

ORIGINAL

RESOLUTION NO. 2010-042

RESOLUTION DECLARING AN ECONOMIC REVITALIZATION AREA FOR PURPOSES
OF APPROVING DEDUCTION FROM ASSESSED VALUE OF AN ELIGIBLE VACANT
BUILDING TO BE OCCUPIED BY ERCO, LLC
(Real Estate)

WHEREAS, the Indiana General Assembly has enacted a statute, I.C. 6-1.1-12.1-4.8 (the "Act"), authorizing certain deductions from the assessed value of an eligible vacant building (as defined in the Act) for the purpose of allowing an abatement of real estate property taxes attributable to the eligible vacant building; and

WHEREAS, ERCO, LLC will be occupying an eligible vacant building located at 3720 South Hoyt Avenue, Muncie, Delaware County, Indiana and described on the attached map and legal description; and

WHEREAS, by passage of this resolution, the aforementioned area will be declared and affirmed as an economic revitalization area, which will authorize deductions from assessed value of an eligible vacant building for purposes of taxation; and

WHEREAS, as a condition of approval of the ensuing abatement, ERCO, LLC agrees to update the County Council on a semi-annual basis with regard to the status of employment at the eligible vacant building during the term of the life of the abatement.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Delaware in the State of Indiana:

1. The Delaware County Council finds and determines that the area described in this Resolution meets the qualifications for an economic revitalization area for the purposed of I.C. 6-1-12.1-3(e)(11)(A).

2. The Delaware County Council further finds that occupation of an eligible vacant building in the above described period beginning March 1, 1983 and ending December 31, 2011, by ERCO, LLC shall be allowed a deduction from the assessed value of said eligible vacant building for one (1) year in accordance with the provisions of I.C. 6-1.1-12.1-4.8(h)(2)(i)(1).

3. The Delaware County Auditor shall take such further actions as may be required to carry out the purposes of this Resolution and to insure the eligibility of said occupation of an eligible vacant building for purposes of allowing a deduction from the assessed value of said eligible vacant building for one (1) year in accordance with I.C. 6-1.1-12.1-4.8.

4. This Resolution shall be in full force and effect from and after its passage by the Delaware County Council and such publications as may be required by law.

	Yeas	Nays	Abstained	Absent
Ted Bowman	<u>Ted Bowman</u>		___	___
Mary Chambers	<u>Mary Chambers</u>		___	___
Mike Jones	<u>Mike Jones</u>	___	___	___
James King	___	___	___	___ ✓
Chris Matchett	<u>Chris Matchett</u>		___	___
Kevin Nemyer	<u>Kevin Nemyer</u>	___	___	___
Ron Quakenbush	<u>Ron Quakenbush</u>	___	___	___

Passed by the County Council of Delaware County, Indiana this 23 day of
November, 2010.

Chris Matchett
Chris Matchett, President
Delaware County Council

ATTEST:

Judy Rust
Judy Rust, Auditor
Delaware County Indiana

This Resolution is approved in form by Amanda Dunnuck
Amanda Dunnuck, Legal Counsel
Delaware County Council

**APPLICATION FOR TAX ABATEMENT
REAL PROPERTY**

This completed application, including a map identifying the general location of the facility, should be signed by the owner (or representative) of the new building and submitted to:

Delaware County Council
c/o Bruce Baldwin, Vision 2011
P.O. Box 842
Muncie, IN 47308-0842
PH: 765.751.9104
Please type or print.

Date: 11/16/10 Name of Company: ERCO LLC
Address of Property: 3720 South Hoyt Ave, Muncie IN 47302
Township: Center
Current Zoning: I-1
Is legal description attached? Yes ☒ No ☐ (If possible, please provide at time of application.)
Property Owner (s): ERCO, LLC
Name _____ Name _____
Address 9955 WESTPOINT DR Address _____
INDPLS, IN 46256
Owner's Representative:
Name ~~JOE~~ DEAN PETRUZZI Telephone 317-845-1330
Address 9955 WESTPOINT DR, INOPLS, IN 46256

Is property / facility served by adequate utilities?
Yes ☒ No ☐

Are present utilities adequate for new improvements?
Yes ☒ No ☐

If not, please explain:

Describe the new physical improvements that will be made on the property, how the new property will be used, and the projected cost: Cost to purchase building is \$600,000. Minor improvements to interior of building expected.

REAL PROPERTY TAX ABATEMENT APPLICATION - PAGE 2

Tax Assessment and Payment:

Amount of last real property assessment: \$ _____

Amount of last real property taxes: \$ _____

(Please attach a copy of your latest paid tax receipts to this form)Total number of employees currently working for the company: 17; At this facility? 0

Number of Minorities: _____; Number of Females: _____; Number of Handicapped: _____

What percentage of employees are Delaware County Residents? _____ %

Number of new employees to be added at this facility as a result of abatement: 17; Actual (+-) jobs: 17**Fringe Benefits:** Health Insurance (Y) or N) _____; % paid by employer: 85; % paid by employee: 15Pension: (Y or N) NO; % paid by employer: _____; % paid by employee: _____**Wage Package:** Starting Wage: \$ 8.00/HR; High Wage: \$ 100,000 +; Average Wage: \$ 15/HRJob skill of new employees / entry level skill: Purchasing and logistics, general warehouseCurrent average expected wage for jobs resulting from abatement (range): \$ N/ANumber of jobs retained as a result of this project: N/A

I hereby certify that the information and representations on this application are true and complete.

Dean PetyCEO11-16-10

Name

Title

Date

NOTICE: Your signature above indicates that you are aware that you must annually file both form CF-1 (Compliance with Statement of Benefits), and Form 322 ERA/PP (Application for Deduction from Assessed Valuation) by the dates indicated on the forms in order to actually receive your tax deduction.

When submitting application for real estate property tax abatement, the following non-refundable fee schedule applies to cover administrative and processing expenses with payment to the **Delaware County Treasurer**.

Total Rehabilitation /
Construction Cost of Project

Application
Fee

\$20,000 or less

\$ 40.00

\$20,001 to \$75,000

\$ 75.00

\$75,001 to \$500,000

\$ 150.00

\$500,001 or more

\$ 250.00

EXHIBIT A

(Legal Description)

Lot twelve (12) in the Replat of Industrial Centre, as said plat is recorded in Plat Book 12, pages 88-89 in the Office of the Recorder of Delaware County, Indiana.



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R2 / 1-07)

Prescribed by the Department of Local Government Finance

20 ____ PAY 20 ____

FORM SB-1 / Real Property

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)
☒ Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
- To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer ERCO, LLC			
Address of taxpayer (number and street, city, state, and ZIP code) 9955 WESTPOINT DR. SUITE 120, INDPLS, IN 46256			
Name of contact person HEATHER LOY		Telephone number 317-845-1330	E-mail address HEATHER@Worldwidebattery.com
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body Delaware County Council		Resolution number	
Location of property 3720 S. HOYT AVE, MUNCIE, IN 47302		County DELAWARE	DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Purchase of vacant building. Minor interior improvements expected.		Estimated start date (month, day, year) Dec 15, 2010	
		Estimated completion date (month, day, year) Dec 22, 2010	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT	
Current number	Salaries	Number retained	Salaries
		Number additional 17	Salaries \$530,000/year
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.		REAL ESTATE IMPROVEMENTS	
		COST	ASSESSED VALUE
Current values		\$600,000	
Plus estimated values of proposed project			
Less values of any property being replaced		1	
Net estimated values upon completion of project		\$600,000	
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 [Signature]		Title CEO	Date signed (month, day, year) 11-15-10

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, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No
 3. Occupancy of a vacant building ☐ Yes ☐ No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).

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)

11-23-10

Attested by (signature and title of attester)

Designated body

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
- C. For vacant buildings, the deduction period may not exceed two (2) years.



APPLICATION FOR DEDUCTION FROM ASSESSED VALUATION REAL PROPERTY VACANT BUILDING DEDUCTION

State Form 53179 (1-07)

Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM 322 / VBD

INSTRUCTIONS:

1. This form is for assessments on March 1, 2007 and after.
2. This form is to be filed with the county auditor of the county in which the real property is located.
3. This form must be filed between March 1, and May 10, of the filing year unless an extension of up to thirty (30) days is granted in writing.
4. The building must have been unoccupied for at least one (1) year prior to filing this application and zoned for commercial or business use.
5. A copy of the approved Form SB-1 / Real Property, resolution from the designating body, and Form CF-1 / Real Property must be attached to this application.
6. To obtain a deduction, the taxpayer must show how the investment will increase assessed value and create jobs or retain employees in the taxing jurisdiction pursuant to IC 6-1.1-12.1-4.8.

SECTION 1		PROPERTY INFORMATION	
Address of property (number and street, city, state, and ZIP code) 3720 S. HOYT AVE, MUNCIE, IN 47302			
County DELAWARE	Township	DLGF Taxing District number	Parcel number
Name of owner ERCO LLC		Name of contact person	
Mailing address of owner (number and street, city, state, and ZIP code) 9955 WESTPOINT DR. SUITE 120, INDPLS, IN 46256			
Telephone number 317-845-1330	Fax number 317-845-1534	E-mail address (optional)	

SECTION 2		REQUEST FOR DEDUCTION AND DESCRIPTION OF BENEFIT TO TAXING JURISDICTION	
Describe the real property investment \$600,000 Purchase Price of Property.			
Total cost of the real property investment \$600,000			
Is this property within an Economic Revitalization District (ERA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this property within a Tax Increment Financing (TIF) district as defined in IC 6-1.1-21.2-3? ? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I hereby certify that the above named taxpayer is liable for property taxes at the above listed location on the indicated assessment date and that the representations on this application are true and correct. I further certify that the real property investment identified above is eligible for the vacant building deduction as outlined in IC 6-1.1-12.1-4.8.			
Signature of owner or representative (if representative, attach power of attorney) Dean Petruzzi		Date signed (month, day, year) 11-16-10	
Printed name of signatory DEAN PETRUZZI		Title CEO	Telephone number of preparer 317-845-1330

SECTION 3		EFFORTS TO SELL OR LEASE VACANT BUILDING	
Describe efforts by the owner to sell, lease, or rent the building during period of vacancy WE ARE BUYER, NOT SELLER.			
Show amount for which the building was offered for sale, lease, or rent during period of vacancy			

SECTION 4		FOR USE BY COUNTY AUDITOR					
		ASSESSED VALUE		PERCENT DEDUCTION		DEDUCTION APPROVED (for use by County Officials)	DEDUCTION DENIED (for use by County Officials)
01	Year 1 3-1-20	\$	X	100%	=	\$	\$
02	Year 2 3-1-20	\$	X	50%	=	\$	\$
Signature of Township Assessor							Date of approval (month, day, year)

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The undersigned company agrees to comply with Executive Orders 11246 and 11478, and the rules, regulations and relevant orders of the Secretary of Labor. No segregated facilities will be maintained on said company's premises as required by Title VI of Civil Rights Act of 1964. Furthermore, the undersigned company attests to and agrees to the following policies regarding equal employment opportunity and affirmative action.

There will be no discrimination against any employee or applicant for employment because of race, religion, color, age sex, handicap, or national origin.

Affirmative action will be taken to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, age, sex, handicap, or national origin.

All qualified applicants will receive consideration for employment without regard to race, religion, color, age, sex, handicap, or national origin.

There will be no discrimination against any employee or applicant for employment because he or she is a disabled veteran or a veteran of the Vietnam Era in regard to any position for which the employee or applicant for employment is qualified.

Affirmative action will be taken to treat qualified disabled veterans and veterans of the Vietnam Era without discrimination based upon their disability or veteran status.

The company further agrees to post in conspicuous places, available to both employees and applicants for employment, notices to be provided setting forth the provisions of these nondiscriminating clauses and policies.

The previous policies will be adhered to in such employment practices as hiring, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Jean P. Terry, CEO
Name/Title

ERCO, LLC
Company Name

11-16-10
Date