

## RESOLUTION NO. 06 - 2011

### A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA GRANTING TERRA 2020 LLC (WASTE REVELATION) AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR TANGIBLE REAL PROPERTY UNDER INDIANA CODE 6-1.1-12.1

- WHEREAS,** Pursuant to Resolution No. 5-2010, as confirmed by Resolution No. 7-2010, the Common Council of the City of Valparaiso, Indiana (the "City"), designated a certain area located within the City as an economic revitalization area (an "ERA");
- WHEREAS,** Resolution Nos. 5-2010 and 7-2010 remain in full force and effect;
- WHEREAS,** Terra 2020 LLC (the "Company" as the holding company for Waste Revelation) has filed with the Common Council a Statements of Benefits Real Property Improvements (FORM SB-1/RE) dated November 23, 2010 proposing real property improvements, more specifically related to a "renovations and redevelopment of the building commonly known as the "Harvey Building" anticipated to cost \$850,000 (the "Project") estimated to be completed on July 1, 2011 and to be fully assessed on March 1, 2012;
- WHEREAS,** A Statements of Benefits Real Property (FORM SB-1/RE) was submitted to the Common Council as the designating body before and prior to the renovation, redevelopment or installation of real property improvements related to the Project for which the Company desires to request an assessed valuation deduction;
- WHEREAS,** The Company's facility to be located at 455 W. Lincolnway in the City is within the boundaries of an ERA, and therefore the Common Council may make a determination pursuant to IC 6-1.1-12.1-3(b) based upon the evidence as to whether Company shall be allowed an assessed valuation deduction; and
- WHEREAS,** The Company's facility for which the Project is to be constructed within the ERA is located within the Consolidated Valparaiso Allocation Area – Franklin Street Sub-Allocation Area – Expansion Area No. 1 (Resolution No. 10-11-2007-1 of the Valparaiso Redevelopment Commission) within the Valparaiso Redevelopment District, such that approval of this assessed valuation deduction pursuant to IC 6-1.1-12.1-2(l) is required by the legislative body of the unit (the Common Council of the City of Valparaiso) that approved the designation of the allocation area.
- NOW, THEREFORE, BE IT RESOLVED** that the actions of the Common Council of the City of Valparaiso, Indiana are based upon the evidence as presented by the Company after review of the Statement of Benefits (FORM SB-1/RE) as well as other pertinent information provided by the Valparaiso Economic Development Corporation and upon the following findings pursuant to IC 6-1.1-12.1-3(b), such that:
- (1) The Project and the estimates and expectations contained in the FORM SB-1/RE are reasonable for a project of its nature;
  - (2) The estimated number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project;
  - (3) The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project; and
  - (4) The totality of the benefits is sufficient to justify an assessed valuation deduction on the Project.

**BE IT FURTHER RESOLVED** that the Common Council acknowledges that the Project is located within the Consolidated Valparaiso Allocation Area – Franklin Street Sub-Allocation Area – Expansion Area No. 1 within the Valparaiso Redevelopment District for which pursuant to IC 6-1.1-12.1-2(l) the Common Council of the City of Valparaiso as the legislative body of the unit that approved the designation of the allocation area approves the Company's statement of benefits herein by this Resolution.

**BE IT FURTHER RESOLVED** that the Common Council hereby grants an assessed valuation deduction (Tax Abatement) from tangible real property for a period of ten (10) years to Terra 2020 LLC in accordance with IC 6-1.1-12.1 as it relates to the Project.

**BE IT FURTHER RESOLVED** that the Common Council in accordance with IC 6-1.1-12.1-2(i) limits the dollar amount of the deduction that will be allowed to \$325,100 of assessed valuation as it relates to the Project.

**BE IT FURTHER RESOLVED** that having received the consent of the Company and in accordance with Indiana Code 6-1.1-12.1-14(b), a copy of which is attached hereto as EXHIBIT A and is made a part hereof as incorporated herein, and pursuant to Indiana Code 6-1.1-12.1-14 for each year the Company's real property tax liability is reduced by an assessed valuation deduction related specifically to the Project, the Company shall pay to the Porter County Treasurer a fee in the amount computed and determined by the Porter County Auditor pursuant to the provisions of subsection (c) of Indiana Code 6-1.1-12.1-14 (the "Imposed Fee") such that:

- (1) The Common Council hereby determines that fifteen percent (15%) shall be the percentage to be applied by the Porter County Auditor for purposes of STEP TWO of subsection (c) of Indiana Code 6-1.1-12.1-14;
- (2) Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars (\$100,000) or fifteen percent (15%) of the additional amount of real property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect (i.e., 15% of the Company's real property tax savings attributable to a deduction from the assessed valuation from the Project; and
- (3) The Imposed Fee as collected shall be distributed to the City of Valparaiso Redevelopment Commission as a public entity established to promote economic development within the corporate limits of the City as determined by the Common Council as the designating body.

**BE IT FURTHER RESOLVED** that the final determination of the amount of assessed valuation deduction of the Project for tangible real property shall be made by the appropriate Porter County assessing agency, review board or State of Indiana agency.

**BE IT FURTHER RESOLVED** that the Clerk-Treasurer of the City is hereby directed to file with the Office of the Porter County Auditor the following information as it applies to this Resolution and the approval of the Company's assessed valuation deduction:

1. The FORM SB-1/RE, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. A copy of the meeting minutes which approved this Resolution and the FORM SB-1/RE.

**BE IT FURTHER RESOLVED** that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall be in full force and effect from and after its passage and adoption by the City Common Council and upon the signature of the Mayor of the City as the executive of the City.

**ADOPTED AND APPROVED** by a vote of all members present and voting of the Common Council of the City of Valparaiso, Indiana this day January 24, 2011.

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Jan Dick

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Art Elwood

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Robert Taylor

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Deb Butterfield

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Joey Larr

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Michael Baird

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John Bowker

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Jon Costas, Mayor

**ATTEST:**

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Sharon Emerson Swihart, Clerk-Treasurer

## **EXHIBIT A**

Consent of the Company for the Imposition of a Fee  
In accordance with Indiana Code 6-1.1-12.1-14(b))