

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 21-11

**A RESOLUTION DECLARING CERTAIN AREA WITHIN THE CITY OF
GREENWOOD AN ECONOMIC REVITALIZATION AREA AND QUALIFYING
CERTAIN REAL PROPERTY IMPROVEMENTS AND PERSONAL PROPERTY FOR
TAX ABATEMENT AND SETTING THE TIME AND PLACE FOR A PUBLIC
HEARING (ERMCO, Inc.)**

WHEREAS, the City of Greenwood, Indiana ("City"), recognizes the need to stimulate growth and maintain a sound economy within its corporate limits;

WHEREAS, the Greenwood Common Council further recognizes that it is in the best interest of the City of Greenwood to provide incentives to stimulate investment within the community;

WHEREAS, Ind. Code § 6-1.1-12.1 *et. seq.* provides for a program of real and personal property tax abatement within Economic Revitalization Areas ("ERA") and provides for the adoption of such a program;

WHEREAS, the Greenwood Common Council desires to establish such an ERA within the City of Greenwood;

WHEREAS, a certain area located on the northwest corner of Main Street and Graham Road (the "Real Estate") 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 prevented a normal development of property or use of property, and the property has been adjacent to an industrial area without developing for a number of years;

WHEREAS, ERMCO, Inc. ("ERMCO") has the Real Estate described and shown in composite Exhibit A, attached hereto and incorporated herein, under contract for purchase and intends to redevelop said real estate as the term is contemplated by Ind. Code § 6-1.1-12.1(5) and requests an economic revitalization area designation;

WHEREAS, ERMCO intends to construct an approximately 205,220 square foot Corporate Headquarters (63,240 SF – 2 story office space, 31,620 SF per floor; approximately 141,980 SF shop/warehouse) on the Real Estate;

WHEREAS, the City of Greenwood Redevelopment Commission ("Commission"), on February 2, 1999 by Resolution No. 99-02, designated an area within the City's corporate boundaries as an Economic Development Area ("EDA") as defined in Ind. Code § 36-7-14 and designated the entire EDA as an allocation area as defined in Ind. Code § 36-7-14-39;

WHEREAS, Greenwood Common Council tax abatement approval procedure provides that when property is located in an ERA and is also located in an allocation area, an application for property tax deduction as provided by Ind. Code § 6-1.1-12.1 may not be approved unless the Redevelopment Commission, who designated the allocation area, favorably recommends the application for property tax deduction;

WHEREAS, the real estate described in composite Exhibit A, is located in the allocation area designated in Commission Resolution No. 99-02;

WHEREAS, the Commission reviewed and approved ERMCO's Application for Property Tax Abatement (the "Application") at a public meeting on April 13, 2021 by adoption of Resolution 2021-09, a copy of which is attached hereto as Exhibit B and incorporated herein;

WHEREAS, the said property is properly zoned IL – Industrial Large use according to the Official Zoning Map of the City of Greenwood;

WHEREAS, ERMCO intends to invest approximately \$16,000,000 in the economic revitalization area in real property improvements by construction of an approximately 205,220 square foot Corporate Headquarters Building (63,240 SF – 2 story office space, 31,620 SF per floor; approximately 141,980 SF shop/warehouse), and which building will create additional employment positions and additional payroll in the City;

WHEREAS, ERMCO intends to invest approximately \$350,000 in new Manufacturing and Information Technology (IT) equipment to support the growth of ERMCO's business, which will create additional employment positions and additional payroll in the City;

WHEREAS, ERMCO filed its Statement of Benefits Real Estate Improvements (SB-1 / Real Property) and Statement of Benefits Personal Property (SB -1 / PP) with, and submitted its Application for Property Tax Abatement ("Application") to, the City on April 8, 2021;

WHEREAS, ERMCO subsequently filed an amended Application, and amended Statement of Benefits Real Estate Improvements (SB-1 / Real Property) and Statement of Benefits Personal Property (SB-1 / PP) forms with the City on April 16, 2021, copies of which are attached hereto as part of composite Exhibit A;

WHEREAS, the Greenwood Common Council has reviewed ERMCO's Amended Statement of Benefits Real Estate Improvements (SB-1 / Real Property) and Statement of Benefits Personal Property (SB – 1 / PP) forms and been otherwise duly advised in the premises and has determined that it is in the best interests of the City to allow the deductions as described in the Application;

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COMMON COUNCIL THAT:

Section 1. The area legally described and shown on the attached composite Exhibit A is found to be an area within Greenwood Common Council jurisdiction and meets the statutory criteria of an Economic Revitalization Area.

Section 2. The area legally described and shown on the attached composite Exhibit A is hereby declared an Economic Revitalization Area.

Section 3. The Greenwood Common Council hereby determines that it is in the best interest of the City to allow deductions under Ind. Code § 6-1.1-12.1-3 for the real estate improvements within the said Economic Revitalization Area, as requested in the Application, based upon the following findings:

- (1) The estimate of the value of the redevelopment of the Real Estate is reasonable for projects of that nature.
- (2) The estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
- (3) The estimate of the annual salaries of the individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
- (4) The nature of the improvements and the projected property taxes to be paid, create benefits of the type and quality anticipated by the Greenwood Common Council within the Economic Revitalization Area and can reasonably be expected to result from the proposed described redevelopment.
- (5) The totality of benefits is sufficient to justify the deductions.

Section 4. The Greenwood Common Council hereby determines that it is in the best interests of the City to allow deductions under Ind. Code § 6-1.1-12.1-4.5 on the new machinery and equipment described in composite Exhibit A, installed within the said Economic Revitalization Area based on the following findings:

- (1) The estimate of the cost of the new equipment and personal property is reasonable for equipment and property of that type;
- (2) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new equipment and personal property; and
- (3) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new equipment and personal property;
- (4) The totality of benefits is sufficient to justify the deductions.

Section 5. The Amended application of ERMCO for Real Property Tax Abatement and Amended Statement of Benefits Real Estate Improvements (Form SB-1 / Real Property) for the development of the real estate and for Personal Property Tax Abatement and Amended Statement of Benefits Personal Property Improvements (Form SB-1 / PP) as submitted are hereby approved.

Section 6. ERMCO shall be entitled to the deductions provided by Ind. Code § 6-1.1-12.1-3 for a period of ten (10) years with respect to the real property improvements which are developed in compliance with the projections and approximated conceptual plans set forth in composite Exhibit A, according to the following schedule:

Year 1: 100%	Year 6: 40%
Year 2: 95%	Year 7: 30%
Year 3: 80%	Year 8: 20%
Year 4: 65%	Year 9: 10%
Year 5: 50%	Year 10: 5%

Section 7. ERMCO shall be entitled to the deductions provided by Ind. Code § 6-1.1-12.1-4.5 for a period of five (5) years with respect to the new machinery and equipment which are installed in compliance with the projections and plans set forth in composite Exhibit A, according to the following schedule:

Year 1: 100%
Year 2: 80%
Year 3: 60%
Year 4: 40%
Year 5: 20%

Section 8. In the event that the ERA designation should terminate, such termination shall not limit the period of time ERMCO or successor owner is entitled to receive a partial abatement of property taxes relative to the construction activities completed before the date the ERA designation is terminated.

Section 9. In partial consideration of the value of the property tax deductions granted to ERMCO by the City, ERMCO hereby agrees and commits to not file any real property tax assessment appeal, review, or other challenge ("Appeal") of the real property tax assessments made for the Real Estate during the time periods for which real property tax deductions are authorized under this Resolution, unless the assessed value of the Real Estate exceeds the total actual investment in the Real Estate (including, but not limited to, the purchase price and the costs of any improvements). In the event ERMCO desires to file such an Appeal, ERMCO shall provide the City with a copy of the Appeal no later than the date ERMCO files the Appeal. Violation of the restrictions on and conditions applicable to an Appeal shall permit the City to terminate the property tax deductions authorized under this Resolution.

Section 10. Two (2) copies of the ERA map are on file in the Office of the City Clerk of Greenwood, Indiana and the Common Council directs the Clerk to maintain for public inspection the two (2) copies in the files of the Clerk.

Section 11. Notice of the adoption and the substance of this Resolution and all other disclosures required by Ind. Code § 6-1.1-12.1-2.5 shall be published in accordance with Ind. Code § 5-3-1, which notice shall advise that at the Greenwood Common Council's regularly scheduled

meeting on June 7, 2021 at 7:00 p.m., the Council will receive and hear all remonstrance and objections from interested persons, and, having heard and considered same, will act to rescind, modify and confirm, or confirm this Resolution.

Section 12. A copy of the above-referenced notice of adoption and a statement containing substantially the same information as the Amended Statement of Benefits Real Estate Improvements ((Form SB-1 / Real Property) included in composite Exhibit A shall be filed with the officers of each taxing unit that has authority to levy property taxes in the geographic area which is hereby allowed deductions at least ten (10) days prior to the public hearing on this Resolution.

Section 13. A copy of this Resolution shall be filed with the Johnson County Assessor's Office and made available at that office for public inspection.

Section 14. The sections, paragraphs, sentences, clauses, and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this Resolution.

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Passed by the Common Council of the City of Greenwood, Indiana, this 3rd day of May, 2021.

Michael

Michael Campbell, President
Greenwood Common Council

FOR:

AGAINST:

Linda S. Gibson

Linda S. Gibson

Ezra J. Hill

Ezra J. Hill

Michael Williams

Michael Williams

Ronald Bates

Ronald Bates

Ronald Bates

J. David Hopper

J. David Hopper

David Lekse

David Lekse

Michael Campbell

Michael Campbell

Robert Dine

Robert Dine

Bradley Pendleton

Bradley Pendleton

ATTEST:

Jeannine Myers
Jeannine Myers, Clerk

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the 3rd day of May, 2021, is presented by me this 4th day of May, 2021, at 10:00 o'clock A.m. to the Mayor of the City of Greenwood.

Jeannine Myers
Jeannine Myers, Clerk

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the 3rd day of May, 2021, is signed and approved by me this day of 4th May, 2021, at 2:00 o'clock P.m. to the Mayor of the City of Greenwood.

Mark W. Myers
MARK W. MYERS, Mayor of the City of
Greenwood, Indiana