RESOLUTION NO. 18, 2013

A RESOLUTION TO RESCIND TEN (10)-YEAR PERSONAL PROPERTY TAX ABATEMENTS FOR GARTLAND FOUNDRY COMPANY, INC.

WHEREAS, by Resolution No. 39, 2003 and Resolution No. 21, 2005, the Common Council for the City of Terre Haute, Indiana, confirmed on August 14, 2003 and August 11, 2005 (respectively), ten (10) year personal property tax abatements for Gartland Foundry Company, Inc. (hereinafter "Petitioner"). Resolution No. 39, 2003 and Resolution No. 21, 2005, are attached hereto as Exhibit A and Exhibit B; and

WHEREAS, by written notice dated February 6, 2013, Petitioner was provided with a courtesy notification that the Common Council Finance Committee would be reviewing the compliance of previously granted tax abatements and advised Petitioner to review the status of its tax abatements and to ensure submission of appropriate compliance forms. A copy of said notice is attached hereto as Exhibit C; and

WHEREAS, at a special meeting of the Common Council held on June 6, 2013, to review compliance of approved tax abatements, it was determined that Petitioner was not in substantial compliance with the Statement of Benefits for failure to submit to the Common Council Form CF-1/PP (Compliance with Statement of Benefits – Personal Property); and

WHEREAS, pursuant to I.C. § 6-1.1-12.1-5.9, by written notices dated June 11, 2013, Terre Haute City Clerk notified Petitioner that a determination had been made that Petitioner was not in substantial compliance with the Statement of Benefits. Such notices stated the reason for the determination of non-compliance and the date, time, and place for a hearing. Such notices are attached hereto as Exhibit D and Exhibit E; and

WHEREAS, at the public hearing held on June 27, 2013, the Common Council determined that Petitioner had not made a reasonable effort to comply with the Statement of Benefits and therefore such tax deductions should be terminated.

THEREFORE, BE IT RESOLVED by the Common Council for the City of Terre Haute, Indiana, that tax deductions authorized for Petitioner provided in Resolution No. 39, 2003 and Resolution 21, 2005, are hereby terminated.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to provide a copy of this Resolution No. 18, 2013 to the Petitioner, Vigo County Auditor, and the appropriate township assessor.

BE IT FURTHER RESOLVED, that the Common Council requests that the County Auditor follow the provisions set forth at I.C. §6-1.1-12.1-5.9(d).

-1eP1
Introduced by:Norman Loudermilk, Councilman
Passed in open Council this
Norman Loudermilk, President
ATTEST: Charles P. Hanley, City Clerk
Presented by me to the Mayor this day of , 2013.
Charles P. Hanley, City Clerk
Approved by me, the Mayor, this State day of Tuly , 2013.
Duke A. Bennett, Mayor
ATTEST: Charles P. Hanley, City Clerk

Exhibit "A"

FILED

WUN 27 2003

CITY BEERK

RESOLUTION NO. 39, 2003

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within the City (commonly identified as 330 Grant Street, Terre Haute, Indiana) as an Economic Revitalization Area for the Purpose of Ten (10) Year Personal Property Tax Abatement for Gartland Foundry Company, Inc.

WHEREAS, a Petition for a ten (10) year personal property tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described below be designated an Economic Revitalization Area for purposes of real property tax abatement, to-wit:

Lot 199 in the Corrected Plat of Chestnut Place as shown by the plat thereof recorded in Plat Record 29, Page 67, Recorder's Office of Vigo County, Indiana.

WHEREAS, the Petitioner has submitted a Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre Haute, Indiana to make an informed decision, said information including a map of the aforesaid property as set forth in attached Exhibit A attached to its Petition; and

WHEREAS, Petitioner has estimated that its investment in the project (the "Project") to be located at said real estate itself will allow Petitioner to not have to lay off any of its eighty-nine (89) employees as a result of the Project, thus allowing Petitioner to save two (2) existing permanent full-time jobs with an annual payroil of approximately \$52,500.00;

WHEREAS, the Common Council of the City of Terre Haute, Indiana is authorized under the provisions of I.C. 6-1.1-12.1-1 ot. seq. to designate areas of the City of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, indiana has considered the Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the

area qualifles as an economic revitalization area under Indiana statutes; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has found the subject property to be an area within the boundaries of the City of Terre Haute, Indiana, which area has become undestrable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property—and such is an area where facilities that are technologically, economically or energy obsolete, are located and where the obsolescence may lead to a decline in tax revenues:

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NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Common Council of the City of Terre Haute, Indiana that:

- 1. The Petitioner's estimate of the value of the Project to be built on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve the ability of Petitioner to continue functioning as a competitive foundry in the City of Terre Haute, Indiana.
- 2. The Petitioner's estimate of the number of individuals whose employment will be continued, and the benefits thereby, can reasonably be expected to result from the Project.
- 3. The Petitioners' estimate of the annual salaries or wages of the individuals who will be retained, and the benefits thereby, can reasonably be expected to result from the Project.
- 4. The totality of the benefits of the Project are sufficient to justify a ten (10) year personal property tax deduction from assessed valuation to result therefrom under indiana statutes, and each and all of such deductions should be, and they are hereby, allowed.
- 5. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year personal property tax abatement and the Statement of Benefits (copies of which were submitted with the Petition) are

hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to i.C. 6-1.1-12.1-1 et, seq.

6. A copy of this Resolution, following its passage, shall be filed with the Vigo

EXHIBIT A

Lot 199 in the Corrected Plat of Chestnut Place as shown by the plat thereof recorded in Plat Record 29, Page 67, Recorder's Office of Vigo County, Indiana;

FINAL ACTION BY COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA REGARDING RESOLUTION 39, 2003

WHEREAS, the Common Council of the City of Terre Haute, Indiana has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as an economic revitalization area or to approval of the statement of benefits; and

WHEREAS, said matter is before the Common Council of the City of Terre Haute, Indiana for final action pursuant to Indiana Law; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has received and examined, prior to such hearing, a statement of benefits on the form prescribed by the State Board of Tax Commissioners and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

- 1. That the estimate of the cost of the redevelopment is reasonable for projects of that type.
- 2. That the estimate of individuals who will be employed or whose employment will be retained as a result of the redevelopment, rehabilitation and installation of the equipment can reasonably be expected to result from the proposed project.
- 3. The estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.

- 4. That the benefits can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.
 - 5. That the totality of benefits is sufficient to justify the deductions.
- 6. That all qualifications for establishing an economic revitalization area have been met.

NOW, THEREFORE, for final action on Resolution 39, 2003, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES:

- 1. That all of the requirements for designation of the real estate described in Resolution 39, 2003, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.
- 2. That Resolution 39, 2003, is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed development are sufficient to justify ten (10) year personal property tax abatement under indiana statutes for the proposed redevelopment and rehabilitation described in the statement of benefits and the deduction for the proposed project and development and the statement of benefits submitted are approved and the Common Council of the City of Terre Haute, Indiana authorizes and directs the endorsement of said statement to show such approval and that the real estate described in Resolution 39, 2003, is declared an economic revitalization area for the purposes of ten (10) year personal property tax abatement and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 of seq.
- . 3. That said Resolution supplements any other designation (if any) of the real estate as an Economic Revitalization Area.
- 4. That this Final Action, findings and confirmation of Resolution 39, 2003, shall be incorporated in and be a part of Resolution 39, 2003.

Presented by:

Louis Joe Duby. ໕ouncilman

Passed in open Council this // deviet
Chuck Miles, President Common Council of
ATTEST: City of Terre Haute, Indiana
Charles P. Hanley, City Clerk
Presented by me to the Mayor this /S/M day of, 2003. Charles P. Hanley, City Clerk, City of Terre
Haute, Indiana
2003. Approved by me, the Mayor, this 15 day of Must.
ATTEST: Judith A. Anderson, Mayor, City of Terre Haute, Indiana
Challes P. Hanley, City Clerk

Exhibit "B"

FILED

JUN 1 7 2005

CITY CLERK

RESOLUTION NO. 21, 2005

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within the City (commonly identified as 330 Grant Street, Terre Haute, Indiana) as an Economic Revitalization Area for the Purpose of Ten (10) Year Personal Property Tax Abatement for Gartland Foundry Company, Inc.

WHEREAS, a Petition for a ten (10) year personal property tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described below be designated an Economic Revitalization Area for purposes of real property tax abatement, to-wit:

Lot 199 in the Corrected Plat of Chestnut Place as shown by the plat thereof recorded in Plat Record 29, Page 67, Recorder's Office of Vigo County, Indiana.

WHEREAS, the Petitioner has submitted a Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre Haute, Indiana to make an informed decision, said information including a map of the aforesaid property as set forth in attached Exhibit A attached to its Petition; and

WHEREAS, Petitioner has estimated that its investment in the project (the "Project") to be located at said real estate itself will allow Petitioner to not have to lay off any of its ninety (90) employees as a result of the Project, thus allowing Petitioner to retain all its existing permanent full-time jobs with an annual payroll of approximately \$3,500,000.00;

WHEREAS, the Common Council of the City of Terre Haute, Indiana is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seg. to designate areas of the City of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has considered the Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the

area qualifies as an economic revitalization area under indiana statutes; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has found the subject property to be an area within the boundaries of the City of Terre Haute, Indiana, which area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property—and such is an area where facilities that are technologically, economically or energy obsolete, are located and where the obsolescence may lead to a decline in tax revenues:

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Common Council of the City of Terre Haute, Indiana that:

- 1. The Petitioner's estimate of the value of the Project to be built on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve the ability of Petitioner to continue functioning as a competitive foundry in the City of Terre Haute, Indiana.
- 2. The Petitioner's estimate of the number of individuals whose employment will be continued, and the benefits thereby, can reasonably be expected to result from the Project.
- 3. The Petitioners' estimate of the annual salaries or wages of the individuals who will be retained, and the benefits thereby, can reasonably be expected to result from the Project.
- 4. The totality of the benefits of the Project are sufficient to justify a ten (10) year personal property tax deduction from assessed valuation to result therefrom under indiana statutes, and each and all of such deductions should be, and they are hereby, allowed.
- 5. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year personal property tax abatement and the Statement of Benefits (copies of which were submitted with the Petition) are

hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

6. A copy of this Resolution, following its passage, shall be filed with the Vigo County Assessor as required by I.C. 6-1.1-12.1-2.5(c).

Presented by:
Plut and Parallia On tradition in
Richard Dunkin, Councilman
Passed in open Council this day of, 2005.
Passed in open Council this day of, 2005.
ATTEST: Richard Dunkin, President
ATTEST: Richard Dunkin, President Common Council of Terre Haute,
and
Ch la VII III
and the dealer
Chárles P. Hanley, City Clerk /
Presented by me to the Mayor this 14th day of
Presented by me to the Mayor this 11711 day of 2711702
2005.
Make (XHa ker)
Charles P. Hanley, City Clerk
Gianes F. Hamby, Ony Glorky
Approved by me, the Mayor, this 14th day of 4 day of 2005.
Approved by me, the Mayor, this 1 111 day or Stoody
MALINU
Kevin D. Burke, Mayor,
City of Terre Haute, Indiana
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ATTESTY . O. /
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Mula Change
Charles P. Hanley, City Clerk

FINAL ACTION BY COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA REGARDING RESOLUTION 21, 2005

WHEREAS, the Common Council of the City of Terre Haute, Indiana adopted Resolution 21, 2005, on the 14th day of 2005, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the Vigo County Assessor and further stating a date on which the Common Council of the City of Terre Haute, Indiana would receive and hear remonstrances and objections; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as an economic revitalization area or to approval of the statement of benefits; and

WHEREAS, said matter is before the Common Council of the City of Terre Haute, Indiana for final action pursuant to Indiana Law; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has received and examined, prior to such hearing, a statement of benefits on the form prescribed by the State Board of Tex Commissioners and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

- 1. That the estimate of the cost of the redevelopment is reasonable for projects of that type.
- 2. That the estimate of individuals who will be employed or whose employment will be retained as a result of the redevelopment, rehabilitation and installation of the equipment can reasonably be expected to result from the proposed project.
- 3. The estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.

- 4. That the benefits can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.
 - 5. That the totality of benefits is sufficient to justify the deductions.
- That all qualifications for establishing an economic revitalization area have been met.

NOW, THEREFORE, for final action on Resolution 21, 2005, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES:

- 1. That all of the requirements for designation of the real estate described in Resolution 21, 2005, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.
- 2. That Resolution 21, 2005, is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed development are sufficient to justify ten (10) year personal property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation described in the statement of benefits and the deduction for the proposed project and development and the statement of benefits submitted are approved and the Common Council of the City of Terre Haute, Indiana authorizes and directs the endorsement of said statement to show such approval and that the real estate described in Resolution 21, 2005, is declared an economic revitalization area for the purposes of ten (10) year personal property tax abatement and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et seg.
- 3. That said Resolution supplements any other designation (if any) of the real estate as an Economic Revitalization Area.
- 4. That this Final Action, findings and confirmation of Resolution 21, 2005, shall be incorporated in and be a part of Resolution 21, 2005.

Presented by:

Richard Dunkin, Councilman

Passed in open Council this 11th	day of August	<u> 2</u> 005.
-	4000	
	chard Dunkin, President Comn y of Terre Haute, indiana	non Council o
ATTEST: Citaties P. Hanley, City Clerk		·
Presented by me to the Mayor this	11th day of August	
2005.	Marle OHan	ly
	ariés P. Hanley, City Clerk, Cit ute, Indiana	A cilvi en a í
Approved by me, the Mayor, this	1-th day of August	
ATTEST: Charles P. Hanley, City Clerk	Kevin D. Burke, Mayor, City of Terre Haute, Indian	a
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EXHIBIT A

Lot 199 in the Corrected Plat of Chestnut Place as shown by the plat thereof recorded in Plat Record 29, Page 67, Recorder's Office of Vigo County, Indiana;

Exhibit "C"

OFFICE OF THE CLERK City Hall, Room 102 17 Harding Avenue Terre Haute, Indiana 47807 812-232-3375

Charles P. Hanley, City Clerk

Gartland Foundry Company Inc 330 Grant Street Terre Haute, IN 47802 ATTN: William Grimes

February 6, 2013

RE: City of Terre Haute, Indiana Real and/or Personal Property Tax Abatement Recipient

To Whom It May Concern:

This letter is to inform you that the Terre Haute City Council Finance Committee will be conducting meetings this year to discuss real and personal property tax abatement compliance. The Finance Committee will review all previously granted tax abatements for compliance and proper paperwork. Failure to file required paperwork may result in a recommendation to repeal your tax abatement.

The tax abatement recipients who fail to meet the filing requirements or who filed information that does not comply with the obligations set forth in the tax abatement petition and resolution will be asked to appear before the Finance Committee to provide additional information. Notice will be sent to the address listed on the CF-1 form(s).

The Finance Committee provides the following recommendations to assist in the proper submission and review of real and/or personal property tax abatement compliance forms:

- ✓ Complete the CF-1/PP or CF-1/RP in its entirety. Incomplete forms will be returned for completion.
- ✓ Handwritten forms must be legible.
- ✓ The Terre Haute City Council has not approved consolidation of multiple projects on one (1) compliance form. Please use a separate compliance form for each tax abatement granted.
- ✓ Using the correct compliance form, reference the correct City Council resolution number and year for each tax abatement granted.
- ✓ Please double-check all of the calculations entered on each form.

OFFICE OF THE CLERK City Hall, Room 102 17 Harding Avenue Terre Haute, Indiana 47807 812-232-3375

Charles P. Hanley, City Clerk

- Attach a copy of the original SB-1 form (Statement of Benefits) that was filed with the tax abatement.
- ✓ Be prepared to explain discrepancies between pledged numbers of employees and salaries (as listed on the original SB-1) and actual numbers of employees and salaries.
- ✓ File your completed forms annually by May 15th with both the Vigo County Auditor and the Terre Haute City Clerk's Office.
- ✓ Confirm that the contact person's name, address, and phone number is listed on the form or on a separate sheet of paper. This will expedite the process for mailing any correspondence the Finance Committee feels is necessary.

For your assistance, I have enclosed copies of the most current Indiana Department of Local Government Finance Form CF-1/PP (Compliance with Statement of Benefits Personal Property) and Form CF-1/RP (Compliance with Statement of Benefits Real Property). These forms may also be found on the Indiana Department of Local Government Finance website at www.lN.gov/dlgf.

Thank you in advance for your cooperation in this matter.

Sincerely,

Michelle L. Edwards Chief Deputy City Clerk

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Enclosures

cc: Mayor Bennett

Members of the City Council Chou-il Lee, City Attorney

Exhibit "D"

OFFICE OF THE CLERK City Hall, Room 102 17 Harding Avenue Terre Haule, Indiana 47807 812-232-3375

Charles P. Hanley, City Clerk

Tre haute

June 11, 2013

Gartland Foundry Company Inc William Grimes 330 Grant Street Terre Haute, IN 47802

RE: RS 39, 2003 Personal Tax Abatement

To Whom It May Concern:

This letter is in reference to the status of your company's tax abatement compliance with the Terre Haute City Common Council. A meeting was held by the Common Council on June 6, 2013 to discuss tax abatement compliance matters. During this meeting it was determined your company was not in substantial compliance. This determination was based on the failure to file the proper Compliance of Benefits Form (CF-1) with the Common Council.

A hearing has been scheduled for June 27, 2013 at 5:30pm (EST) in the City Hall Courtroom. The Courtroom is located at 17 Harding Avenue, City Hall, Terre Haute, Indiana 47807. A representative of your company must appear to answer questions concerning the failure to file the proper documentation. In addition, your company will need to prepare and present the proper CF-1 form during this hearing. If your company feels the forms were not required to be filed this year, please present evidence at the hearing.

If a representative fails to attend the hearing scheduled for June 27, 2013, the Council may consider such as the property owner's failure to make reasonable efforts to comply with the statement of benefits and may vote to terminate the abatement thereby eliminating the deduction, pursuant to I.C. 6-1.1-12.1-5.9(c). Please make sure a representative is available for questions at the hearing.

If you have any questions, please feel free to contact me at 812-244-2131 or Michelle.Edwards@Terrehaute.In.Gov

Sincerely,

Michelle Edwards

Chief Deputy City Clerk

MichelleEdward

Exhibit "E"

OFFICE OF THE CLERK City Hall, Room 102 17 Harding Avenue Terre Haule, Indiana 47807 812-232-3375

Charles P. Hanley, City Clerk

of terre haute

June 11, 2013

Gartland Foundry Company Inc William Grimes 330 Grant Street Terre Haute, IN 47802

RE: RS 21, 2005 Personal Tax Abatement

To Whom It May Concern:

This letter is in reference to the status of your company's tax abatement compliance with the Terre Haute City Common Council. A meeting was held by the Common Council on June 6, 2013 to discuss tax abatement compliance matters. During this meeting it was determined your company was not in substantial compliance. This determination was based on the failure to file the proper Compliance of Benefits Form (CF-1) with the Common Council.

A hearing has been scheduled for June 27, 2013 at 5:30pm (EST) in the City Hall Courtroom. The Courtroom is located at 17 Harding Avenue, City Hall, Terre Haute, Indiana 47807. A representative of your company must appear to answer questions concerning the failure to file the proper documentation. In addition, your company will need to prepare and present the proper CF-1 form during this hearing. If your company feels the forms were not required to be filed this year, please present evidence at the hearing.

If a representative fails to attend the hearing scheduled for June 27, 2013, the Council may consider such as the property owner's failure to make reasonable efforts to comply with the statement of benefits and may vote to terminate the abatement thereby eliminating the deduction, pursuant to I.C. 6-1.1-12.1-5.9(c). Please make sure a representative is available for questions at the hearing.

If you have any questions, please feel free to contact me at 812-244-2131 or Michelle.Edwards@Terrehaute.In.Gov

Sincerely,

Michelle Edwards Chief Deputy City Clerk

MichelleEduprob