - Replat
(Doc. No. 9519075)
Lot 1
S 89° 29' 07" W
150.00'
(Calc)
S 89° 29' 07" W
150.00'
(N 89° 27' 00" W 150.00')
Fiber CPT
Gas CPT
Gas Valve
Fiber Box
Fiber CPT
Fence line between 0.7' South to 1.8' North of line
Fence line between 0.7' South to 1.8' North of line
Vacated Alley
Vacated Alley
Vacated Alley

# STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

2020 PAY 2021

**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
Whitenack & Brothers LLC (ReaL Estate entity for business operation of Antique Candle Works, Inc.)

Address of taxpayer *(number and street, city, state, and ZIP code)*
704 Avondale Street West Lafayette, IN 47906

| Name of contact person | Telephone number | E-mail address |
|---|---|---|
| Brittany Whitenack | ( 765 ) 586-6013 | Brittany@antiquecandlec |

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

| Name of designating body | | Resolution number |
|---|---|---|
| Location of property: 1161 Schuyler Avenue | County: Tippecanoe | DLGF taxing district number |

Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)*
Complete renovation of building including: new offices and break room (framing, drywalling, painting), opening warehouse layout, painting, refinishing floors, updating bathrooms (tile, replacement of fixtures), all new electrical, new roof, add security system, improve parking for employees and customers.

Estimated start date (*month, day, year*): April 1, 2020
Estimated completion date (*month, day, year*): September 15, 2020

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 31 | $880,000 annually | 31 | $$880,000 | 4 | $182,000 |

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

| | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| | COST | ASSESSED VALUE |
| Current values | 0 | $255,000 |
| Plus estimated values of proposed project | $1,150,000 | $1,150,000 |
| Less values of any property being replaced | 0 | 0 |
| Net estimated values upon completion of project | $1,150,000 | $1,150,000 |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (*pounds*) 0
Estimated hazardous waste converted (*pounds*) 0

Other benefits
Retainment of architectural significant structures including preserving unique sky lights and one-of-a-kind large fire door (40 feet x 40 feet)
Total Rehabilitation of 15,266 sq ft including offices, bathrooms, and warehouse area

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Date signed (*month, day, year*) |
|---|---|
| Brittany Whitenack | 02 / 13 / 2020 |

| Printed name of authorized representative | Title |
|---|---|
| Brittany Whitenack | Owner & CEO Antique Candle Works, Inc. |

## 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 ____10_____ calendar years* *(see below)*. The date this designation expires is ____12/31/202 9_____

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements X Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ __1,150,000_____

☐. 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 X 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?

X 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)* |
|---|---|---|
| Nancy Narzi | (765) 807-1021 | 03/02/2020 |
| Printed name of authorized member of designating body: Nancy Narzi, Council President | Name of designating body: Common Council | |
| Attested by *(signature and title of attester)*: Cindy Murray, City Clerk | Printed name of attester: Cindy Murray | |

* 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.

# SUPPLEMENT TO STATEMENT OF BENEFITS
## Real Estate & Personal Property

INSTRUCTIONS:

1. This completed SUPPLEMENT and the completed STATEMENT OF BENEFITS, along with all other requested materials, must be submitted to Greater Lafayette Commerce.

2. This SUPPLEMENT TO STATEMENT OF BENEFITS is part of the total application, and the CERTIFICATION in the STATEMENT OF BENEFITS applies to all statements in the APPLICATION.

3. To qualify, the project investment must be at least $500,000.

**SECTION 1 APPLICANT**

Name of Taxpayer:
Whitenack & Brothers LLC. This LLC is real estate entity owned by Brittany Whitenack, who also owns Antique Candle Works, Inc.

Address of Taxpayer (street and number, city, state & ZIP code):
**704 Avondale Street West Lafayette, IN 47906**

Telephone: 765-586-6013
E-mail: brittany@antiquecandl

Name of Applicant if different from Taxpayer:

Address of Applicant if different from Taxpayer (street and number, city, state & ZIP code):

Telephone:
E-mail:

Description of relationship of Applicant to Taxpayer:

Contact for this Application: Brittany Whitenack
704 Avondale Street West Lafayette, IN 47906

Phone Number: (765)586-6013

Address of Contact if different from Taxpayer (street and number, city, state & ZIP code):

Telephone:
E-mail:

Name of Parent Company (if any):

Does the company currently conduct business at this site? Yes _____ No X

If "No", how is the site currently used? It is being renovated for use beginning in September 2020

Annual Report & History of Company

Company Certified Public Accountant: Drew Trenz (The Trellis Club)

Company Commercial Bankers: Angela Tamer (HORIZONS)

Company Counsel: Dan Teder

To be completed by GLC Staff

| | | | | |
|---|---|---|---|---|
| Is this area currently designated as an Economic Revitalization Area? | Yes | | No | X |
| Has it ever been so designated in the past? | Yes | | No | X |
| Is this property in a Tax Increment Finance (TIF) district requires RD Commission Approval? | Yes | | No | X |

## SECTION 2 JURISDICTION & PURPOSE

Jurisdication:

| | |
|---|---|
| Lafayette | X |
| West Lafayette | |
| Tippecanoe | |

Purpose of Application:

| | |
|---|---|
| Real Estate Tax Abatement - | 10 years |
| Personal Property Tax Abatement - | years |
| ERA Designation Only - | |

Type of Industry:

| | |
|---|---|
| Research & Development | |
| Manufacturing | X |
| Logistics | |
| Information Technology | |
| Other | Please specify: |

Describe proposed project.

Complete renovation of building including: new offices and break room (framing, drywalling, painting), opening warehouse layc painting, refinishing floors, updating bathrooms (tile, replacement of fixtures), all new electrical, new roof, add security system, improve parking for employees and customers, and general improvement of exterior.

## SECTION 3 PROPERTY DESCRIPTION

Assessor's Personal Property Key Number(s): 79-07-16-821-001.000-0004

Location of Real Property (street and number, city, state & ZIP code):
1611 Schuyler Avenue Lafayette, IN 47904

****ATTACH LEGAL DESCRIPTION & PLAT MAP WITH LOCATION****

## SECTION 4 NATURE OF REAL ESTATE IMPROVEMENTS

Describe any Real Property Improvements:

**Size of facility to be constructed and /or renovated**
16,098 current square feet. 832 sq. feet (garage) will be demoed, with a total of 15,266 sq ft renovated and remaining.

**Rehabilitation of existing structure(s), especially architecturally significant or historic structures**
Renovating office areas & break area. Keeping the historic brick inside and exterior intact. Also, keeping a few historic pieces intact:
1. Perserving unique ceiling windows
2. Perserving unique fire door (approximately 40 feet x 40 feet large)

**Demolition of architecturally significant or historic structure(s)**
Demoing car garage that is not original to the building and a 2 interior walls to open up warehouse space
None of these are historic structures

Estimated Investment $1,150,000

## SECTION 5 PERSONAL PROPERTY

Type of Project:
Research & Development _____
Machinery & Equipment _____
Logistics _____
Information Technology _____
Other _____ Please specify:

Estimated Investment _____

**ATTACH DEPRECIATION SCHEDULE**

***APPLIES ONLY FOR THE CITY OF LAFAYETTE***

Please note that all Personal Property tax abatements are subject to a Memorandum of Agreement that may require repayment of all or a portion of the tax savings realized in a designated ERA if it is terminated because the property is removed from the City of Lafayette by the applicant. Please contact the City of Lafayette Economic Department for details.

## SECTION 6 EMPLOYMENT

| | | | | |
|---|---|---|---|---|
| How many do you employ today? | 31 | | | |
| How many will you employ after the project is complete? | 35 | | | |
| How many jobs will be created? | 4 | Full-time | 0 | Part-time |
| How many jobs are retained? | 18 | Full-time | 13 | Part-time |
| How many jobs will be eliminated? | 0 | Full-time | 0 | Part-time |

Will any of the new positions be temporary or filled by contract employees: Yes _____ No X
If "Yes", describe the contract:

Will new employees be hired from the Tippecanoe region? Yes X No _____

If any positions are to be eliminated, please explain the circumstances and if any of the employees from these positions will be eligible for the new positions.

How many additional employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 2 | $36,000/year |
| Administrative | 1 | $70,000/year |
| Management | 1 | $40,000/yr |
| Professional/ Technical | | |
| Other | | |
| Total/ Average Wage | 4 | pprox. $45,500/year |

How many retained employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 3 | $36,000/year |
| Administrative | 3 | $90,000/year |
| Management | 6 | $50,000/year |
| Professional/ Technical | 2 | $30,000/year |
| Other | 4 | $36,000/year |
| Total/ Average Wage | 18 | $50,500/year |

What is the anticipated time frame for reaching full employment and the salary goals, per SB-1, from completion of improvement?

| Year | 1 yr | 2 yrs | 3 yrs | 4 yrs | 5 yrs | > 5 |
|---|---|---|---|---|---|---|
| Employment | 4 | | | | | |

| Salary | Total: $182,000/year (4 employees) | | | |
|---|---|---|---|---|

**IF GREATER THAN FIVE YEARS PROVIDE DETIALED TIMETABLE**

Does the company provide benefits to full time employees? Yes X No

If "Yes", explain and list:

| | | |
|---|---|---|
| Health Insurance | 0 | % paid |
| Life insurance | 0 | % paid |
| Disability | 0 | % paid |
| Childcare | 0 | % paid |
| Vacation | 17 | min. # of days |
| Retirement | 0 | % paid |
| Other | 0 | % paid |

To be completed by GLC Staff.

Is the average wage at or above the Tippecanoe County average? Yes X No

## SECTION 7 IMPACTS & STATUS

Please estimate the % of your products or services sold outside this 8-county economic region? 98 %

Does the applicant supply any local firms? Yes No X

If yes, please list:

Will any additional public utilities, city services or other infrastructure be required by this project? Yes No X

If "Yes", explain:

Will any environmental permits be needed? Yes No X

If "Yes", explain:

Current Zoning GB

Will any changes, special exceptions be required? Yes No X

Have they been approved? Yes No N/A X

Has the applicant or any predecessor of the applicant defaulted in any material respect the performance of financial obligations by the applicant? Yes No X

Is there any pending litigation materially affecting the applicant? Yes No X

If "Yes", please describe giving procedural posture of the case(s):

| | | |
|---|---|---|
| Are there any restrictions contained in the applicant't Articles or Certificate of Incorporation, Charter, Bylaws, Code of Regulations or any agreements to which the applicant is a party that could affect the applicant's ability to engage in this project? | Yes<br>No | <br>X |

If "Yes", explain:

## SECTION 8 AFFIRMATION OF TAX PAYMENTS

**I affirm that the applicant is current with all local, state, and federal tax obligations and understand that *failure to have paid said taxes in a timely manner may render the applicant, during the course of this tax* abatement, noncompliant and, therefore, inelligible for tax abatement.**

| | |
|---|---|
| Brittany Whitenack<br>Signature | 02 / 13 / 2020<br>Date |
| Brittany Whitenack<br>Name Printed | Owner & CEO<br>Title |
| Brittany@antiquecandleco.com<br>E-mail | 765-586-6013<br>Phone |

# PRINCIPLES

## FOR CONSIDERATION OF PROPERTY TAX ABATEMENT IN LAFAYETTE, INDIANA

These principles are used in determining the guidelines and considerations for each category of project, and will also be used in determining the length of an abatement within each category.

1. Firms receiving tax abatement are expected to give local construction firms and local suppliers of goods and services the opportunity to do business.

2. Existing industry will be considered for tax abatement on the same basis as firms being recruited to the community.

3. Preference will be given to firms that diversify and fill gaps in our local economy rather than those that compete for business in the local economy with existing firms.

4. Products that are sold outside our local community and bring value to the local economy will be given a high priority.

5. Abatement will be used to recruit and assist firms that create a technology based product or service or use advanced technology in manufacturing.

6. Location in the downtown, the urban enterprise zone, or declining area designated as an economic development area will be given a higher priority.

7. Projects that involve retail or are primarily office operations will be considered only in the locations described in #6 above unless the office operations are technology related.

8. The number of jobs created per dollar of investment will be an important consideration for the warehouse distribution and manufacturing areas.

9. The level of wages and benefits will be an important consideration for all applications.

10. Housing will be evaluated in terms of percentage of units available to lower income families, mix of income levels, distance from other projects serving a similar clientele, availability of services, potential displacement of existing housing, and compatibility of design.

11. Projects will not be considered that will require variances or special exceptions unless primary review indicates that no problems will be encountered.

12. Adverse environmental impacts will negatively affect the consideration of abatement.

13. Any need for additional public infrastructure or other additional public support in the project will be considered in determining the length of the abatement.

14. Major development projects will be individually evaluated.

15. The time period of depreciation of equipment will be considered in the length of abatement for equipment.

16. Economic Revitalization Areas (ERAs) designated by the Common Council for new manufacturing equipment will include a Memorandum of Understanding that will provide for the repayment to the City of all or a portion of the tax savings realized through the designation in event that the ERA is terminated because the new manufacturing equipment is removed from the City.

# GUIDELINES

## FOR CONSIDERATION OF PROPERTY TAX ABATEMENT IN LAFAYETTE, INDIANA

Projects will be considered for abatement only if the proposed investment is at least $250,000 and development has not begun and/or equipment has not been ordered. In addition, if the applicant is not the owner, authorization of the application must be obtained from the owner.

The length of the abatement period for real estate and equipment will be considered by the guidelines in the categories below:

### 6-10 Years

Real Estate Improvements

Manufacturing

Technology Based

### 3-6 Years

Equipment and Machinery

Warehouse/Distribution

Office

Retail

### 1-3 Years

Housing

# Redevelopment Commission Guidelines
# For
# Economic Revitalization Area Designation
# City of Lafayette, Indiana

The Lafayette Redevelopment Commission has formulated guidelines for granting requests for designation of an Economic Revitalization Area. Each category has a threshold of acceptance and a benchmark for the number of years of tax abatements. The number of years of tax abatement may be increased or decreased by the Redevelopment Commission and/or the Common Council with the addition of positive or negative factors cited. Final authority rests with the Common Council.

## Manufacturing/Commercial

### Threshold:

1. Development/redevelopment not begun/Equipment not ordered
2. Commercial only eligible in Central TIF
3. More than $250,000 investment
4. Variances/special exceptions have

### Benchmark:

Six (6) years – real estate
Five (5) years – equipment

### Positive Factors (increase years of abatement):

1. Located in Central TIF or Urban Enterprise Zone
2. More than one (1) job created/retained per $100,000 investment
3. Jobs are supported by product/service sales outside the Greater Lafayette area
4. Commitment to hire/train residents of the Greater Lafayette area, including for construction
5. Jobs include benefits
6. Jobs pay more than county average

### Negative Factors (decrease years of abatement):

1. Location in TIF other than Central TIF
2. Jobs retained but no new jobs created
3. Prior tax abatement received

## Retail

### Threshold:

1. Project includes more than one (1) tenant
2. Variances/special exceptions have passed initial review
3. Development/redevelopment not begun
4. Investment more than $250,000

### Benchmark:

Three (3) years

### Factors:

1. Redevelopment (rehab) rather than new development
2. Vacancies (measured in square footage, number of spaces and length of time)
3. Property taxes paid by tenant
4. Decline in assessed value
5. Impact on surrounding area

## Multi-family Rental Housing

### Threshold:

1. 20% of units dedicated to low and moderate income households
2. Investment of more than $250,000 or increased assessment of at least $50,000
3. Development or redevelopment not yet begun
4. Variances/special exceptions have passed initial review

### Benchmark:

Six (6) years

### Positive Factors (increase years of abatement):

1. Located in Central TIF or Urban Enterprise Zone
2. More than 40% of the units dedicated to low or moderate income households or more than 20% of units dedicated to low income households

### Negative Factors (decrease years of abatement):

1. Located in TIF other than Central TIF
2. Low or moderate income households displaced
3. No units dedicated for low income households
1. Demolition or incompatible alteration of historic structures

# SUMMARY OF IMPACT EVALUATIONS

## COMMUNITY IMPACTS

| Yes/No/N/A | | |
|---|---|---|
| Yes | 1. | Is the project compatible with Tippecanoe County's current comprehensive plan? |
| Yes | 2. | Does the applicant own the property of the project? |
| No | 3. | Will any historic structures be demolished? |
| Yes | 4. | Will any historic structures be redeveloped? |
| No | 5. | Is a change in zoning necessary? From _____ to _____ |
| No | 6. | Are Variances or Special Exceptions needed? |
| No | 7. | Will any negative environmental impacts or pollution result from the project? |
| No | 8. | Are any environmental permits needed? |
| No | 9. | Will any households be displaced? |
| No | 10. | Will the project have a negative effect on the local housing market? |
| No | 11. | Will the project include rehabilitation or redevelopment of existing structures? |
| Yes | 12. | Will the project have other benefits on the community? |
| No | 13. | Will the project have other negative effects on the community? |
| No | 14. | Has any work begun or any equipment been ordered? |
| No | 15. | Is the project located in Downtown or the LUEZ? |
| Yes | 16. | Are products primarily sold outside community? |

## EMPLOYMENT IMPACTS

| | | |
|---|---|---|
| Yes | 17. | Will jobs be created or retained? 4 created 18 retained |
| Yes | 18. | Will wages be equal or be above the county's average? $21.63/hr avg |
| Yes | 19. | Will employees receive health insurance? 0% paid by company |
| Yes | 20. | Will employees receive retirement benefits? 0% paid |
| Yes | 21. | Will employees receive life insurance? 0% paid by company |
| Yes | 22. | Will employees receive other benefits? List: Vacation –17 days/yr |
| N/A | 23. | What is the ratio of investment to jobs creation: $287.K:1 |
| Yes | 24. | Will construction labor from the local region (Tippecanoe and contiguous counties) be used? |
| Yes | 25. | Will new employees resulting from the project be hired from the local region (Tippecanoe and contiguous counties)? |

Yes 26. Does the project include advanced technology or manufacturing processes?

## FISCAL IMPACTS

| | | |
|---|---|---|
| N/A | 27. | Will the project be in competition with existing local business? |
| Yes | 28. | Will the project complement existing local businesses? |
| No | 29. | Will new infrastructures, not yet in place, be required for this project? |
| No | 30. | Will the project have other special tax treatments or financing such as grants, low interest loans, etc. |
| No | 31. | Has the applicant ever applied for or benefited from tax abatement in any other project in Lafayette or elsewhere? |
| Yes | 32. | Has financing for this project been approved? |

CITY OF
LAFAYETTE

Economic Development Department
Marketing & Communications Department

515 Columbia Street • Lafayette, Indiana 47901-1412
Phone 765-807-1090

# Memo

**DATE: 2/27/20**

**TO: Lafayette City Council, Nancy Nargi, President**

**FROM: Dennis H. Carson, Economic Development Director**

**CC: Tony Roswarski, Mayor; Cindy Murray, City Clerk; Ed Chosnek, City Attorney**

**RE: *UPDATE* Recommendations for tax abatement:
Whitenack & Brothers, LLC (Real Estate entity of Antique Candle Works, Inc.)**

Attached, please find the application for the above referenced request.

1. Whitenack & Brothers, LLC (Real Estate entity of Antique Candle Works, Inc.) is requesting the following:
    a. Designation of an Economic Revitalization Area (ERA) by the City Council for ten (10) years commencing January 1, 2020, through Resolution No. LRC-2020-05
    b. A tax abatement of ten (10) years for Real Estate with an investment of $1,150,000 through Resolution No. LRC-2020-05.
        i. Antique Candle Works, Inc. pledges to create 4 jobs and retain 31 jobs.

Their full application (SB-1) and the City of Lafayette's supplement to the SB-1 are attached. See staff recommendation below.

**RECOMMENDATION:** The Lafayette Redevelopment Commission will review this request at its February 27, 2020 meeting. A recommendation will be forwarded to City Council immediately thereafter before Monday's Council meeting for your consideration.

***Update* 2/27/20:** The Lafayette Redevelopment Commission reviewed this request and recommended for approval to the Lafayette City Council **RESOLUTION NO. LRC-2020-05 LAFAYETTE REDEVELOPMENT COMMISSION** - A Resolution Recommending Designation of an Economic Revitalization Area for Tax Abatement and Recommending Approval of Deduction for Tax Abatement –Whitenack & Brothers, LLC –Real Property. The Commission recommended a ten (10) year abatement on real estate with an investment totaling $1,150,000.

CITY OF
LAFAYETTE

Economic Development Department

515 Columbia Street • Lafayette, Indiana 47901-1412
Phone 765-807-1090

# Memo

**DATE: 2/26/20**

**TO: Lafayette City Council, Nancy Nargi, President**

**FROM: Dennis H. Carson, Economic Development Director**

**CC: Tony Roswarski, Mayor; Cindy Murray, City Clerk; Ed Chosnek, City Attorney**

**RE: Recommendations for tax abatement:**
**Whitenack & Brothers, LLC (Real Estate entity of Antique Candle Works, Inc.)**

Attached, please find the application for the above referenced request.

1. Whitenack & Brothers LLC (Real Estate entity of Antique Candle Works, Inc.) is requesting the following:
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        i. Antique Candle Works, Inc. pledges to create 4 jobs and retain 31 jobs.

Their full application (SB-1) and the City of Lafayette's supplement to the SB-1 are attached. See staff recommendation below.

**RECOMMENDATION:** The Lafayette Redevelopment Commission will review this request at its February 27, 2020 meeting. A recommendation will be forwarded to City Council immediately thereafter before Monday's Council meeting for your consideration.

**ORDINANCE NO. 2020-09**

A SPECIAL ORDINANCE authorizing the City of Lafayette to issue up to $8,000,000 aggregate principal amount of its City of Lafayette, Indiana Economic Development Revenue Bonds, Series 2020 (Briarwood of Lafayette Project) (the "Bonds") in one or more series and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of economic development facilities, for diversification of economic development and creation or retention of opportunities for gainful employment; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Glick Briarwood Lafayette, LP, an Indiana limited partnership (the "Borrower") has requested that the City of Lafayette, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to finance the acquisition, construction, renovation, improvement and equipping of a multifamily housing facility known as Briarwood of Lafayette Apartments, containing approximately 100 apartment units, together with functionally related and subordinate facilities such as parking areas, located at 1750 Windemere Drive, in Lafayette, Indiana and funding costs of issuance and any necessary reserves in connection therewith (the "Project"); and

WHEREAS, the Lafayette Economic Development Commission (the "Commission") has rendered a report concerning the proposed acquisition, construction, renovation, improvement and equipping of economic development facilities for the Borrower and the Area Plan Commission of the City of Lafayette, Indiana has been given the opportunity to comment thereon; and

WHEREAS, the Commission after a public hearing held on February 27, 2020, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") found that the acquisition, construction, renovation, improvement and equipping of the Project complies with the purposes and provisions of the Act, that such acquisition, construction, renovation, improvement and equipping will be of benefit to the health and welfare of the Issuer and its citizens through the requirement that the Project serve persons and families of low and moderate income, that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the project and its viability as a qualified housing project throughout the credit period for the Project and that the Project satisfies the requirements for the allocation of a housing credit dollar amount under the Indiana Housing and Community Development Authority’s qualified allocation plan; and

WHEREAS, the Commission has considered whether the acquisition, construction, renovation, improvement and equipping of the Project will have an adverse competitive effect or impact on any similar facility or facilities of the same kind already constructed or operating in the same market area or in or about Lafayette, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to acquire, construct, renovate, improve and equip the Project and to pay costs related to issuing the Bonds by issuing not to exceed $8,000,000 aggregate principal amount of the Bonds; and

WHEREAS, the Issuer intends to issue the Bonds in one or more series pursuant to a Trust Indenture (the "Indenture"), by and between the Issuer and The Huntington National Bank (or a trustee selected by the Borrower, the "Trustee") in order to obtain funds to lend to the Borrower for the purpose of acquiring, renovating, improving and equipping the Project pursuant to a Loan Agreement with respect to the Bonds between the Issuer and the Borrower (the "Loan Agreement"), provided, however, that the aggregate principal amount of the Bonds shall not exceed $8,000,000; and

WHEREAS, the Loan Agreement provides for the repayment by the Borrower of the loan of the proceeds of the Bonds pursuant to which the Borrower will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, no member of the Common Council has any pecuniary interest in any employment, Loan Agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Common Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, there has been submitted to the Commission for its approval substantially final forms of the Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Bond Purchase Agreement, Preliminary Official Statement and the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of ordinance which were incorporated by reference in the Commission's Resolution adopted on February 27, 2020, which Resolution has been transmitted hereto; and

WHEREAS, the Borrower has agreed after discussions with the Issuer to (a) increase rear lighting at the Project through installation of photocell dawn to dusk lighting on individual unit patios as previously recommended by the Issuer’s police department, (b) replace existing parking lot and ornamental pole lighting with LED lighting and (c) add 4 cameras with recording and cloud storage access capability in locations reasonably acceptable to the Issuer’s police department; and

WHEREAS, the Borrower will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the acquisition, construction, renovation, improvement and equipping of the Project, the Issuer hereby finds and determines that the funding approved by the Commission for the acquisition, construction, renovation, improvement and equipping of the Project will be of benefit to the health

and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to finance the costs of the Project, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate combined principal amount not to exceed $8,000,000; now, therefore:

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:**

SECTION 1. It is hereby found that the acquisition, construction, renovation, improvement and equipping of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of acquiring, renovating, improving and equipping the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the acquisition, construction, renovation, improvement and equipping of the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Common Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Common Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series, as described above, in the aggregate principal amount not to exceed $8,000,000, for the purpose of procuring funds to loan to the Borrower in order to finance the acquisition, construction, renovation, improvement and equipping of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Borrower pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Clerk is authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof (excluding any original issue premium or discount) plus accrued interest, if any, and at a fixed or initial variable rate of interest not to exceed 12% percent per annum. The Bonds will mature no later than 40 years from the date of their issuance, and shall be subject to optional redemption within 11 years of the date of issuance thereof at a price of 100% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby

confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or Clerk without further approval of this Common Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the obligations of the Borrower set forth in the Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 8. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 9. The Borrower and its general partner will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim,

damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 10. It is hereby determined that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Common Council has solely relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Common Council hereby authorizes and directs the Clerk to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing and Community Development Authority ("IHCDA") and either written representations of the Borrower or of IHCDA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHCDA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHCDA's qualified allocation plan.

SECTION 11. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 12. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 13. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 14. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

SECTION 15. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

* * * * *

The foregoing was passed by the Common Council this __ day of _____, 2020, at _:__ p.m.

_____
_____, Presiding Officer

ATTEST:

_____
Cindy Murray, Clerk

Presented by me to the Mayor this ____ day of _____, 2020, at _:__ _.m.

_____
Cindy Murray, Clerk

Approved and signed by me this ____ day of _____, 2020.

_____
Tony Roswarski, Mayor

Sponsored by: Edward Chosnek, Corporation Counsel

STATE OF INDIANA )
) SS:
TIPPECANOE COUNTY )

I, Cindy Murray, Clerk of the Common Council, Lafayette, Tippecanoe County, Indiana, do hereby certify the above and foregoing is a full, true and complete copy of ORDINANCE NO. ____, 2020, an ORDINANCE, passed by the Common Council on the ___ day of _____, 2020, by a vote of _____ YEAS and _____ NAYS, which was signed by the Mayor on the ____ day of _____, 2020, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Lafayette, Indiana, this ___ day of _____, 2020.

(SEAL)

_____
Cindy Murray, Clerk

FILED
CITY CLERK
2020 MAR 16 P 3:27
CINDY MURRAY

ORDINANCE NO. 2020-10

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R2 TO NBU

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:**

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

*See Attachment Exhibit A*

Section II: The above described real estate should be and the same is hereby rezoned

from R2 to NBU.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THIS _____DAY OF _____, 2020.**

_____
Nancy Nargi, Presiding Officer

ATTEST:

_____
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____day

of _____, 2020.

_____
Cindy Murray, City Clerk

This Ordinance approved and signed by me on the _____day of _____, 2020.

_____
Tony Roswarski, Mayor

Attest:

_____
Cindy Murray, City Clerk

Legal Description, 106 S 16th St, Lafayette IN 47905:

Lots numbered 51 and 52 in Oakland as laid out by John Taylor on a part of the East half of the Northwest Quarter of Section 28, Township 23 North, Range 4 West. Located in Fairfield Township, Tippecanoe County, Indiana.

THE Area Plan Commission of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

February 20, 2020
Ref. No.: 2020-69

Lafayette Common Council
20 N 6th Street
Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU):** Petitioner is requesting rezoning of two lots located a block south of the Five Points intersection, on the southwest corner of Alabama and S. 16th Streets, specifically 106 S. 16th Street, Lafayette, Fairfield 28 (NW) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 19, 2020, the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no on the motion to rezone the subject real estate from R2 to NBU. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their March 2, 2020 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

SDF/crl

Enclosures: Staff Report & Ordinances

cc: Colleen Mathews, Elliot Rose, LLC
Stewart Kline, STUZIEQ, LLC

# Z-2508
# ELLIOT ROSE, LLC D/B/A FUEL COFFEE SHOP
# R2 TO NBU

## STAFF REPORT
## February 13, 2020

# Z-2508
# Elliot Rose, LLC d/b/a Fuel Coffee Shop
# R2 TO NBU

**Staff Report**
**February 13, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent from the owner, is requesting a rezoning from R2 to NBU of lots 51 and 52 in Oakland Addition Subdivision. The site is located at the southwest corner of Alabama and S. 16th Streets, more specifically 106 S. 16th Street, Lafayette, Fairfield 28 (NW) 23-4.

If the request is approved, petitioner plans to repurpose the existing historically significant building as a new location for Fuel Coffee Shop as well as residential apartments (one behind the coffee shop and the second above the commercial ground floor) at this location.

## ZONING HISTORY AND AREA ZONING PATTERNS:

The earliest zoning maps for the Valley Center neighborhood shows residential zoning. The land in this request, along with the adjoining properties to the west and south are zoned R2. Properties to the north across Alabama Street are zoned General Business whereas, land to the east across S.16th is zoned R2.

The subject property is in the *5Points* revitalization plan identified by the City as the convergence of several historic neighborhoods with high redevelopment potential. In 2018, the City released the final study with recommended growth opportunities in the area.

## AREA LAND USE PATTERNS:

The site housed an engineering consultants' business (H. Stewart Kline & Associates Inc.) for decades. The Sanborn map from 1956 shows an office building at this location. Commercial uses are prominent north of Alabama, along South, 18th and Main Streets. Tyrie Mower Repair is to the south across the alley. Bar Barry Liquors is at the northeast corner of Alabama and S. 16th Street. A retail strip center (the former location of Kathie's Homemade Kandies) north of Alabama Street has Nana's Workshop, J&S Sports Cards, and 7 Sins Lafayette. Evergreen Wesleyan Church is farther to the south at Grove Street. Single and two-family homes are still dominant uses in the Valley Center neighborhood.

According to the Assessor's records, a 2,610-sq. ft. one-story addition was added to the original two-story residential structure in 1970. The residential portion of the structure was constructed in 1910 and is considered historically significant per the *5Points* document.

## TRAFFIC AND TRANSPORTATION:

Both Alabama and 16th Streets are classified as urban local roads. A graveled parking lot on site has access from the alley. If approved, petitioner must comply with all the applicable requirements of the ordinance before acquiring a change of use permit from the city.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**
City sewer and water serve the site. No bufferyard is required between NBU and R2 zoning.

**STAFF COMMENTS:**
Petitioner plans to relocate Fuel Coffee Shop from its current location on Main Street to the site in this request. The previous business was considered legally nonconforming until it closed a few years ago. Currently, a purchase agreement contingent on rezoning of the property is in place.

Non-residential use of any property with residential zoning is severely limited. Additionally, no structural work could be done to this building if it is damaged. The *5Points* study has identified the building on site as a historically significant structure. Allowing the adaptive reuse of historic buildings aid in the preservation of local architecture valued by the community. Petitioner has confirmed that they are working with the City Engineer's office to identify and address building compliance requirements.

While a coffee shop may generate more traffic (both pedestrian and vehicular) unlike the previous office use, popular public interaction spaces, close to residential neighborhoods are known to improve the quality of life in the neighborhood. Despite gradual commercialization of Main, South and 18th Streets, there are limited prepared food options nearby to serve the residential population. Approving this rezone for Fuel Coffee Shop may address the "food desert" concerns in the area. Staff can support this request because both historical data (Sanborn Map) and future projection (*5Points*) for the subject property indicates a commercial use for the site.

**STAFF RECOMMENDATION:**
Approval

RESOLUTION NO. 2020-07

A Reimbursement Resolution of the City of Lafayette, Indiana, declaring its official intent to reimburse expenditures for costs related to the construction of a new police station and public parking garage

WHEREAS, the City of Lafayette, Indiana (the "City") intends to provide for the construction of a new police station and public parking garage in the City, together with related improvements in connection therewith (collectively, the "Project"), at an estimated cost of not to exceed Forty Million Dollars ($40,000,000); and

WHEREAS, the City will use funds on hand of the City (which may also include funds of the City's Redevelopment Commission) to pay for certain costs of the Project; and

WHEREAS, the City reasonably expects to reimburse certain costs of the Project and replenish the funds on hand of the City with proceeds of long term debt to be issued by the City through its Redevelopment Authority pursuant to the provisions of Indiana Code 36-7-14.5, as amended; and

WHEREAS, the City reasonably expects to issue debt through its Redevelopment Authority not exceeding Forty Million Dollars ($40,000,000) in aggregate principal amount for purposes of paying and reimbursing certain costs of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THAT the City declares its official intent pursuant to Treasury Regulations Section 1.150-2 and Indiana Code 5-1-14-6(c) to (i) undertake and complete the Project; and (ii) reimburse certain costs of the Project with proceeds of its long term debt to be issued by the City through its Redevelopment Authority in an amount not exceeding $40,000,000 in aggregate principal amount for purposes of paying and reimbursing the costs of such Project. This Resolution shall be in full force and effect upon its passage by the Common Council of the City and approval by the Mayor of the City as required by law.

Passed this ____ day of April, 2020.

COMMON COUNCIL, CITY OF
LAFAYETTE, INDIANA

_____
Nancy Nargi, President

Attest:

_____
Cindy Murray, Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day of _____, 2020.

_____
Cindy Murray, Clerk

This resolution approved and signed by me, the Mayor of the City of Lafayette, Indiana, on the _____ day of _____, 2020.

_____
Tony Roswarski, Mayor

**RESOLUTION NO. 2020-08**

FILED
CITY CLERK

2020 MAR 20 P 1:11

**LAFAYETTE COMMON COUNCIL**

**A RESOLUTION CONFIRMING THE DESIGNATION OF CERTAIN REAL ESTATE AS AN ECONOMIC REVITALIZATION AREA (ERA) AND APPROVAL OF AN APPLICATION FOR PROPERTY TAX ABATEMENT**

**SOUTHWIRE COMPANY, LLC**
**PERSONAL PROPERTY**

**WHEREAS,** IC 6-1.1-12.1 allows for the partial abatement of property taxes attributable to the redevelopment/rehabilitation of real property and/or installation of new personal property in a "Economic Revitalization Area;" and

**WHEREAS,** IC 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas; and

**WHEREAS,** the Common Council of the City of Lafayette, Indiana, has designated the Lafayette Redevelopment Commission as the agency to make preliminary investigations, determinations, and recommendations to the Common Council as to what areas should be designated Economic Revitalization Areas; and

**WHEREAS,** Southwire Company, LLC has requested the real estate named in Exhibit "A" be designated an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings which request has been accompanied by an Application, Statement of Benefits dated January 29, 2020, a Supplement to Statement of Benefits and other information as set forth in said attachments; and

**WHEREAS**, Southwire Company, LLC has requested a deduction from the assessed value of such new manufacturing equipment installed pursuant to the Statement of Benefits over a period of seven (7) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

**WHEREAS,** Southwire Company, LLC has agreed to enter into a Memorandum of Agreement (MOA) setting forth certain terms and understandings related to the approval

of the deduction for tax abatement purposes, which MOA is attached hereto as Exhibit "B;" and

**WHEREAS,** on February 27, 2020, the Lafayette Redevelopment Commission recommended approval of the designation of the real estate described in Exhibit A as an Economic Revitalization Area and Statement of Benefits, Supplement to Statement of Benefits through passage of Resolution No. LRC-2020-04;

**WHEREAS**, the Common Council adopted Resolution 2020-05, hereinafter the Declaratory Resolution, designating the subject real estate as an Economic Revitalization Area (ERA) subject to the adoption of a confirming resolution by the Common Council and final public hearing for the receiving of remonstrance and objections from persons interested in whether the subject real estate should be designated as an Economic Revitalization Area (ERA); and

**WHEREAS**, a copy of such Declaratory Resolution was properly filed with the county assessor and proper legal notices were published indicating the adoption and substance of such declaratory resolution and stating when and where such final hearing would be held; and

**WHEREAS**, at such final public hearing, evidence and testimony, along with any written remonstrance and objections previously filed, were considered by the Common Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE** that:

1. The Common Council finds that

    A. The subject real estate complies with the statutory criteria for an Economic Revitalization Area (ERA); and
    B. The estimated cost of installation of new manufacturing equipment is reasonable for projects of this nature; and
    C. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
    D. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
    E. The tax base of the City of Lafayette and all relevant taxing districts can be reasonably expected to increase from the proposed installation of new manufacturing equipment; and
    F. The total benefits are sufficient to justify the deduction.

2. The Common Council now confirms, adopts and approves the Declaratory Resolution and thereby designates, finds and establishes the subject real estate as

an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings as permitted under IC 6-1.1-12-1.

3. The Economic Revitalization Area designation terminates ten (10) years after January 1, 2020.

4. The Statement of Benefits filed January 29, 2020 and Supplement to Statement of Benefits are hereby approved.

5. Southwire Company, LLC is entitled to the opportunity to apply for a property tax deduction for an increase in assessed value resulting from the installation of new manufacturing equipment over a period of seven (7) years in accordance with the following schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

6. The attached Memorandum of Agreement (MOA) is hereby approved and entered into by the Common Council.

This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA,** on the 6th day of April, 2020.

COMMON COUNCIL OF THE
CITY OF LAFAYETTE, INDIANA

_____
Nancy Nargi, President

ATTEST:

_____
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette this 6th day of April, 2020

_____
Cindy Murray, City Clerk

Signed and approved by me, the Mayor of the City of Lafayette, Indiana, this 6th day of April, 2020.

_____
Tony Roswarski, Mayor

ATTEST:

_____
Cindy Murray, City Clerk

Sponsored by Tony Roswarski, Mayor

# EXHIBIT "A"

**Boundary Map & Legal Description**

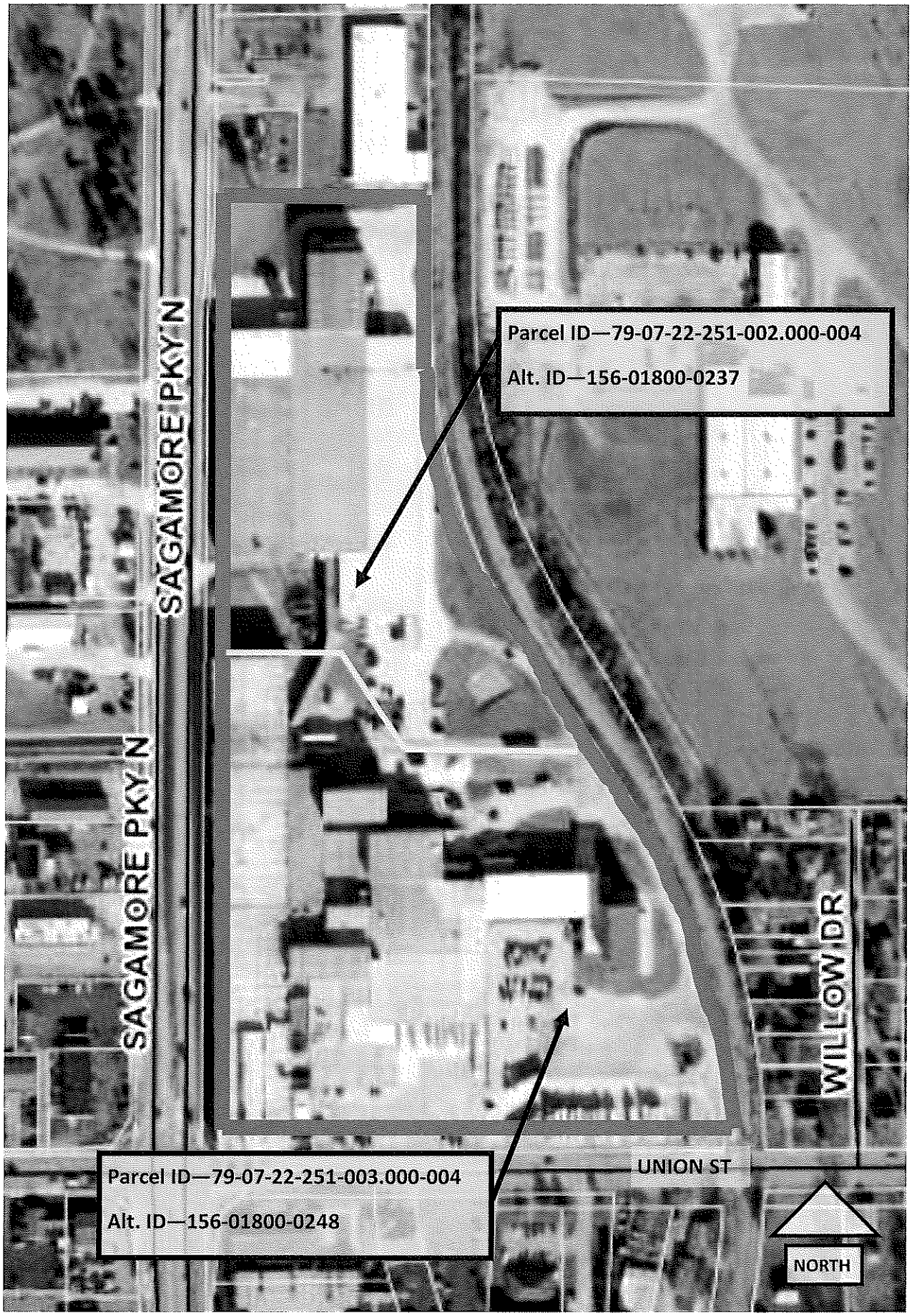
**and**

**Statement of Benefits Personal Property Improvements (SB-1/Personal Property)**

**and**

**Supplement to Statement of Benefits – Real Estate & Personal Property**

# E.R.A. BOUNDARY MAP & LEGAL DESCRIPTION



03008804 03/05/2003 03:56pm
PAMELA K BERGLUND, TIPPECANOE COUNTY RECORDER

156-01800-0237
156-01800-0248

MAIL TAX BILLS TO:
1115 West Plymouth Street
Bremen, Indiana 46506

**SPECIAL WARRANTY DEED**

THIS INDENTURE WITNESSETH, That **ESSEX ELECTRIC INC.**, a Delaware corporation ("Grantor"), CONVEYS AND WARRANTS to **COPPERFIELD, LLC**, a Minnesota limited liability company ("Grantee"), in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, that certain real estate located in Tippecanoe County, Indiana, being more particularly described on Exhibit "A" attached hereto and made a part hereof ("Property").

This conveyance is made and accepted subject to all matters (the "Permitted Encumbrances") set forth on Exhibit "B" attached hereto and made a part hereof.

Subject to the Permitted Encumbrances, Grantor covenants and warrants that the Property is free of any encumbrance made or suffered by Grantor and will forever defend the right and title to the Property unto the Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

The undersigned person executing this deed represents and certifies on behalf of the Grantor that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the Property is situated; that the Grantor has fully corporate capacity to convey the Property; and that all necessary corporate action for the making of this conveyance has been duly taken.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

MAR 05 2003

AUDITOR OF TIPPECANOE CO.

FWIMAN1 277571v1

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 27th day of February, 2003.

ESSEX ELECTRIC INC., a Delaware corporation

By: _____
Harold M. Karp, President

STATE OF INDIANA )
) SS:
COUNTY OF ALLEN )

Before me the undersigned, a Notary Public in and for said County and State, personally appeared HAROLD M. KARP, the President of ESSEX ELECTRIC INC., a Delaware corporation, and acknowledged the execution of the foregoing deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 27th day of February, 2003.

_____
Notary Public

My Commission Expires:
_____

JULIA E. HARBER NOTARY SEAL NOTARY PUBLIC STATE OF INDIANA

(Printed Name) JULIA E HARBER
NOTARY PUBLIC
A resident of _____ County, Indiana.
RESIDENT OF ALLEN COUNTY, IN
MY COMMISSION EXP. OCT. 22, 2009

THIS INSTRUMENT PREPARED by Jon A. Bomberger, Attorney at Law, Baker & Daniels, 111 East Wayne Street, Suite 800, Fort Wayne, Indiana 46802.



FWIMAN1 277571v1

# EXHIBIT A

Part of the West half of the Northeast Quarter of Section Twenty-two (22), Township Twenty-three (23) North, Range Four (4) West, in Fairfield Township, Tippecanoe County, Indiana, described as follows:
Beginning at the center of Section Twenty-two (22), Township Twenty-three (23) North, Range Four (4) West; thence North on the West line of the Northeast Quarter of said Section 22 a distance of 898.55 feet to a point; (said point being the Southwest corner of a tract conveyed by Nopco Chemical Company, Grantor, to Essex Wire Corporation, Grantee, by Warranty Deed dated December 30, 1964, as appears in Deed Record 291, Page 535, of the Deed Records of Tippecanoe County, Indiana); thence North 89 degrees and 23 minutes East a distance of 265.29 feet; thence South 20 degrees and 47 minutes East a distance of 202.9 feet; thence North 89 degrees and 18 minutes East a distance of 353.03 feet to a point in the westerly right of way line of Lafayette Union Railway Company; thence in a Southeasterly direction along the curve of the westerly right of way line of the Lafayette Union Railway Company to a point 495 feet North and 810 feet East of the center line of said Section 22; thence continuing in a Southeasterly direction following the curve of the west right of way line of the Lafayette Union Railway Company, which curve is on the arc of a circle having a radius of 1,146 feet to the center line of said Section 22; thence West along the center line of said Section to the place of beginning.

EXCEPT such part of the above real estate and rights therein as is more particularly described in that portion of a quitclaim deed recorded May 27, 1968 in Deed Record 311, Page 84 in the Deed Records of Tippecanoe County, Indiana, from H.K. Porter Company, Inc., to the State of Indiana, as is described as follows:
A part of the Southwest Quarter of the Northeast quarter of Section 22, Township 23 North, Range 4 West, Tippecanoe County, Indiana, described as follows:
Beginning on a north line of the owner's land 898.55 feet (distance quoted from Deed Record 273, Page 626) Northerly (along the west line of said quarter-quarter section) and 53.96 feet Easterly (along said north line of the owner's land) from the southwest corner of said quarter-quarter section, which point of beginning is also on an east boundary of U.S.R. 52 By-Pass and 50.00 feet Easterly, measured at right angles, from the existing center line of said U.S.R. 52 By-Pass; (1) thence Easterly 11.41 feet along said north line of the owner's land; (2) thence South 0 degrees 23 minutes 00 seconds West 63.70 feet; (3) thence South 0 degrees 38 minutes 33 seconds East 205.82 feet; (4) thence Southerly 548.70 feet along an arc to the left and having a radius of 22,864.31 feet and subtended by a long chord having a bearing of South 0 degrees 32 minutes 04 seconds East and a length of 548.69 feet; (5) thence South 16 degrees 00 minutes 36 seconds East 58.71 feet to a point on a north boundary of Union Street; (6) thence North 18 degrees 34 minutes 57 seconds West 61.08 feet along a northeastern boundary of U.S.R. 52 By-Pass to an east boundary of said U.S.R. 52 By-Pass; (7) thence along said east boundary Northerly 419.60 feet along an arc to the right and having a radius of 214,809.17 feet and subtended by a long chord having a bearing of North 1 degree 05 minutes 21 seconds West and a length of 419.60 feet; (8) thence North 1 degree 02 minutes 00 seconds West 397.12 feet along said east boundary to the point of beginning and containing 0.121 acres, more or less.

ALSO: All those certain lots, tracts or parcels of land, together with the buildings thereon and the appurtenances thereto pertaining, hereinafter particularly described, situate, lying and being in the Township of Fairfield, Tippecanoe County and State of Indiana:
A part of the West half of the Northeast quarter of Section 22, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana, and described as follows:
Beginning at a point on the west line 898.55 feet north of the southwest corner of the northeast quarter of Section 22, said point being 3.31 feet west of the center line of the present pavement on U.S. 52 By-Pass;

thence North 89 degrees and 23 minutes East a distance of 265.29 feet; thence south 20 degrees and 47 minutes East a distance of 202.9 feet; thence North 89 degrees and 18 minutes East a distance of 353.03 feet to a point in the westerly right of way line of Lafayette Union Railroad Belt line; thence North 35 degrees and 29 minutes West along the Westerly right of way line of said railroad a distance of 122.4 feet; thence on a curve to the right having a radius of 985 feet for a distance of 557.1 feet; thence South 89 degrees and 32 minutes West a distance of 20.48 feet; thence North 0 degrees and 28 minutes West and on the Westerly right of way line of said railroad a distance of 1336.26 feet to a point on the north line of said northeast quarter; thence South 89 degrees and 37 minutes West along the north line of said northeast quarter a distance of 435.95 feet to the northwest corner of the northeast quarter of said Section 22, said point being at the intersection of the north line of Greenbush Road with the center line of the present pavement on U.S. 52 By-Pass; thence South 0 degrees and 55 minutes East along the west line of said northeast quarter a distance of 1769.6 feet to the place of beginning.

Containing 18.75 acres, more or less.

EXCEPTING FROM THE 18.75 acres the following:

A part of the northeast quarter of Section 22, Township 23 North, Range 4 West, City of Lafayette, Fairfield Township, Tippecanoe County, Indiana, described as follows:

Commencing at the northwest corner of the northeast quarter of said Section 22; thence north 89°37'00" East along the northern line of the northeast quarter of said section 22, 435.95 feet; thence south 0°28'00" East 81.54 feet to the point of beginning of this description; said point being further described as the intersection of the southern right of way line of Greenbush Street and the western right of way line of the Lafayette Union Railway; thence south 0°28'00" east along the western right of way line of the Lafayette Union Railway 1,009.00 feet; thence South 88°55'07" West 337.19 feet to the eastern right of way line of US 52; the next three calls traverse the eastern right of way line of US 52; thence North 0°23'00" east 555.50 feet; thence north 2°31'51" East 400.28 feet; thence north 24°05'27" east 63.61 feet to the southern right of way line of Greenbush Street; thence leaving the eastern right of way line of US 52 north 89°37'00" east along the southern right of way line of Greenbush Street 281.56 feet to the point of beginning, containing 7.55 acres, more or less.

ALSO EXCEPTING THEREFROM:

A part of the West half of the Northeast quarter of Section Twenty-two (22), Township Twenty-three (23) North, Range Four (4) West in Fairfield Township, Tippecanoe County, Indiana, described as follows:

Beginning at the intersection of the East right of way line of U.S. 52 By-Pass and a line parallel to and Fifty (50) feet South of the North line of said Northeast quarter of Section Twenty-two (22); thence East and parallel to said North line of the Northeast quarter of Section Twenty-two (22) a distance of 385.95 feet to the West right of way line of the Lafayette Union Railway Company; thence South 31.54 feet; thence West and parallel with said North line of the Northeast quarter of Section Twenty-two (22) 385.95 feet to a point on the East right of way line of U.S. By-Pass; thence North on said right of way line 31.54 feet to the place of beginning.

ALSO EXCEPTING THEREFROM:

A part of the West half of the Northeast quarter of Section 22, Township 23 North, Range 4 West, Tippecanoe County, Indiana, described as follows:

Beginning on the South line of the owner's land 898.55 feet (distance quoted from Deed Record 291, page 535) Northerly (along the West line of said half quarter quarter Section) and 53.96 feet Easterly (along said South line of the owner's land) from the Southwest corner of said half-quarter Section, which point of beginning is also on an East boundary of U.S.R. 52 By-Pass and 50.00 feet Easterly, measured at right angles, from the existing centerline of said U.S.R. By-Pass (1) thence North 01 degrees 02 minutes 00 seconds West 1,683.18 feet along said East boundary to a Southern boundary of said U.S.R. 52 By-Pass; (2) thence North 29 degrees 07 minutes 02 seconds East 3.53 feet along said Southeastern boundary to a South boundary of Greenbush Street; (3) thence North 89 degrees 26 minutes 00 seconds East 100.84

feet along said South boundary; (4) thence south 24 degrees 05 minutes 27 seconds West 62.18 feet; (5) thence South 2 degrees 31 minutes 51 seconds West 400.28 feet; (6) thence South 0 degrees 23 minutes 00 seconds West 700.00 feet; (7) thence South 11 degrees 41 minutes 36 seconds West 50.99 feet East; (8) thence South 0 degrees 23 minutes 00 seconds West 150.00 feet; (9) thence South 2 degrees 28 minutes 45 seconds East 100.12 feet; (10) thence South 0 degrees 23 minutes 00 seconds West 200.00 feet ; (11) thence North 89 degrees 37 minutes 00 seconds West 4.50 feet; (12) thence South 0 degrees 23 minutes 00 seconds West 30.30 feet to a South line of the owner's land; (13) thence Westerly 11.41 feet along said South line to the point of beginning.

ALSO EXCEPT:

The Southern 30.00 feet of the land of Essex International, Inc., as described in Deed Record 70, Page 2519, in the Tippecanoe County Recorder's Office, and located in a part of the West Half of the Northeast Quarter of Section 22, Township 23 North, Range 4 West of the Second Principal Meridian in the City of Lafayette, Fairfield Township, Tippecanoe County, Indiana.

Containing 0.56 of an acre, more or less. The portion of the above described real estate which is not already encompassed within the apparent public right of way contains 0.09 of an acre, more or less.

**EXHIBIT "B"**

Permitted Encumbrances

1. The lien of real estate taxes for the year 2002, due and payable in May and November 2003, and all subsequent real estate taxes which are not yet due and payable.

2. Rights of way for drainage tiles, ditches, laterals and feeders, as delineated on the ALTA/ACSM Land Title Survey prepared for Essex Electric Company, Project No. 20030092-001 by Bock & Clark's National Surveyors Network dated February 25, 2003, and last revised February 27, 2003.

3. Rights of the public, the State of Indiana, and County of Tippecanoe, and the municipality in and to that part of the premises taken or used for road purposes as delineated on the ALTA/ACSM Land Title Survey prepared for Essex Electric Company, Project No. 20030092-001 by Bock & Clark's National Surveyors Network dated February 25, 2003, and last revised February 27, 2003.

4. Grant of Right of Way dated February 16, 1893, recorded September 16, 1893, in Deed Record 99, Page 533, from The Heinz Company, as Grantor, to The Lafayette Union Railway Company, as Grantee.

5. Grant of Electric Pole Line Easement, and incidental purposes, dated April 1, 1947, recorded June 13, 1947, in Deed Record 212, page 292, from Brown Rubber Co., Inc., as Grantor, to Public Service Company of Indiana, Inc., as Grantee.

6. Grant of Easement by Brown Rubber Company, Inc. to Nopco Chemical Company for the purpose of maintenance of six electric light poles and fixtures recorded June 30, 1961 in Deed Record 273, Page 628.

7. Permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility [to be known as U.S.R. 52 By-Pass and as Project U-74(48)] to and from the owner's abutting lands. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands. Set forth in a Quitclaim Deed from H.K. Porter Company Inc. to the State of Indiana dated March 18, 1968 and recorded May 27, 1968 in Record 311, page 84

# STATEMENT OF BENEFITS
# PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**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.

*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*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment 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 installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP 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/PP 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 | Name of contact person |
|---|---|
| Southwire Company, LLC | Bradley Bromich |

| Address of taxpayer *(number and street, city, state, and ZIP code)* | Telephone number |
|---|---|
| One Southwire Dr, Carrollton, GA 30119 | ( 770 ) 832-5443 |

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

| Name of designating body | Resolution number (s) |
|---|---|
| City of Lafayette, Indiana | |

| Location of property | County | DLGF taxing district number |
|---|---|---|
| 3400 Union Street, Lafayette, IN 47905 | Tippecanoe | 004 |

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*

The proposed project would include a the installation of new manufacturing equipment costing approximately $15,000,000 over the next 5 years.

| | ESTIMATED START DATE | ESTIMATED COMPLETION DATE |
|---|---|---|
| Manufacturing Equipment | 03/01/2020 | 12/31/2024 |
| R & D Equipment | | |
| Logist Dist Equipment | | |
| IT Equipment | | |

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 159 | $7,639,632 | 159 | $7,639,632 | 10 | $480,480 |

**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. | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Current values | | | | | | | | |
| Plus estimated values of proposed project | 15,000,000 | 6,000,000 | | | | | | |
| Less values of any property being replaced | | | | | | | | |
| Net estimated values upon completion of project | 15,000,000 | 6,000,000 | | | | | | |

**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)* |
|---|---|
| | 1/29/20 |

| Printed name of authorized representative | Title |
|---|---|
| BRAD BROMICH | V.P. TAX |

## 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 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____10_____ calendar years * *(see below)*. The date this designation expires is __1 2/31/ 20 29_____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; X Yes No
2. Installation of new research and development equipment; ☐ Yes X No
3. Installation of new logistical distribution equipment. ☐ Yes ☒ No
4. Installation of new information technology equipment; ☐ Yes ☒ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 15,000,000 cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

☐. The amount of deduction applicable to new research and development equipment is limited to $ __N A_____ cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ __N A_____ cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ __N A_____ cost with an assessed value of $ _____. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)*_____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5
☐ Year 6 X Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
*(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*

I. 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? X 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.

Also we have 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 by: *(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.

**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.

# SUPPLEMENT TO STATEMENT OF BENEFITS
## Real Estate & Personal Property

INSTRUCTIONS:

1. This completed SUPPLEMENT and the completed STATEMENT OF BENEFITS, along with all other requested materials, must be submitted to Greater Lafayette Commerce.

2. This SUPPLEMENT TO STATEMENT OF BENEFITS is part of the total application, and the CERTIFICATION in the STATEMENT OF BENEFITS applies to all statements in the APPLICATION.

**SECTION 1 APPLICANT**

| | |
|---|---|
| Name of Taxpayer:<br>**Southwire Company, LLC** | |
| Address of Taxpayer (street and number, city, state & ZIP code):<br>**One Southwire Dr Carrollton, GA 30119** | Telephone: (770) 832-5443<br>E-mail: www.southwire.com |

| | |
|---|---|
| Name of Applicant if different from Taxpayer: | |
| Address of Applicant if different from Taxpayer (street and number, city, state & ZIP code): | Telephone:<br>E-mail: |
| Description of relationship of Applicant to Taxpayer: | |

| | |
|---|---|
| Contact for this Application:<br>**Dave Metz** | |
| Address of Contact if different from Taxpayer (street and number, city, state & ZIP code):<br>3400 Union St., Lafayette, IN 47905 | E-mail: dave.metz@southwire.com<br>Telephone: 847-672-2572 |

| |
|---|
| Name of Parent Company (if any): |

| | | | |
|---|---|---|---|
| Does the company currently conduct business at this site? | Yes | X | No |
| If "No", how is the site currently used? | | | |

Annual Report & History of Company

Company Certified Public Accountant: Ernst & Young

Company Commercial Bankers: Bank of America, Bank of China Shenzhen, Bank of Montreal, Bank of North Georgia, BB&T, BBVA Bancomer CCB, HSBC, JP Morgan Chase, Northern Trust, Wells Fargo

Company Counsel: Southwire In-house counsel

**To be completed by GLC Staff**

| | | | | |
|---|---|---|---|---|
| Is this area currently designated as an Economic Revitalization Area? | Yes | | No | X |
| Has it ever been so designated in the past? | Yes | X | No | |
| Is this property in a Tax Increment Finance (TIF) district (requires RD Commission Approval)? | Yes | X | No | |

## SECTION 2 — JURISDICTION & PURPOSE

| Jurisdiction: | | Purpose of Application: | |
|---|---|---|---|
| Lafayette | X | Real Estate Tax Abatement - | N/A years |
| West Lafayette | | | |
| Tippecanoe | | Personal Property Tax Abatement - | 7 years |

Type of Industry:

| | |
|---|---|
| Research & Development | |
| Manufacturing | X |
| Logistics | |
| Information Technology | |
| Other | Please specify: |

Describe proposed project.

Southwire is North America's leading manufacturer of wire and cable used in distribution and transmission of electricity. Southwire employs over 7,500 full and part time employees globally. Locations throughout the United States, Mexico, Canada, Honduras, China, the UK and the Netherlands. In the United States, Southwire has over 30 manufacturing plants, 9 customer service centers and employs approximately 6,900 employees.

The Lafayette, IN facility currently employs 160 employees at its 395,000 square feet facility. The facility is currently competing against 35 other Southwire manufacturing plants for limited capital investment allocation. The proposed project is a modernization initiative to produce dependable, best-in-class products on which customers and end users may safely rely upon. The proposed project would include hiring over 10 new full-time employees and capital expenditures of approximately $15,000,000 over the next 5 years. This proposed project would benefit the Lafayette facility to remain competitive from an internal and external perspective.

## SECTION 3 — PROPERTY DESCRIPTION

Assessor's Personal Property Key Number(s): 79-07-22-251-003.000-004

Location of Real Property (street and number, city, state & ZIP code):
3400 Union Street
Lafayette, IN 47905

**ATTACH LEGAL DESCRIPTION & PLAT MAP WITH LOCATION** See attached

## SECTION 4 — NATURE OF REAL ESTATE IMPROVEMENTS

Describe any Real Property Improvements:

Size of facility to be constructed and/or renovated
N/A

Rehabilitation of existing structure(s), especially architecturally significant or historic structures
N/A

Demolition of architecturally significant or historic structure(s)
N/A

Estimated Investment N/A

## SECTION 5 PERSONAL PROPERTY

Type of Project:

| | |
|---|---|
| Research & Development | |
| Machinery & Equipment | X |
| Logistics | |
| Information Technology | |
| Other | Please specify: |

Estimated Investment $15,000,000

***APPLIES ONLY FOR THE CITY OF LAFAYETTE***

Please note that all Personal Property tax abatements are subject to a Memorandum of Agreement that may require repayment of all or a portion of the tax savings realized in a designated ERA if it is terminated because the property is removed from the City of Lafayette by the applicant. Please contact the City of Lafayette Economic Department for details.

## SECTION 6 EMPLOYMENT

| | | | | |
|---|---|---|---|---|
| How many do you employ today? | 159 | | | |
| How many will you employ after the project is complete? | 169 | | | |
| How many jobs will be created? | 10 | Full-time | 0 | Part-time |
| How many jobs are retained? | 159 | Full-time | 0 | Part-time |
| How many jobs will be eliminated? | 0 | Full-time | 0 | Part-time |

Will any of the new positions be temporary or filled by contract employees? Yes ____ No X

If "Yes", describe the contract:

Will new employees be hired from the Tippecanoe region? Yes X No ____

If any positions are to be eliminated, please explain the circumstances and if any of the employees from these positions will be eligible for the new positions.

N/A

How many additional employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 10 | $23.10 |
| Administrative | | |
| Management | | |
| Professional/ Technical | | |
| Other | | |
| Total/ Average Wage | 10 | $23.10 |

How many retained employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 159 | $23.10 |
| Administrative | | |
| Management | | |
| Professional/ Technical | | |
| Other | | |
| Total/ Average Wage | 159 | $23.10 |

What is the anticipated time frame for reaching full employment and the salary goals, per SB-1, from completion of improvement?

| Year | 1 yr | 2 yrs | 3 yrs | 4 yrs | 5 yrs | > 5 |
|---|---|---|---|---|---|---|
| Employment | 161 | 163 | 165 | 167 | 169 | |
| Salary | $ 48,048 | $ 48,048 | $ 48,048 | $ 48,048 | $ 48,048 | |

****IF GREATER THAN FIVE YEARS PROVIDE DETIALED TIMETABLE****

Does the company provide benefits to full time employees? Yes X No

If "Yes", explain and list:

| | | |
|---|---|---|
| Health Insurance | 60 | % paid |
| Life Insurance | 100 | % paid |
| Disability | 50 | % paid |
| Childcare | 0 | % paid |
| Vacation | 10 | min. # of days |
| Retirement | 1.5 | % paid |
| Other | | % paid |

To be completed by GLC Staff.

Is the average wage at or above the Tippecanoe County average? Yes X No

## SECTION 7 IMPACTS & STATUS

Please estimate the % of your products or services sold outside this 8-county economic region? 99 %

Does the applicant supply any local firms? Yes ____ No ____

If yes, please list:

Will any additional public utilities, city services or other infrastructure be required by this project? Yes ____ No X

If "Yes", explain:

Will any environmental permits be needed? Yes ____ No X

If "Yes", explain:

Current Zoning ____

Will any changes, special exceptions be required? Yes ____ No X

Have they been approved? Yes ____ No ____ N/A X

Has the applicant or any predecessor of the applicant defaulted in any material respect the performance of financial obligations by the applicant? Yes ____ No X

Is there any pending litigation materially affecting the applicant? Yes ____ No X

If "Yes", please describe giving procedural posture of the case(s):

| | | |
|---|---|---|
| Are there any restrictions contained in the applicant's Articles or Certificate of Incorporation, Charter, Bylaws, Code of Regulations or any agreements to which the applicant is a party that could affect the applicant's ability to engage in this project? | Yes<br>No | <br>X |

If "Yes", explain:

## SECTION 8 AFFIRMATION OF TAX PAYMENTS

**I affirm that the applicant is current with all local, state, and federal tax obligations and understand that failure to have paid said taxes in a timely manner may render the applicant, during the course of this tax abatement, noncompliant and, therefore, ineligible for tax abatement.**

| | |
|---|---|
| Signature | Date: 1/29/20 |
| Name Printed: BRAD BROMICH | Title: V.P. TAX |
| E-mail: BRADLEY.BROMICH@SOUTHWIRE.COM | Phone: 770-832-5443 |

**EXHIBIT B**

**CITY OF LAFAYETTE, INDIANA**

**MEMORANDUM OF AGREEMENT**

**SOUTHWIRE COMPANY, LLC**

This Memorandum of Agreement ("Agreement") is dated this 27th day of February, and serves as the confirmation of the commitment by Southwire Company, LLC (the "Applicant"), to comply with the project description and job creation and retention (and associated wage rates and salaries) figures contained in its designation application; Statement of Benefits; Supplement to Statement of Benefits; Resolution No. LRC-2020-04, a resolution of the Lafayette Redevelopment Commission ("Commission"); Resolution No. 2020-05 and Resolution No. 2020-08, adopted by the Lafayette Common Council ("Council"); and this Agreement ("Commitments").

Section 1. Grant of Abatement.

Subject to the adoption of the deduction approval Resolution by the Council, the City of Lafayette, Indiana ("City") commits to providing a seven (7) - year personal property tax abatement based on the scale below for the Applicant's capital expenditures of approximately fifteen million ($15,000,000) dollars for new manufacturing equipment, approved as part of the Commitments. The Applicant shall assume responsibility for the redevelopment and the installation of the new manufacturing equipment and for compliance with the Statement of Benefits. The project will create ten (10) full-time, permanent positions, retain one hundred and fifty-nine (159) existing full-time, permanent positions, and create zero (0) full-time variable positions, aside from those created or retained through the construction phase of the project. The capital expenditures for the Project shall occur no later than the estimated completion date of 12/31/2024 for manufacturing equipment installation as contained in the Statement of Benefits Form ("Completion Date").

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 85 |
| 3 | 71 |
| 4 | 57 |
| 5 | 43 |
| 6 | 29 |
| 7 | 14 |

Section 2. Annual Information.

During the term of the tax abatement and for a period of two (2) years thereafter, the City or its authorized agent may annually request information from the Applicant concerning the nature of the Project and the approved capital expenditures for the Project and the Applicant shall provide the City with adequate written evidence thereof within 45 days of such request ("Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in the Commitments at all times after the Commitment Date and during the duration of the tax abatement. The applicant further agrees to provide the City with such additional information requested by the City related to the information provided in the Annual Survey and the CF-1 form within a reasonable time following any such request.

Section 3. Termination.

A. Right to Terminate. The City, by and through the Council, after recommendation by the Commission, reserves the right to terminate the personal property tax abatement deduction if it determines that the Applicant has not made reasonable efforts to substantially comply with all of the Commitments and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its control.

B. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of the designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with the Agreement. New technological developments and process improvements may also be included as factors beyond of the control of the applicant.

C. Repayment Upon Termination: Pursuant to Resolution 2004-22 if the new manufacturing equipment is removed from the City of Lafayette before the expiration of the term of the abatement, and the City terminates the personal property tax abatement, the City may require the Applicant to repay all or a pro-rated portion of the personal property tax abatement savings received through the date of such termination.

D. Notice of Termination and Repayment. In the event that the City determines that the tax abatement deductions should be terminated or that all or a pro-rated portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax benefits repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have ninety (90) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax benefits repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or tax benefits repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Council before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. If the Council adopts a Resolution terminating the tax abatement and/or requiring repayment of tax benefits, the Applicant shall be entitled to appeal that determination to a Tippecanoe County Superior or Circuit Court.

E. Time of Repayment. In the event that the City requires repayment or partial payment of the tax abatement benefits as provided hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall make such repayment to the City within ninety (90) days of the date of delivery of the Statement, unless such repayment has been stayed pending an appeal. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.

Section 4. Use of Local Suppliers and Contractors for Project and Local Persons to Fill Positions Created by Project.

The Applicant agrees to make a meaningful, good-faith effort to use local suppliers, and local contractors for the Project.

Local suppliers and local contractors are defined as contractors and suppliers that are primarily engaged, reside in or have their principal office in Tippecanoe County or employ a significant number of residents of the City of Lafayette.

Additionally, applicant agrees to make a meaningful, good-faith effort to hire qualified individuals who are residents of the City of Lafayette for the new positions that will be created by the Project.

Section 5. General Provisions.

A. This Agreement contains the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the tax abatement are solely the responsibility of the Applicant.

B. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

C. This Agreement and all questions relating to its validity, interpretation, performance and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana, without regard to conflict of law principles.

D. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Tippecanoe County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action relating to this Agreement or any documents or instruments delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County an in such Court.

E. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

| | |
|---|---|
| If to Applicant: | Southwire Company, LLC<br>One Southwire Drive<br>Carrollton, GA 30119<br>Attn: Bradley Bromich,<br>Vice President Tax |
| Copy to: | Southwire Company, LLC<br>3400 Union Street |

Lafayette, IN 47905
Attn: David Metz,
Plant Manager

If to City: City of Lafayette, Indiana
515 Columbia Street
Lafayette, Indiana 47901
Attn: Dennis H. Carson,
Director, Economic Development

F. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, which consent shall not be unreasonably withheld.

G. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he or she has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of such party.

H. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provisions shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

I. No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

J. The Parties hereto agree to treat, and to cause their respective directors, officers, employees and agents to treat, as strictly confidential to the fullest extent

permitted by law (including the Federal Freedom of Information Act, and any counterpart Indiana statutes), the contents of this Agreement and all attachments hereto, all documents executed in connection herewith and all information provided by or to the Parties in connection herewith.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Applicant

Southwire Company, LLC

By: _____
Bradley Bromich

Printed: BRAD BROMICH
Title, Vice President Tax

City

City of Lafayette, Indiana

By: _____
Nancy Nargi, Common Council

Attest: _____
Cindy Murray, City Clerk

# PRINCIPLES

## FOR CONSIDERATION OF PROPERTY TAX ABATEMENT IN LAFAYETTE, INDIANA

These principles are used in determining the guidelines and considerations for each category of project, and will also be used in determining the length of an abatement within each category.

1. Firms receiving tax abatement are expected to give local construction firms and local suppliers of goods and services the opportunity to do business.

2. Existing industry will be considered for tax abatement on the same basis as firms being recruited to the community.

3. Preference will be given to firms that diversify and fill gaps in our local economy rather than those that compete for business in the local economy with existing firms.

4. Products that are sold outside our local community and bring value to the local economy will be given a high priority.

5. Abatement will be used to recruit and assist firms that create a technology based product or service or use advanced technology in manufacturing.

6. Location in the downtown, the urban enterprise zone, or declining area designated as an economic development area will be given a higher priority.

7. Projects that involve retail or are primarily office operations will be considered only in the locations described in #6 above unless the office operations are technology related.

8. The number of jobs created per dollar of investment will be an important consideration for the warehouse distribution and manufacturing areas.

9. The level of wages and benefits will be an important consideration for all applications.

10. Housing will be evaluated in terms of percentage of units available to lower income families, mix of income levels, distance from other projects serving a similar clientele, availability of services, potential displacement of existing housing, and compatibility of design.

11. Projects will not be considered that will require variances or special exceptions unless primary review indicates that no problems will be encountered.

12. Adverse environmental impacts will negatively affect the consideration of abatement.

13. Any need for additional public infrastructure or other additional public support in the project will be considered in determining the length of the abatement.

14. Major development projects will be individually evaluated.

15. The time period of depreciation of equipment will be considered in the length of abatement for equipment.

16. Economic Revitalization Areas (ERAs) designated by the Common Council for new manufacturing equipment will include a Memorandum of Understanding that will provide for the repayment to the City of all or a portion of the tax savings realized through the designation in event that the ERA is terminated because the new manufacturing equipment is removed from the City.

# GUIDELINES

## FOR CONSIDERATION OF PROPERTY TAX ABATEMENT IN LAFAYETTE, INDIANA

Projects will be considered for abatement only if the proposed investment is at least $250,000 and development has not begun and/or equipment has not been ordered. In addition, if the applicant is not the owner, authorization of the application must be obtained from the owner.

The length of the abatement period for real estate and equipment will be considered by the guidelines in the categories below:

### 6-10 Years

Real Estate Improvements

Manufacturing

Technology Based

### 3-6 Years

Equipment and Machinery

Warehouse/Distribution

Office

Retail

### 1-3 Years

Housing

# Redevelopment Commission Guidelines
# For
# Economic Revitalization Area Designation
# City of Lafayette, Indiana

The Lafayette Redevelopment Commission has formulated guidelines for granting requests for designation of an Economic Revitalization Area. Each category has a threshold of acceptance and a benchmark for the number of years of tax abatements. The number of years of tax abatement may be increased or decreased by the Redevelopment Commission and/or the Common Council with the addition of positive or negative factors cited. Final authority rests with the Common Council.

## Manufacturing/Commercial

### Threshold:

1. Development/redevelopment not begun/Equipment not ordered
2. Commercial only eligible in Central TIF
3. More than $250,000 investment
4. Variances/special exceptions have

### Benchmark:

Six (6) years – real estate
Five (5) years – equipment

### Positive Factors (increase years of abatement):

1. Located in Central TIF or Urban Enterprise Zone
2. More than one (1) job created/retained per $100,000 investment
3. Jobs are supported by product/service sales outside the Greater Lafayette area
4. Commitment to hire/train residents of the Greater Lafayette area, including for construction
5. Jobs include benefits
6. Jobs pay more than county average

### Negative Factors (decrease years of abatement):

1. Location in TIF other than Central TIF
2. Jobs retained but no new jobs created
3. Prior tax abatement received

## Retail

### Threshold:

1. Project includes more than one (1) tenant
2. Variances/special exceptions have passed initial review
3. Development/redevelopment not begun
4. Investment more than $250,000

### Benchmark:

Three (3) years

### Factors:

1. Redevelopment (rehab) rather than new development
2. Vacancies (measured in square footage, number of spaces and length of time)
3. Property taxes paid by tenant
4. Decline in assessed value
5. Impact on surrounding area

## Multi-family Rental Housing

### Threshold:

1. 20% of units dedicated to low and moderate income households
2. Investment of more than $250,000 or increased assessment of at least $50,000
3. Development or redevelopment not yet begun
4. Variances/special exceptions have passed initial review

### Benchmark:

Six (6) years

### Positive Factors (increase years of abatement):

1. Located in Central TIF or Urban Enterprise Zone
2. More than 40% of the units dedicated to low or moderate income households or more than 20% of units dedicated to low income households

### Negative Factors (decrease years of abatement):

1. Located in TIF other than Central TIF
2. Low or moderate income households displaced
3. No units dedicated for low income households
1. Demolition or incompatible alteration of historic structures

# SUMMARY OF IMPACT EVALUATIONS

## COMMUNITY IMPACTS

| Yes/No/N/A | | |
|---|---|---|
| Yes | 1. | Is the project compatible with Tippecanoe County's current comprehensive plan? |
| Yes | 2. | Does the applicant own the property of the project? |
| No | 3. | Will any historic structures be demolished? |
| No | 4. | Will any historic structures be redeveloped? |
| No | 5. | Is a change in zoning necessary? From _____ to _____ |
| No | 6. | Are Variances or Special Exceptions needed? |
| No | 7. | Will any negative environmental impacts or pollution result from the project? |
| No | 8. | Are any environmental permits needed? |
| No | 9. | Will any households be displaced? |
| No | 10. | Will the project have a negative effect on the local housing market? |
| No | 11. | Will the project include rehabilitation or redevelopment of existing structures? |
| Yes | 12. | Will the project have other benefits on the community? |
| No | 13. | Will the project have other negative effects on the community? |
| No | 14. | Has any work begun or any equipment been ordered? |
| No | 15. | Is the project located in Downtown or the LUEZ? |
| Yes | 16. | Are products primarily sold outside community? |

## EMPLOYMENT IMPACTS

| | | |
|---|---|---|
| Yes | 17. | Will jobs be created or retained? 15 created 170 retained |
| Yes | 18. | Will wages be equal or be above the county's average? $23.10/hr avg |
| Yes | 19. | Will employees receive health insurance? 60% paid by company |
| Yes | 20. | Will employees receive retirement benefits? 1.5% paid |
| Yes | 21. | Will employees receive life insurance? 100% paid by company |
| Yes | 22. | Will employees receive other benefits? List: Disability – 50% paid, Vacation – min. 10 days/yr |
| N/A | 23. | What is the ratio of investment to jobs creation: $1.5M:1 |
| Yes | 24. | Will construction labor from the local region (Tippecanoe and contiguous counties) be used? |
| Yes | 25. | Will new employees resulting from the project be hired from the local region (Tippecanoe and contiguous counties)? |

Yes 26. Does the project include advanced technology or manufacturing processes?

## FISCAL IMPACTS

| | | |
|---|---|---|
| N/A | 27. | Will the project be in competition with existing local business? |
| Yes | 28. | Will the project complement existing local businesses? |
| No | 29. | Will new infrastructures, not yet in place, be required for this project? |
| No | 30. | Will the project have other special tax treatments or financing such as grants, low interest loans, etc. |
| Yes | 31. | Has the applicant ever applied for or benefited from tax abatement in any other project in Lafayette or elsewhere? Tax Abatements for both Real Estate and Personal Property in 2009 and 2011 (total of 4 tax abatements). |
| No | 32. | Has financing for this project been approved? |

**RESOLUTION NO. 2020-09**

FILED
CITY CLERK
2020 MAR 20 A 11:47

**LAFAYETTE COMMON COUNCIL**

**A RESOLUTION CONFIRMING THE DESIGNATION OF CERTAIN REAL ESTATE AS AN ECONOMIC REVITALIZATION AREA (ERA) AND APPROVAL OF AN APPLICATION BY FOR PROPERTY TAX ABATEMENT**

**WHITENACK & BROTHERS, LLC**
**REAL ESTATE**

**WHEREAS,** IC 6-1.1-12.1 allows for the partial abatement of property taxes attributable to the redevelopment/rehabilitation of real property and/or installation of new personal property in a "Economic Revitalization Area;" and

**WHEREAS,** IC 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas; and

**WHEREAS,** the Common Council of the City of Lafayette, Indiana, has designated the Lafayette Redevelopment Commission as the agency to make preliminary investigations, determinations, and recommendations to the Common Council as to what areas should be designated Economic Revitalization Areas; and

**WHEREAS,** Whitenack & Brothers, LLC has requested the real estate named in Exhibit "A" be designated an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings which request has been accompanied by an Application, Statement of Benefits dated February 13, 2020, a Supplement to Statement of Benefits and other information as set forth in said attachments; and

**WHEREAS**, Whitenack & Brothers, LLC has requested a deduction from the assessed value for the redevelopment of real estate pursuant to the Statement of Benefits over a period of ten (10) years in accordance with the following abatement schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 90 |
| 3 | 80 |
| 4 | 70 |
| 5 | 60 |
| 6 | 50 |
| 7 | 40 |
| 8 | 30 |
| 9 | 20 |
| 10 | 10 |

**WHEREAS,** on February 27, 2020, the Lafayette Redevelopment Commission recommended approval of the designation of the real estate described in Exhibit A as an Economic Revitalization Area and Statement of Benefits, Supplement to Statement of Benefits through passage of Resolution No. LRC-2020-05;

**WHEREAS**, the Common Council adopted Resolution 2020-06, hereinafter the Declaratory Resolution, designating the subject real estate as an Economic Revitalization Area (ERA) subject to the adoption of a confirming resolution by the Common Council and final public hearing for the receiving of remonstrance and objections from persons interested in whether the subject real estate should be designated as an Economic Revitalization Area (ERA); and

**WHEREAS**, a copy of such Declaratory Resolution was properly filed with the county assessor and proper legal notices were published indicating the adoption and substance of such declaratory resolution and stating when and where such final hearing would be held; and

**WHEREAS**, at such final public hearing, evidence and testimony, along with any written remonstrance and objections previously filed, were considered by the Common Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE** that:

1. The Common Council finds that

   A. The subject real estate complies with the statutory criteria for an Economic Revitalization Area (ERA); and
   B. The estimate of cost of rehabilitation/redevelopment of real estate is reasonable for projects of this nature; and
   C. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed rehabilitation/redevelopment of real estate; and
   D. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed rehabilitation/redevelopment of real estate; and
   E. The tax base of the City of Lafayette and all relevant taxing districts can be reasonably expected to increase from the proposed rehabilitation/redevelopment of real estate; and
   F. The total benefits are sufficient to justify the deduction.

2. The Common Council now confirms, adopts and approves the Declaratory Resolution and thereby designates, finds and establishes the subject real estate as an Economic Revitalization Area for the purpose of achieving real and/or personal property tax savings as permitted under IC 6-1.1-12-1.

3. The Economic Revitalization Area designation terminates ten (10) years after January 1, 2020.

4. The Statement of Benefits filed February 13, 2020 and Supplement to Statement of Benefits are hereby approved.

5. Whitenack & Brothers, LLC is entitled to the opportunity to apply for a property tax deduction for an increase in assessed value resulting from the redevelopment/rehabilitation of real estate over a period of ten (10) years in accordance with the following schedule percentages:

| Year | Percentage |
|---|---|
| 1 | 100 |
| 2 | 90 |
| 3 | 80 |
| 4 | 70 |
| 5 | 60 |
| 6 | 50 |
| 7 | 40 |
| 8 | 30 |
| 9 | 20 |
| 10 | 10 |

This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA,** on the 6th day of April, 2020.

COMMON COUNCIL OF THE
CITY OF LAFAYETTE, INDIANA

_____
Nancy Nargi, President

ATTEST:

_____
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette this 6th day of April, 2020

_____
Cindy Murray, City Clerk

Signed and approved by me, the Mayor of the City of Lafayette, Indiana, this 6th day of April, 2020.

_____
Tony Roswarski, Mayor

ATTEST:

_____
Cindy Murray, City Clerk

Sponsored by Tony Roswarski, Mayor

# EXHIBIT "A"

**Boundary Map & Legal Description**

**and**

**Statement of Benefits Personal Property Improvements (SB-1/Personal Property)**

**and**

**Supplement to Statement of Benefits – Real Estate & Personal Property**

# ALTA/NSPS LAND TITLE SURVEY

PROPERTY DESCRIPTION (Doc. No. 2017-[illegible])

PARCEL 1

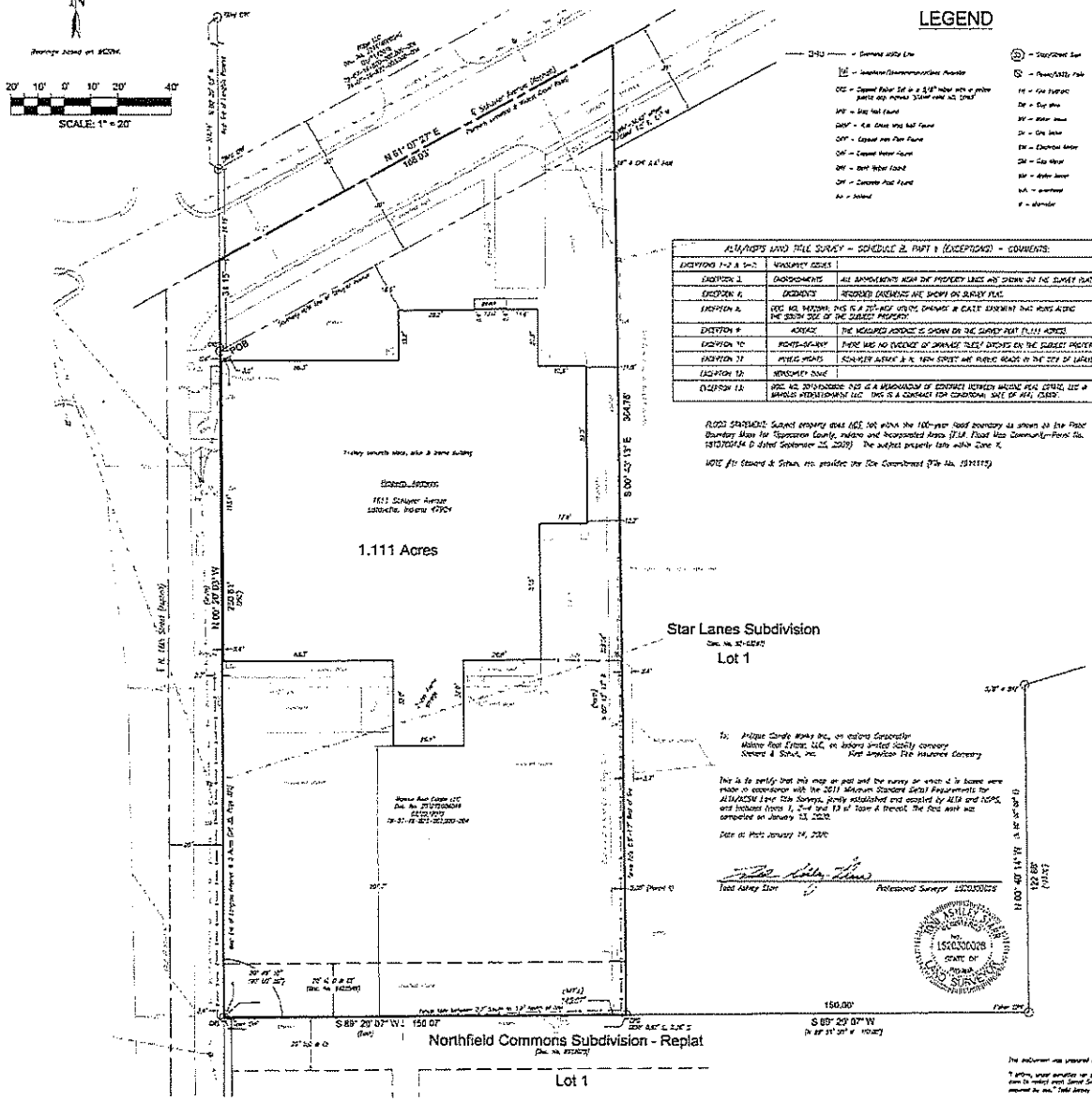
Part of a certain tract of two (2) acres out of the southwest corner of Longlois Reservation, situated in Township 23 North, Range 4 West, as described in deed recorded in Deed Record No. 15 on page 232, in the Office of the Recorder of Tippecanoe County, Indiana, said part being particularly described as follows, to-wit: Beginning at a point where the west line of said two acre tract (and of said reservation) intersects the southerly one of the Linwood and Wildcat Creek road (now known as Schuyler Avenue); thence South along the said west line of said two acre tract a distance of 220 feet; thence East at right angles with said west line of said two acre tract a distance of 147 feet, more or less, to the east line of said two acre tract; thence North along the said west line of said two acre tract to the center line of the Linwood and Wildcat Creek Road (now known as Schuyler Avenue); thence Southeasterly along the center line of said road to a point where the center line of said road intersects the west line of said two acre tract; thence South along the west line of said two acre tract to the place of beginning.

PARCEL II

A strip of ground five (5) feet of even width, immediately East of, and adjoining, the entire west line of Parcel 1 described above.

DESCRIPTION DESCRIPTION OF 1.111 ACRES:

A part of the West half of Longlois Reserve in Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, described as follows (this description written by Todd Ashley Starr, LS20300029, Job Number 2019H436, 01/13/2020). Beginning at a Star Capped Rebar marking the intersection of the West line of said Longlois Reserve and the Southerly Right-of-Way line of Schuyler Avenue (formerly Linwood & Wildcat Creek Road). Thence North 00° 20' 03" West (Bearings are based on WGS84) 34.76 feet along the West line of said Longlois Reserve, to the approximate center line of Schuyler Avenue; thence North 61° 07' 27" East 168.00 feet along the approximate center line of Schuyler Avenue, to the West line of Star Lanes Subdivision, as recorded in Document Number 97-[illegible] in the Office of the Recorder of Tippecanoe County, Indiana (ORTCI); thence South 00° 43' 13" East 314.76 feet along the West line of said Star Lanes Subdivision, to a Star Capped Rebar on the North line of Northfield Commons Subdivision (Replat), as recorded in Document Number 95-[illegible] (ORTCI); thence South 89° 29' 07" West 150.07 feet along the North line of said Northfield Commons Subdivision, to a Star Capped Rebar on the West line of said Longlois Reserve; thence North 00° 20' 03" West 250.81 feet along the West line of said Longlois Reserve, to the Point of Beginning, and containing 1.111 Acres.




## LEGEND

| | |
|---|---|
| [illegible] | = Common Utility Line |
| [illegible] | = Telephone/Communications Pedestal |
| [illegible] | = Signal/Street Sign |
| [illegible] | = Power/Utility Pole |
| [illegible] | = Fire Hydrant |
| [illegible] | = Gas Valve |
| [illegible] | = Water Valve |
| [illegible] | = Gas Meter |
| [illegible] | = Electrical Meter |
| [illegible] | = Cable Riser |
| [illegible] | = Water Meter |
| [illegible] | = Overhead |
| [illegible] | = Diameter |

| ALTA/NSPS LAND TITLE SURVEY – SCHEDULE B, PART II (EXCEPTIONS) – COMMENTS: | | |
|---|---|---|
| EXCEPTIONS 1-2 & 5-6 | MONETARY ISSUES | |
| EXCEPTION 3. | EASEMENTS | ALL EASEMENTS NEAR THE PROPERTY LINES ARE SHOWN ON THE SURVEY PLAT. |
| EXCEPTION 4. | DEEDBOOKS | RECORDED EASEMENTS ARE SHOWN ON SURVEY PLAT. |
| EXCEPTION 5. | DOC. NO. [illegible]: THIS IS A 20'-WIDE UTILITY EASEMENT & EAST EASEMENT THAT RUNS ALONG THE SOUTH SIDE OF THE SUBJECT PROPERTY. | |
| EXCEPTION 8. | ACREAGE | THE MEASURED ACREAGE IS SHOWN ON THE SURVEY PLAT (1.111 ACRES). |
| EXCEPTION 10. | RIGHTS-OF-WAY | THERE WAS NO EVIDENCE OF DRAINAGE TILE/DITCHES ON THE SUBJECT PROPERTY. |
| EXCEPTION 11. | PUBLIC STREETS | SCHUYLER AVENUE & W. 16TH STREET ARE PUBLIC ROADS IN THE CITY OF LAFAYETTE. |
| EXCEPTION 12. | MONUMENT ISSUE | |
| EXCEPTION 13. | DOC. NO. 2019-[illegible]: THIS IS A MEMORANDUM OF CONTRACT BETWEEN MALONE REAL ESTATE, LLC & BARNES INTERNATIONAL LLC. THIS IS A CONTRACT FOR CONDITIONAL SALE OF APX. [illegible] | |

FLOOD STATEMENT: Subject property does NOT lie within the 100-year flood boundary as shown on the Flood Boundary Map for Tippecanoe County, Indiana and Incorporated Areas (F.I.M. Flood Hzd Community—Panel No. 18157C0134 D dated September 22, 2009). The subject property falls within Zone X.

NOTE: Per Stewart & Stewart, we provided the Title Commitment (File No. 1931117).

To: Antique Candle Works Inc., an Indiana Corporation
Malone Real Estate, LLC, an Indiana limited liability company
Stewart & Stewart, Inc. First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2-4 and 13 of Table A thereof. The field work was completed on January 13, 2020.

Date of Plat: January 14, 2020

Todd Ashley Starr Professional Surveyor LS20300029

STATE OF INDIANA LS20300029 PROFESSIONAL LAND SURVEYOR

The instrument was prepared by Todd Ashley Starr

"I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Todd Ashley Starr

SURVEYOR'S NOTES:

- The existing building falls 0.6' East of the West line of the subject property.
- A chain-link fence fell 0.4'-0.7' West of the West line of the subject property.
- A 6" concrete curb was at or near the East line of the subject property.
- Overhead Utility Lines fell at or near the East line of the subject property. There are no recorded Utility Easements in this area.
- A chain-link fence fell 0.6'-1.1' West of the East line of the subject property.
- The center of a 12" diameter Concrete Post fell 0.4' East of the East line of the subject property.
- A chain-link fence fell between 0.7' South to 1.4' North of the South line of the subject property.
- A Utility Pedestal, and the North line of the Electrical Transformer, fell at or near the South line of the subject property.

GAPS IN AVAILABILITY OF THE RECORD DESCRIPTION USED AND/OR ADJOINERS' DESCRIPTIONS

- The current deed is a metes and bounds of a tract of land that is part of a larger 5-acre tract. The subject property is bound by Schuyler Avenue (to the North), Star Lanes SD (to the East), Northfield Commons Subdivision – Replat (to the South) & the West line of Longlois Reserve (to the West). I have included a Monumentation Exception to satisfy the metes and bounds interpretation, and provide an accurate acreage of the subject property.

ACCEPTABLE RELATIVE POSITIONAL ACCURACY OF SURVEY

The acceptable relative positional accuracy of this survey is for an Urban Survey: 0.07 feet plus 50 parts per million.

FIELD WORK COMPLETED: January 13, 2020

SURVEYOR'S JOB NUMBER: 2019H436

CERTIFICATION DATE: January 14, 2020

SURVEYOR'S CERTIFICATION:

I, Todd Ashley Starr, a Professional Surveyor of the State of Indiana, do hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief this plat is an accurate representation of that survey.

Todd Ashley Starr Professional Surveyor LS20300029

The Holden Malone Real Estate LLC Tax Key No.: 79-07-10-201-003-004

| ALTA/NSPS LAND TITLE SURVEY | SHEET 1 OF 1 |
|---|---|

Drawn By: TAS
Job No.: 2019H436

Revisions:

STARR ASSOCIATES
LAND SURVEYORS & ENGINEERS
413 Tech Road
Lafayette, Indiana 47905
(765) 471-9813
(765) 471-0555 Fax
133 E. Main Street, Suite A
Dublin, Indiana 46393
(765) 261-4705
www.starrassociates.com

# STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

| 2020 PAY 2021 |
|---|
| 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
Whitenack & Brothers LLC (ReaL Estate entity for business operation of Antique Candle Works, Inc.)

Address of taxpayer *(number and street, city, state, and ZIP code)*
704 Avondale Street West Lafayette, IN 47906

| Name of contact person | Telephone number | E-mail address |
|---|---|---|
| Brittany Whitenack | ( 765 ) 586-6013 | Brittany@antiquecandlec |

## SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

| Name of designating body | Resolution number |
|---|---|
| | |

| Location of property | County | DLGF taxing district number |
|---|---|---|
| 1161 Schuyler Avenue | Tippecanoe | |

Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)*
Complete renovation of building including: new offices and break room (framing, drywalling, painting), opening warehouse layout, painting, refinishing floors, updating bathrooms (tile, replacement of fixtures), all new electrical, new roof, add security system, improve parking for employees and customers.

Estimated start date (*month, day, year*): April 1, 2020
Estimated completion date (*month, day, year*): September 15, 2020

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 31 | $880,000 annually | 31 | $$880,000 | 4 | $182,000 |

## SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

| | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| | COST | ASSESSED VALUE |
| Current values | 0 | $255,000 |
| Plus estimated values of proposed project | $1,150,000 | $1,150,000 |
| Less values of any property being replaced | 0 | 0 |
| Net estimated values upon completion of project | $1,150,000 | $1,150,000 |

## SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) 0
Estimated hazardous waste converted (*pounds*) 0

Other benefits

Retainment of architectural significant structures including preserving unique sky lights and one-of-a-kind large fire door (40 feet x 40 feet)
Total Rehabilitation of 15,266 sq ft including offices, bathrooms, and warehouse area

## SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Date signed (*month, day, year*) |
|---|---|
| Britt Whitenack | 02 / 13 / 2020 |

| Printed name of authorized representative | Title |
|---|---|
| Brittany Whitenack | Owner & CEO Antique Candle Works, Inc. |

## 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 ____10_____ calendar years* *(see below)*. The date this designation expires is ____12/31/202 9_____

B. The type of deduction that is allowed in the designated area is limited to:
   1. Redevelopment or rehabilitation of real estate improvements X Yes ☐ No
   2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ __1,150,000_____

☐. 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 X 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?

X 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.

# SUPPLEMENT TO STATEMENT OF BENEFITS
## Real Estate & Personal Property

INSTRUCTIONS:

1. This completed SUPPLEMENT and the completed STATEMENT OF BENEFITS, along with all other requested materials, must be submitted to Greater Lafayette Commerce.

2. This SUPPLEMENT TO STATEMENT OF BENEFITS is part of the total application, and the CERTIFICATION in the STATEMENT OF BENEFITS applies to all statements in the APPLICATION.

3. To qualify, the project investment must be at least $500,000.

**SECTION 1 — APPLICANT**

Name of Taxpayer:
Whitenack & Brothers LLC. This LLC is real estate entity owned by Brittany Whitenack, who also owns Antique Candle Works, Inc.

Address of Taxpayer (street and number, city, state & ZIP code):
**704 Avondale Street West Lafayette, IN 47906**

Telephone: 765-586-6013
E-mail: brittany@antiquecandl

Name of Applicant if different from Taxpayer:

Address of Applicant if different from Taxpayer (street and number, city, state & ZIP code):

Telephone:
E-mail:

Description of relationship of Applicant to Taxpayer:

Contact for this Application: Brittany Whitenack
704 Avondale Street West Lafayette, IN 47906

Phone Number: (765)586-6013

Address of Contact if different from Taxpayer (street and number, city, state & ZIP code):

Telephone:
E-mail:

Name of Parent Company (if any):

Does the company currently conduct business at this site? Yes _____ No X

If "No", how is the site currently used? It is being renovated for use beginning in September 2020

Annual Report & History of Company

Company Certified Public Accountant: Drew Trenz (The Trellis Club)

Company Commercial Bankers: Angela Tamer (HORIZONS)

Company Counsel: Dan Teder

To be completed by GLC Staff

Is this area currently designated as an Economic Revitalization Area? Yes _____ No X

Has it ever been so designated in the past? Yes _____ No X

Is this property in a Tax Increment Finance (TIF) district requires RD Commission Approval)? Yes _____ No X

## SECTION 2 JURISDICTION & PURPOSE

Jurisdication:

| | |
|---|---|
| Lafayette | X |
| West Lafayette | |
| Tippecanoe | |

Purpose of Application:

| | |
|---|---|
| Real Estate Tax Abatement - | 10 years |
| Personal Property Tax Abatement - | years |
| ERA Designation Only - | |

Type of Industry:

| | |
|---|---|
| Research & Development | |
| Manufacturing | X |
| Logistics | |
| Information Technology | |
| Other | Please specify: |

Describe proposed project.

Complete renovation of building including: new offices and break room (framing, drywalling, painting), opening warehouse layc painting, refinishing floors, updating bathrooms (tile, replacement of fixtures), all new electrical, new roof, add security system, improve parking for employees and customers, and general improvement of exterior.

## SECTION 3 PROPERTY DESCRIPTION

Assessor's Personal Property Key Number(s): 79-07-16-821-001.000-0004

Location of Real Property (street and number, city, state & ZIP code):
1611 Schuyler Avenue Lafayette, IN 47904

****ATTACH LEGAL DESCRIPTION & PLAT MAP WITH LOCATION****

## SECTION 4 NATURE OF REAL ESTATE IMPROVEMENTS

Describe any Real Property Improvements:

**Size of facility to be constructed and /or renovated**
16,098 current square feet. 832 sq. feet (garage) will be demoed, with a total of 15,266 sq ft renovated and remaining.

**Rehabilitation of existing structure(s), especially architecturally significant or historic structures**
Renovating office areas & break area. Keeping the historic brick inside and exterior intact. Also, keeping a few historic pieces intact:
1. Perserving unique ceiling windows
2. Perserving unique fire door (approximately 40 feet x 40 feet large)

**Demolition of architecturally significant or historic structure(s)**
Demoing car garage that is not original to the building and a 2 interior walls to open up warehouse space
None of these are historic structures

Estimated Investment $1,150,000

## SECTION 5 PERSONAL PROPERTY

Type of Project:
Research & Development _____
Machinery & Equipment _____
Logistics _____
Information Technology _____
Other _____ Please specify:

Estimated Investment _____

****ATTACH DEPRECIATION SCHEDULE****

***APPLIES ONLY FOR THE CITY OF LAFAYETTE***

**Please note that all Personal Property tax abatements are subject to a Memorandum of Agreement that may require repayment of all or a portion of the tax savings realized in a designated ERA if it is terminated because the property is removed from the City of Lafayette by the applicant. Please contact the City of Lafayette Economic Department for details.**

## SECTION 6 EMPLOYMENT

| | | | | |
|---|---|---|---|---|
| How many do you employ today? | 31 | | | |
| How many will you employ after the project is complete? | 35 | | | |
| How many jobs will be created? | 4 | Full-time | 0 | Part-time |
| How many jobs are retained? | 18 | Full-time | 13 | Part-time |
| How many jobs will be eliminated? | 0 | Full-time | 0 | Part-time |

Will any of the new positions be temporary or filled by contract employees: Yes _____ No X
If "Yes", describe the contract:

Will new employees be hired from the Tippecanoe region? Yes X No _____

If any positions are to be eliminated, please explain the circumstances and if any of the employees from these positions will be eligible for the new positions.

How many additional employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 2 | $36,000/year |
| Administrative | 1 | $70,000/year |
| Management | 1 | $40,000/yr |
| Professional/ Technical | | |
| Other | | |
| Total/ Average Wage | 4 | pprox. $45,500/year |

How many retained employees are:

| | Number | Hourly Average |
|---|---|---|
| Production | 3 | $36,000/year |
| Administrative | 3 | $90,000/year |
| Management | 6 | $50,000/year |
| Professional/ Technical | 2 | $30,000/year |
| Other | 4 | $36,000/year |
| Total/ Average Wage | 18 | $50,500/year |

What is the anticipated time frame for reaching full employment and the salary goals, per SB-1, from completion of improvement?

| Year | 1 yr | 2 yrs | 3 yrs | 4 yrs | 5 yrs | > 5 |
|---|---|---|---|---|---|---|
| Employment | 4 | | | | | |

| Salary | Total: $182,000/year (4 employees) | | | |
|---|---|---|---|---|

**IF GREATER THAN FIVE YEARS PROVIDE DETIALED TIMETABLE**

Does the company provide benefits to full time employees? Yes X No ____

If "Yes", explain and list:

| | | |
|---|---|---|
| Health Insurance | 0 | % paid |
| Life insurance | 0 | % paid |
| Disability | 0 | % paid |
| Childcare | 0 | % paid |
| Vacation | 17 | min. # of days |
| Retirement | 0 | % paid |
| Other | 0 | % paid |

To be completed by GLC Staff.

Is the average wage at or above the Tippecanoe County average? Yes ✓ No ____

## SECTION 7 IMPACTS & STATUS

Please estimate the % of your products or services sold outside this 8-county economic region? 98 %

Does the applicant supply any local firms? Yes ____ No X

If yes, please list:

Will any additional public utilities, city services or other infrastructure be required by this project? Yes ____ No X

If "Yes", explain:

Will any environmental permits be needed? Yes ____ No X

If "Yes", explain:

Current Zoning GB

Will any changes, special exceptions be required? Yes ____ No X

Have they been approved? Yes ____ No ____ N/A X

Has the applicant or any predecessor of the applicant defaulted in any material respect the performance of financial obligations by the applicant? Yes ____ No X

Is there any pending litigation materially affecting the applicant? Yes ____ No X

If "Yes", please describe giving procedural posture of the case(s):

| | | |
|---|---|---|
| Are there any restrictions contained in the applicant't Articles or Certificate of Incorporation, Charter, Bylaws, Code of Regulations or any agreements to which the applicant is a party that could affect the applicant's ability to engage in this project? | Yes<br>No | <br>X |

If "Yes", explain:

## SECTION 8 AFFIRMATION OF TAX PAYMENTS

**I affirm that the applicant is current with all local, state, and federal tax obligations and understand that *failure to have paid said taxes in a timely manner may render the applicant, during the course of this tax* abatement, noncompliant and, therefore, ineligible for tax abatement.**

| | |
|---|---|
| Brittany Whitenack<br>Signature | 02 / 13 / 2020<br>Date |
| Brittany Whitenack<br>Name Printed | Owner & CEO<br>Title |
| Brittany@antiquecandieco.com<br>E-mail | 765-586-6013<br>Phone |

# PRINCIPLES

## FOR CONSIDERATION OF PROPERTY TAX ABATEMENT IN LAFAYETTE, INDIANA

These principles are used in determining the guidelines and considerations for each category of project, and will also be used in determining the length of an abatement within each category.

1. Firms receiving tax abatement are expected to give local construction firms and local suppliers of goods and services the opportunity to do business.

2. Existing industry will be considered for tax abatement on the same basis as firms being recruited to the community.

3. Preference will be given to firms that diversify and fill gaps in our local economy rather than those that compete for business in the local economy with existing firms.

4. Products that are sold outside our local community and bring value to the local economy will be given a high priority.

5. Abatement will be used to recruit and assist firms that create a technology based product or service or use advanced technology in manufacturing.

6. Location in the downtown, the urban enterprise zone, or declining area designated as an economic development area will be given a higher priority.

7. Projects that involve retail or are primarily office operations will be considered only in the locations described in #6 above unless the office operations are technology related.

8. The number of jobs created per dollar of investment will be an important consideration for the warehouse distribution and manufacturing areas.

9. The level of wages and benefits will be an important consideration for all applications.

10. Housing will be evaluated in terms of percentage of units available to lower income families, mix of income levels, distance from other projects serving a similar clientele, availability of services, potential displacement of existing housing, and compatibility of design.

11. Projects will not be considered that will require variances or special exceptions unless primary review indicates that no problems will be encountered.

12. Adverse environmental impacts will negatively affect the consideration of abatement.

13. Any need for additional public infrastructure or other additional public support in the project will be considered in determining the length of the abatement.

14. Major development projects will be individually evaluated.

15. The time period of depreciation of equipment will be considered in the length of abatement for equipment.

16. Economic Revitalization Areas (ERAs) designated by the Common Council for new manufacturing equipment will include a Memorandum of Understanding that will provide for the repayment to the City of all or a portion of the tax savings realized through the designation in event that the ERA is terminated because the new manufacturing equipment is removed from the City.

# GUIDELINES

## FOR CONSIDERATION OF PROPERTY TAX ABATEMENT IN LAFAYETTE, INDIANA

Projects will be considered for abatement only if the proposed investment is at least $250,000 and development has not begun and/or equipment has not been ordered. In addition, if the applicant is not the owner, authorization of the application must be obtained from the owner.

The length of the abatement period for real estate and equipment will be considered by the guidelines in the categories below:

### 6-10 Years

Real Estate Improvements

Manufacturing

Technology Based

### 3-6 Years

Equipment and Machinery

Warehouse/Distribution

Office

Retail

### 1-3 Years

Housing

# Redevelopment Commission Guidelines
# For
# Economic Revitalization Area Designation
# City of Lafayette, Indiana

The Lafayette Redevelopment Commission has formulated guidelines for granting requests for designation of an Economic Revitalization Area. Each category has a threshold of acceptance and a benchmark for the number of years of tax abatements. The number of years of tax abatement may be increased or decreased by the Redevelopment Commission and/or the Common Council with the addition of positive or negative factors cited. Final authority rests with the Common Council.

## Manufacturing/Commercial

### Threshold:

1. Development/redevelopment not begun/Equipment not ordered
2. Commercial only eligible in Central TIF
3. More than $250,000 investment
4. Variances/special exceptions have

### Benchmark:

Six (6) years – real estate
Five (5) years – equipment

### Positive Factors (increase years of abatement):

1. Located in Central TIF or Urban Enterprise Zone
2. More than one (1) job created/retained per $100,000 investment
3. Jobs are supported by product/service sales outside the Greater Lafayette area
4. Commitment to hire/train residents of the Greater Lafayette area, including for construction
5. Jobs include benefits
6. Jobs pay more than county average

### Negative Factors (decrease years of abatement):

1. Location in TIF other than Central TIF
2. Jobs retained but no new jobs created
3. Prior tax abatement received

## Retail

### Threshold:

1. Project includes more than one (1) tenant
2. Variances/special exceptions have passed initial review
3. Development/redevelopment not begun
4. Investment more than $250,000

### Benchmark:

Three (3) years

### Factors:

1. Redevelopment (rehab) rather than new development
2. Vacancies (measured in square footage, number of spaces and length of time)
3. Property taxes paid by tenant
4. Decline in assessed value
5. Impact on surrounding area

## Multi-family Rental Housing

### Threshold:

1. 20% of units dedicated to low and moderate income households
2. Investment of more than $250,000 or increased assessment of at least $50,000
3. Development or redevelopment not yet begun
4. Variances/special exceptions have passed initial review

### Benchmark:

Six (6) years

### Positive Factors (increase years of abatement):

1. Located in Central TIF or Urban Enterprise Zone
2. More than 40% of the units dedicated to low or moderate income households or more than 20% of units dedicated to low income households

### Negative Factors (decrease years of abatement):

1. Located in TIF other than Central TIF
2. Low or moderate income households displaced
3. No units dedicated for low income households
1. Demolition or incompatible alteration of historic structures

# SUMMARY OF IMPACT EVALUATIONS

## COMMUNITY IMPACTS

| Yes/No/N/A | | |
|---|---|---|
| Yes | 1. | Is the project compatible with Tippecanoe County's current comprehensive plan? |
| Yes | 2. | Does the applicant own the property of the project? |
| No | 3. | Will any historic structures be demolished? |
| Yes | 4. | Will any historic structures be redeveloped? |
| No | 5. | Is a change in zoning necessary? From _____ to _____ |
| No | 6. | Are Variances or Special Exceptions needed? |
| No | 7. | Will any negative environmental impacts or pollution result from the project? |
| No | 8. | Are any environmental permits needed? |
| No | 9. | Will any households be displaced? |
| No | 10. | Will the project have a negative effect on the local housing market? |
| No | 11. | Will the project include rehabilitation or redevelopment of existing structures? |
| Yes | 12. | Will the project have other benefits on the community? |
| No | 13. | Will the project have other negative effects on the community? |
| No | 14. | Has any work begun or any equipment been ordered? |
| No | 15. | Is the project located in Downtown or the LUEZ? |
| Yes | 16. | Are products primarily sold outside community? |

## EMPLOYMENT IMPACTS

| | | |
|---|---|---|
| Yes | 17. | Will jobs be created or retained? 4 created 18 retained |
| Yes | 18. | Will wages be equal or be above the county's average? $21.63/hr avg |
| Yes | 19. | Will employees receive health insurance? 0% paid by company |
| Yes | 20. | Will employees receive retirement benefits? 0% paid |
| Yes | 21. | Will employees receive life insurance? 0% paid by company |
| Yes | 22. | Will employees receive other benefits? List: Vacation –17 days/yr |
| N/A | 23. | What is the ratio of investment to jobs creation: $287.K:1 |
| Yes | 24. | Will construction labor from the local region (Tippecanoe and contiguous counties) be used? |
| Yes | 25. | Will new employees resulting from the project be hired from the local region (Tippecanoe and contiguous counties)? |

Yes 26. Does the project include advanced technology or manufacturing processes?

## FISCAL IMPACTS

| | | |
|---|---|---|
| N/A | 27. | Will the project be in competition with existing local business? |
| Yes | 28. | Will the project complement existing local businesses? |
| No | 29. | Will new infrastructures, not yet in place, be required for this project? |
| No | 30. | Will the project have other special tax treatments or financing such as grants, low interest loans, etc. |
| No | 31. | Has the applicant ever applied for or benefited from tax abatement in any other project in Lafayette or elsewhere? |
| Yes | 32. | Has financing for this project been approved? |