

**RESOLUTION NO. LRC-2021-16**

**LAFAYETTE REDEVELOPMENT COMMISSION**

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

**WABASH NATIONAL LP (NORTH PLANT)  
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**, the Lafayette Redevelopment Commission has considered applications dated August 19, 2021, 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

**WHEREAS**, Wabash National, LP filed a Statement of Benefits dated August 19, 2021, 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 “B”; and

**WHEREAS**, Wabash National LP 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**, Wabash National, LP 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 “C”; 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 Wabash National LP 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, 2021.
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, Wabash National LP 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 26th day of August, 2021.

**LAFAYETTE REDEVELOPMENT COMMISSION**

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Jos Holman, President

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Shelly Henriott, Vice President

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T.J. Thieme, Secretary

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James Foster, Commissioner

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Jim Terry, Commissioner

ATTEST:

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Dave Moulton

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Josh Loggins

EXHIBIT A

ERA BOUNDARY MAP & LEGAL DESCRIPTION  
FOR WABASH NATIONAL LP (NORTH PLANT)



# EXHIBIT A (CONTINUED)

## LEGAL DESCRIPTIONS BY PARCEL

### FOR WABASH NATIONAL LP (NORTH PLANT)

#### MANUFACTURING FACILITY

Land Descriptions (provided by client)

##### PARCEL A

A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, in Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit: Commencing at the southeast corner of the southwest quarter of Section 27-23-4, thence North 89°-58'-00" West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 757.85 feet to a PK nail and the point of beginning of the herein described tract; thence continuing North 89°-58'-00" West along said south line and said approximate centerline a distance of 56.82 feet to a PK nail on the centerline of Main Street; thence north 46°-10' West along said centerline a distance of 828.49 feet to a PK nail, thence North 81°-38'-06" East a distance of 315.02 feet to a rebar; thence South 46°-32'-10" East a distance of 304.22 feet to a cross cut in concrete; thence South 90°-00'-00" East a distance of 205.83 feet to a railroad spike; thence North 00°-21'-02" West a distance of 178.71 feet to a rebar; thence North 88°-57'-25" East a distance of 47.24 feet to a metal corner post; thence North 01°-12'-36" East a distance of 78.34 feet to a rebar; thence North 80°-38'-48" East a distance of 421.92 feet to a railroad spike; thence South 00°-27'-08" East a distance of 897.50 feet to a metal corner post; thence South 88°-47'-09" West a distance of 254.92 feet to a rebar; thence North 88°-48'-15" West a distance of 130.44 feet to a metal corner post; thence South 00°-17'-32" East a distance of 75.52 feet to a metal corner post; thence North 89°-31'-39" West a distance of 90.70 feet to a metal corner post; thence South 01°-48'-25" East a distance of 83.84 feet to a PK nail and the point of beginning, containing 13.442 acres, including 0.889 acres in the right of way of Main Street and McCarty Lane. AND A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, in Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows: Commencing at the southeast corner of the southwest quarter of Section 27-23-4, thence North 89°-58'-00" West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 273.58 feet to a PK nail; thence North 00°-27'-08" West a distance of 856.96 feet to a railroad spike; thence South 89°-39'-49" West a distance of 451.92 feet to a re-bar marking the point of beginning of the herein described tract; thence continuing South 89°-39'-49" West a distance of 124.62 feet to a cross cut in concrete; thence South 01°-03'-20" West a distance of 181.87 feet to a cross cut in concrete; thence North 89°-03'-46" West a distance of 252.89 feet to a cross cut in concrete; thence South 46°-32'-10" East a distance of 174.22 feet to a cross cut in concrete; thence South 90°-00'-00" East a distance of 205.83 feet to a railroad spike; thence North 00°-21'-02" West a distance of 178.71 feet to a rebar; thence North 88°-57'-25" East a distance of 47.24 feet; thence North 01°-12'-36" East a distance of 78.34 feet to the point of beginning, containing 1.057 acres. AND ALSO, A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows: to-wit: Commencing at the southeast corner of the southwest quarter of Section 27-23-4, thence North 89°-58'-00" West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 273.58 feet to a PK nail marking the point of beginning of the herein described tract; thence continuing North 89°-58'-00" West along said south line and approximate centerline a distance of 107.10 feet; thence North 00°-03'-26" West a distance of 158.94 feet to an iron pipe; thence North 89°-47'-09" East a distance of 76.00 feet to a metal corner post; thence North 00°-27'-08" West a distance of 897.50 feet to a railroad spike; thence North 89°-39'-49" East a distance of 50.00 feet to a railroad spike; thence South 00°-27'-08" East a distance of 856.96 feet to the point of beginning, containing 0.870 acres, including 0.050 acre in the right of way of McCarty Lane.

##### PARCEL B

Part of the southwest quarter of Section 27, Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, described as follows: Beginning at a point on the southern line of the southwest quarter of said Section 27, said point being located South 89°-18' West 539.55 feet from the southeastern corner of the southwest quarter of said Section 27; thence South 89°-18' West along the southern line of the southwest quarter of said Section Twenty-seven: 76.76 feet; thence North 00°-42' West 20.00 feet; thence South 89°-18' West 142.66 feet; thence North 01°-37' West 63.76 feet; thence North 88°-42' East 85.90 feet; thence North 01°-08' West 74.87 feet; thence North 88°-15' East 130.10 feet; thence South 01°-06' East 158.15 feet to the point of beginning, containing 0.578 of an acre, more or less. EXCEPTING THEREFROM A part of the southwest quarter of Section 27, Township 23 North, Range 4 West of the Second Principal Meridian in Fairfield Township, Tippecanoe County, Indiana, described as follows: Commencing at the southeast corner of the southwest quarter of said Section; thence North 89°-58'-00" West (equivalent to South 89°-13'-21" West on the bearing system for the City of Lafayette Project M-NC-1380-such equivalencies for succeeding sides where they are noteworthy will be parenthesized hereinafter) 75.63 feet along the south line of said quarter section and the approximate center line of McCarty Lane; thence North 00°-02'-00" East 20.00 feet to the northwestern boundary of the intersection of McCarty Lane and U.S.R. 52 which is the point of beginning of this description; thence North 89°-58'-00" West (South 89°-13'-21" West) 706.77 feet along the north boundary of McCarty Lane to the northwestern boundary of the intersection of McCarty Lane and Main Street; thence North 46°-32'-10" West (North 47°-30'-48" East) 41.01 feet along the northwestern boundary of Main Street; thence South 78°-56'-21" East 58.36 feet; thence South 89°-58'-00" East (North 89°-13'-21" East) 377.00 feet; thence North 87°-22'-58" East 108.12 feet; thence South 89°-58'-00" East (North 89°-13'-21" East) 196.90 feet; thence North 40°-08'-03" East 32.54 feet to the west boundary of U.S.R. 52; thence South 23°-28'-13" West 48.93 feet along the northwestern boundary of U.S.R. 52 to the Point of Beginning and containing 0.287 acres, more or less.

## EXHIBIT A (CONTINUED)

### LEGAL DESCRIPTIONS BY PARCEL

#### FOR WABASH NATIONAL LP (NORTH PLANT)

##### PARCEL III:

A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows: to-wit: Beginning at a point on the east line of the southwest quarter of Section 27-23-4, said point being located South  $00^{\circ}-59'-25''$  East a distance of 440.00 feet from the northeast corner of said quarter section; thence North  $89^{\circ}-56'-55''$  West parallel with the north line of said quarter section and the centerline of Kassuth Street a distance of 198.00 feet to a rebar; thence North  $00^{\circ}-39'-21''$  West parallel with said east line a distance of 152.80 feet to a rebar; thence North  $89^{\circ}-56'-55''$  West parallel with said north line and said centerline a distance of 80.00 feet to a rebar; thence North  $00^{\circ}-39'-21''$  West parallel with said east line a distance of 237.20 feet to a PK nail on said north line and said centerline; thence North  $89^{\circ}-56'-55''$  West along said north line and said centerline a distance of 238.87 feet to a PK nail on the east line of the Lafayette Union Railway; thence South  $00^{\circ}-46'-28''$  East along said east line and the southern extension thereof a distance of 602.70 feet to a rebar; thence South  $89^{\circ}-49'-53''$  East a distance of 486.63 feet to the east line of said quarter section; thence North  $00^{\circ}-39'-21''$  West along the east line of said quarter section a distance of 163.70 feet to the point of beginning, containing 4.490 acres (which includes 0.182 acres in the right of way of U.S. Highway #62 By-Pass and 0.165 acre in the right of way of Kassuth Street), more or less.

##### PARCEL IV:

A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows: Beginning at the southeast corner of the southwest quarter of said Section 27-23-4; thence North  $69^{\circ}-58'-00''$  West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 539.16 feet to a PK nail; thence North  $00^{\circ}-13'-04''$  West a distance of 158.25 feet to a rebar; thence North  $89^{\circ}-48'-15''$  West a distance of 130.44 feet to a corner post; thence South  $00^{\circ}-17'-32''$  West a distance of 75.52 feet to a corner post; thence North  $89^{\circ}-31'-39''$  West a distance of 90.70 feet to a corner post; thence South  $01^{\circ}-46'-23''$  East a distance of 83.84 feet to a PK nail on the south line of said southwest quarter and the approximate centerline of McCarty Lane; thence North  $89^{\circ}-58'-00''$  West along said south line a distance of 56.82 feet to a PK nail on the centerline of Main Street; thence North  $46^{\circ}-32'-10''$  West along said centerline a distance of 828.49 feet to a PK nail; thence North  $41^{\circ}-38'-06''$  East a distance of 400.31 feet to a rebar on the easterly right of way of the Lafayette Union Railroad; thence northeasterly along said right of way on a non-tangent curve being concave northeasterly, having a central angle of  $25^{\circ}-27'-20''$ , a radius of 1622.50 feet, a chord bearing of North  $34^{\circ}-28'-45''$  East and a chord length of 847.12 feet a distance of 854.13 feet to a rebar; thence South  $85^{\circ}-22'-14''$  East a distance of 157.15 feet to a corner post; thence North  $01^{\circ}-07'-00''$  West a distance of 523.27 feet to a corner post; thence North  $89^{\circ}-06'-49''$  East a distance of 560.31 feet to the east line of said southwest quarter; thence South  $00^{\circ}-39'-21''$  East along said east line a distance of 2086.5 feet to the point of beginning, containing 42.279 acres, including 3.461 acres in the rights of way of U.S. Highway 52, McCarty Lane, and Main Street.

EXCEPTING THEREFROM A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows: to-wit: Commencing at the southeast corner of the southwest quarter of Section 27-23-4; thence North  $89^{\circ}-58'-00''$  West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 757.85 feet to a PK nail and the point of beginning of the herein described tract; thence continuing North  $89^{\circ}-58'-00''$  West along said south line and said approximate centerline a distance of 56.82 feet to a PK nail on the centerline of Main Street; thence North  $46^{\circ}-32'-10''$  West along said centerline a distance of 828.49 feet to a PK nail; thence North  $41^{\circ}-38'-06''$  East a distance of 315.02 feet to a rebar; thence South  $46^{\circ}-32'-10''$  East a distance of 304.22 feet to a cross cut in concrete; thence South  $90^{\circ}-00'-00''$  East a distance of 705.83 feet to a railroad spike; thence North  $00^{\circ}-21'-02''$  West a distance of 178.71 feet to a rebar; thence North  $88^{\circ}-57'-25''$  East a distance of 47.24 feet to a metal corner post; thence North  $01^{\circ}-12'-36''$  East a distance of 78.34 feet to a rebar; thence North  $01^{\circ}-12'-36''$  East a distance of 78.34 feet to a rebar; thence North  $89^{\circ}-35'-49''$  East a distance of 421.82 feet to a railroad spike; thence South  $00^{\circ}-27'-09''$  East a distance of 897.50 feet to a metal corner post; thence South  $89^{\circ}-47'-06''$  West a distance of 234.92 feet to a rebar; thence North  $89^{\circ}-48'-15''$  West a distance of 130.44 feet to a metal corner post; thence South  $00^{\circ}-17'-32''$  East a distance of 75.52 feet to a metal corner post; thence North  $89^{\circ}-31'-39''$  West a distance of 90.70 feet to a metal corner post; thence South  $01^{\circ}-46'-23''$  East a distance of 83.84 feet to a PK nail and the point of beginning, containing 13.442 acres, including 0.688 acres in the rights of way of Main Street and McCarty Lane.

## EXHIBIT A (CONTINUED)

### LEGAL DESCRIPTIONS BY PARCEL

#### FOR WABASH NATIONAL LP (NORTH PLANT)

**PARCEL IV (continued):**

ALSO EXCEPTING THEREFROM A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit: Commencing at the southeast corner of the southwest quarter of Section 27-23-4, thence North  $89^{\circ}-58'-00''$  West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 273.58 feet to a PK nail; thence North  $00^{\circ}-27'-09''$  West a distance of 806.96 feet to a railroad spike; thence South  $89^{\circ}-39'-49''$  West a distance of 451.92 feet to a rebar marking the point of beginning of the herein described tract; thence continuing South  $89^{\circ}-39'-49''$  West a distance of 124.62 feet to a cross cut in concrete, thence South  $01^{\circ}-03'-20''$  West a distance of 141.47 feet to a cross cut in concrete, thence North  $88^{\circ}-03'-46''$  West a distance of 282.89 feet to a cross cut in concrete, thence South  $46^{\circ}-32'-10''$  East a distance of 174.22 feet to a cross cut in concrete, thence South  $90^{\circ}-00'-00''$  East a distance of 205.83 feet to a railroad spike, thence North  $00^{\circ}-27'-09''$  West a distance of 178.71 feet to a rebar, thence North  $88^{\circ}-57'-25''$  East a distance of 47.24 feet, thence North  $01^{\circ}-12'-36''$  East a distance of 78.34 feet to the point of beginning, containing 1.087 acres.

ALSO EXCEPTING THEREFROM A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit: Commencing at the southeast corner of the southwest quarter of Section 27-23-4, thence North  $89^{\circ}-58'-00''$  West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 273.58 feet to a PK nail marking the point of beginning of the herein described tract, thence continuing North  $89^{\circ}-58'-00''$  West along said south line and approximate centerline a distance of 107.10 feet, thence North  $00^{\circ}-03'-26''$  West a distance of 158.94 feet to an iron pipe, thence North  $89^{\circ}-47'-08''$  East a distance of 76.90 feet to a metal corner post; thence North  $00^{\circ}-27'-09''$  West a distance of 687.50 feet to a railroad spike; thence North  $89^{\circ}-39'-49''$  East a distance of 30.00 feet to a railroad spike, thence South  $00^{\circ}-27'-09''$  East a distance of 856.96 feet to the point of beginning, containing 0.870 acres, including 0.051 acres of the right of way of McCarty Lane.

ALSO EXCEPTING THEREFROM A part of the southwest quarter of Section Twenty-seven (27), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit: Beginning at the southeast corner of the southwest quarter of said Section 27-23-4, thence North  $89^{\circ}-58'-00''$  West along the south line of said quarter section and the approximate centerline of McCarty Lane a distance of 539.16 feet to a PK nail, thence North  $00^{\circ}-13'-04''$  West a distance of 20.25 feet to the point of beginning of the herein described tract, said point being marked by a railroad spike, thence continuing North  $00^{\circ}-13'-04''$  West a distance of 138.00 feet to rebar, thence North  $89^{\circ}-58'-00''$  East a distance of 162.50 feet to a corner post; thence South  $00^{\circ}-13'-04''$  East a distance of 138.00 feet to a point; thence North  $89^{\circ}-58'-00''$  West a distance of 162.50 feet to the point of beginning, containing 0.5148 acres.

ALSO EXCEPTING THEREFROM A part of the southwest quarter of Section 27, Township 23 North, Range 4 West of the Second Principal Meridian in Fairfield Township, Tippecanoe County, Indiana, described as follows: Commencing at the southeast corner of the southwest quarter of said Section; thence North  $89^{\circ}-58'-00''$  West (equivalent to South  $89^{\circ}-13'-21''$  West on the bearing system for the City of Lafayette Project N-140-1.331 with equalizations for succeeding sides where they are necessary will be parenthesized hereinafter) 75.63 feet along the south line of said quarter section and the approximate center line of McCarty Lane; thence North  $00^{\circ}-02'-00''$  East 20.00 feet to the northwestern boundary of the intersection of McCarty Lane and U.S.R. 52 which is the point of beginning of this description, thence North  $89^{\circ}-58'-00''$  West (South  $89^{\circ}-13'-21''$  West) 709.77 feet along the north boundary of McCarty Lane to the northeastern boundary of the intersection of McCarty Lane and Main Street, thence North  $46^{\circ}-32'-10''$  West (North  $47^{\circ}-20'-49''$  East) 41.01 feet along the northeastern boundary of Main Street, thence South  $76^{\circ}-38'-21''$  East 58.56 feet; thence South  $89^{\circ}-58'-00''$  East (North  $89^{\circ}-13'-21''$  East) 177.00 feet; thence North  $87^{\circ}-22'-58''$  East 108.12 feet, thence South  $88^{\circ}-58'-00''$  East (North  $89^{\circ}-13'-21''$  East) 156.00 feet, thence North  $46^{\circ}-08'-03''$  East 12.54 feet to the west boundary of U.S.R. 52; thence South  $23^{\circ}-28'-13''$  West 48.93 feet along the northwestern boundary of U.S.R. 52 to the Point of Beginning and containing 0.287 acres, more or less.



**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**

- 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.
- 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.
- 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.
- 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)
- 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 <b>WABASH NATIONAL LP</b>		Name of contact person <b>JUSTIN ROSS</b>						
Address of taxpayer (number and street, city, state, and ZIP code) <b>1000 SAGAMORE PARKWAY SOUTH, LAFAYETTE, IN 47905</b>			Telephone number <b>( 765 ) 771-5324</b>					
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body <b>Common Council of the City of Lafayette</b>		Resolution number (s)						
Location of property <b>1000 SAGAMORE PKWY S, LAFAYETTE, IN 47905</b>		County <b>TIPPECANOE</b>		DLGF taxing district number <b>79004</b>				
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.) <b>See attached</b>		ESTIMATED						
				START DATE	COMPLETION DATE			
		Manufacturing Equipment		<b>07/01/2022</b>	<b>01/01/2023</b>			
		R & D Equipment						
		Logist Dist Equipment						
IT Equipment								
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT						
Current number <b>2322</b>	Salaries <b>106,870,468</b>	Number retained <b>2322</b>	Salaries <b>106,870,468</b>	Number additional <b>75</b>	Salaries <b>2,964,000</b>			
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	<b>143,757,080</b>	<b>43,127,118</b>					
	Plus estimated values of proposed project	<b>20,000,000</b>						
	Less values of any property being replaced	<b>0</b>						
Net estimated values upon completion of project	<b>163,757,080</b>	<b>43,127,118</b>						
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) <b>8/19/21</b>				
Printed name of authorized representative <b>JUSTIN ROSS</b>		Title <b>VP TAX &amp; TREASURER</b>						



**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 12/31/2030. 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;	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
2. Installation of new research and development equipment;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Check box if an enhanced abatement was approved for one or more of these types.
3. Installation of new logistical distribution equipment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
4. Installation of new information technology equipment;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ 20,000,000 cost with an assessed value of \$ \_\_\_\_\_ . (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ NA 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 \$ NA 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 \$ NA 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:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5	<input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
<input type="checkbox"/> Year 6	<input checked="" type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10	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?  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.
3. To qualify, the project investment must be at least \$500,000.

<b>SECTION 1</b>	<b>APPLICANT</b>
------------------	------------------

Name of Taxpayer: WABASH NATIONAL LP	
Address of Taxpayer (street and number, city, state & ZIP code): 1000 SAGAMORE PKWY S, LAFAYETTE, IN 47905	Telephone: 765-771-5300 E-mail: justin.ross@wabashnational.com

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: JUSTIN ROSS	
Address of Contact if different from Taxpayer (street and number, city, state & ZIP code):	Telephone: E-mail:

Name of Parent Company (if any): WABASH NATIONAL CORPORATION
--

Does the company currently conduct business at this site?	Yes	<input checked="" type="checkbox"/>	No	
If "No", how is the site currently used?				

Annual Report & History of Company	WABASH NATIONAL CORPORATION - INVESTOR RELATIONS ( <a href="https://ir.wabashnational.com">https://ir.wabashnational.com</a> )
Company Certified Public Accountant:	ERNST & YOUNG
Company Commercial Bankers:	WELLS FARGO
Company Counsel:	FOLEY & LARDNER LLP

**To be completed by GLC Staff**

Is this area currently designated as an Economic Revitalization Area?	Yes		No	<input checked="" type="checkbox"/>
Has it ever been so designated in the past?	Yes	<input checked="" type="checkbox"/>	No	
Is this property in a Tax Increment Finance (TIF) district (requires RD Commission Approval)?	Yes	<input checked="" type="checkbox"/>	No	

**SECTION 2**

**JURISDICTION & PURPOSE**

Jurisdiction:	Lafayette _____ <u>X</u>	Purpose of Application:	Real Estate Tax Abatement - _____ years
	West Lafayette _____		Personal Property Tax Abatement - _____ <u>7</u> years
	Tiptecanoe _____		ERA Designation Only - _____

Type of Industry:

Research & Development \_\_\_\_\_

Manufacturing \_\_\_\_\_ X

Logistics \_\_\_\_\_

Information Technology \_\_\_\_\_

Other \_\_\_\_\_ Please specify:

Describe proposed project.

The project is to expand the dry van manufacturing capacity in the Greater Lafayette area from 45,000 vans to 55,000 vans. The project will redesign and refurbish the manufacturing operation and facilities at the above location (the North Plant). The South Plant currently manufactures refrigerated vans and conversion to dry van manufacturing will require new and different equipment and tooling. The North Plant will continue to make dry van and will expand the sub-assembly capacity for the increased volume for both the North and South plants. The overall spend for this estimated at \$69,000,000 which includes cost of disposal of existing equipment as well as purchase of new equipment and tooling. Estimated spend is approximately \$49,000,000 for the South plant and \$20,000,000 for the North plant. It is expected headcount will increase after renovations to the plants are completed by up to 150 people. Renovation are estimated to be completed in September 2022.

**SECTION 3**

**PROPERTY DESCRIPTION**

Assessor's Personal Property Key Number(s): 79-104-72460-00

Location of Real Property (street and number, city, state & ZIP code):

1000 SAGAMORE PKWY S, LAFAYETTE, IN 47906 (PT SW SEC 27 TWP 23 R4 15.259A)

79-07-27-376-003.000-004

79-07-27-376-001.000-004

**\*\*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

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

Demolition of architecturally significant or historic structure(s)

Estimated Investment NONE

**SECTION 5**

**PERSONAL PROPERTY**

Type of Project:

Research & Development \_\_\_\_\_

Machinery & Equipment   x   \_\_\_\_\_

Logistics \_\_\_\_\_

Information Technology \_\_\_\_\_

Other \_\_\_\_\_ Please specify:

Estimated Investment   20,000,000  

**\*\*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?   2322  

How many will you employ after the project is complete?   2397  

How many jobs will be created?   75   Full-time \_\_\_\_\_ Part-time \_\_\_\_\_

How many jobs are retained?   2322   Full-time \_\_\_\_\_ Part-time \_\_\_\_\_

How many jobs will be eliminated?   0   Full-time \_\_\_\_\_ 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	75	\$19
Administrative		
Management		
Professional/Technical		
Other		
Total/Average Wage	75	\$19

How many retained employees are:

	Number	Hourly Average
Production	2106	\$19.61
Administrative	5	\$26.37
Management	74	\$67.03
Professional/Technical	136	\$36.07
Other	1	\$68.19
Total/Average Wage	2322	\$22.09

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	0	75				
Salary	0	\$19/hr				

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

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

If "Yes", explain and list:

- Health Insurance 68-73 % paid
- Life Insurance          0 % paid
- Disability          60 % paid
- Childcare          0 % paid
- Vacation          min. # of days
- Retirement 100% for first % paid
- Other          % 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? +95% %

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

If "Yes", explain:

Will any environmental permits be needed? Yes  No

If "Yes", explain: We are evaluating modifcations needed for our existing environmental permits and will make any necessary changes.

Current Zoning I3 - Industrial

Will any changes, special exceptions be required? Yes  No

Have they been approved? Yes  No  N/A

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

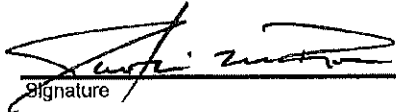
Is there any pending litigation materially affecting the applicant? Yes  No

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	_____
	No	<u>X</u>
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	<u>8/19/21</u> Date
Justin Ross Name Printed	VP Tax and Treasurer Title
<u>justin.ross@wabashnational.com</u> E-mail	<u>765-771-5324</u> 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?
- 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?
- Yes 8. Are any environmental permits needed? Drainage plan- underground water storage for loading docks
- 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? 75 created, 2322 retained
- Yes 18. Will wages be equal or be above the county's average? \$19/hr avg – new \$22.09/ hr avg -retained
- Yes 19. Will employees receive health insurance? 68-73% paid
- Yes 20. Will employees receive retirement benefits? 100% for first
- Yes 21. Will employees receive life insurance? 0% paid
- Yes 22. Will employees receive other benefits? List: Disability – 60%
- N/A 23. What is the ratio of investment to jobs creation: \$267k: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)?
- No 26. Does the project include advanced technology or manufacturing processes?

### FISCAL IMPACTS

- No 27. Will the project be in competition with existing local business?
- Yes 28. Will the project complement existing local businesses?
- Yes 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?
- Yes 32. Has financing for this project been approved?

**EXHIBIT C**

**CITY OF LAFAYETTE, INDIANA**

**MEMORANDUM OF AGREEMENT**

**WABASH NATIONAL LP (NORTH PLANT)**

This Memorandum of Agreement (“Agreement”) is dated this 26th day of August, and serves as the confirmation of the commitment by Wabash National LP. (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-2021-16, a resolution of the Lafayette Redevelopment Commission (“Commission”); Resolution No. 2021-\_\_\_, 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 for the Applicant’s capital expenditures of approximately twenty million (\$20,000,000.00) dollars for new Manufacturing Equipment (Personal Property), approved as part of the Commitments. The Applicant shall assume responsibility for the redevelopment and the installation of the new Personal Property and for compliance with the Statement of Benefits. The project will create seventy-five (75) full-time, permanent positions, retain two thousand three hundred twenty-two (2,322) existing full-time, permanent positions, and create no (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 dates of 1/01/2023 for Manufacturing Equipment installation as contained in the Statement of Benefits Form (“Completion Date”).

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 Personal Property equipment is removed from the City of Lafayette, and the City terminates the personal property tax abatement, the City may require the Applicant to

repay all 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 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 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 and 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:      Wabash National LP  
                                 1000 Sagamore Parkway South  
                                 Lafayette, IN 47905  
                                 Attn: Justin Ross, VP Tax & Treasurer

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

City

Wabash National LP

City of Lafayette, Indiana

By: \_\_\_\_\_  
Justin Ross

By: \_\_\_\_\_  
Melissa Weast-Williamson,  
Common Council

Printed: \_\_\_\_\_

Title: VP Tax & Treasurer

Attest: \_\_\_\_\_  
Cindy Murray, City Clerk