

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 22-27

**A RESOLUTION OF THE GREENWOOD COMMON COUNCIL WAIVING
NONCOMPLIANCE OF MREIC INDY IN 3, LLC REGARDING ITS FAILURE TO
TIMELY FILE ITS COMPLIANCE WITH STATEMENT OF BENEFITS**

WHEREAS, GLA Properties II, LLC submitted an Application for Real Property Tax Abatement ("Application") for certain real property located with the City of Greenwood ("City") on September 13, 2019 that included a completed Statement of Benefits Real Estate Improvements form ("SB-1/RE");

WHEREAS, on October 21, 2019, the Greenwood Common Council adopted Common Council Resolution No. 19-19 declaring that the real estate described in the attached Exhibit A which is incorporated herein by reference, to be in an economic revitalization area therefore qualifying the real property improvements for tax abatement for a ten-year period;

WHEREAS, Ind. Code § 6-1.1-12.1-5.6(b) requires the property owner who receives the tax abatement to provide the County Auditor and the Common Council with information showing the extent to which there has been compliance with the Statement of Benefits ("SB-1") that was approved that must be updated each year in which the deduction is applicable, by annually filing the Compliance with Statement of Benefits form ("CF-1") with the County Auditor and Common Council;

WHEREAS, MREIC Indy IN 3, LLC, successor owner of the real estate has completed improvements to the real property at a cost of \$54,427,625.63 and assessed value of \$33,086,700.00, and added 3,645 employees at cumulative salaries of \$103,738,499.70, although it failed to file a CF-1 form for 2022 by the applicable filing deadline;

WHEREAS, on October 3, 2022, MREIC Indy IN 3, LLC, filed with the City of Greenwood Common Council the Compliance with Statement of Benefits form for 2022, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference;

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-9.5(b)(1), the designating body may waive a property owner's failure to timely comply with the filing requirements of Ind. Code § 6-1.1-12.1-5.6 (compliance with statement of benefits) provided the property owner files the required document and the designating body adopts the waiver by resolution;

WHEREAS, it has been determined that the failure of MREIC Indy IN 3, LLC to timely file the CF-1 form for 2022 was not intentional and that MREIC Indy IN 3, LLC has otherwise complied with the terms of the tax abatement by constructing real property improvements as contemplated on the Statement of Benefits, has created new positions and payroll that exceeds the estimates of the Statement of Benefits, and that MREIC Indy IN 3, LLC qualifies for the property tax deductions;

WHEREAS, it has been determined that it is in the best interest of the City to waive MREIC Indy IN 3, LLC's failure to timely comply with the Compliance with Statement of Benefit filing requirements of Ind. Code § 6-1.1-12.1-5.6 and to permit the late filing of the CF-1 form for 2022;

WHEREAS, in accordance with Ind. Code § 6-1.1-12.1-9.5(b), after receiving information from MREIC Indy IN 3, LLC and other interested parties, it is hereby determined that non-compliance of MREIC Indy IN 3, LLC regarding the timely filing of its CF-1 form for 2022, as required by law, be waived and that MREIC Indy IN 3, LLC be permitted to file its CF-1 form for 2022.

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

Section 1. The Common Council hereby finds that MREIC Indy IN 3, LLC did not timely file a CF-1 form for 2022, although it completed real property improvements contemplated by the Statement of Benefits Form ("SB-1") and qualifies for the property tax deductions set forth

thereon, and that MREIC Indy IN 3, LLC subsequently filed the CF-1 form for 2022 prior to the adoption of this Resolution.

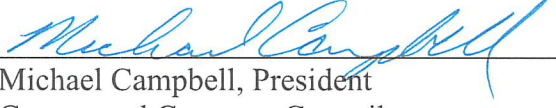
Section 2. The Common Council hereby determines that compliance by MREIC Indy IN 3, LLC with the requirements of Ind. Code. § 6-1.1-12.1-5.6 regarding the timely filing of a Compliance with Statement of Benefits ("CF-1") form providing information showing the extent to which there has been compliance with the Statement of Benefits approved for 2022 should be, and is hereby, waived.

Section 3. The Common Council hereby finds that on October 3, 2022 MREIC Indy IN 3, LLC filed Form CF-1 for 2022 with the Common Council. MREIC Indy IN 3, LLC corrected the noncompliance before the adoption of this Resolution.

Section 4. The Clerk is directed to mail a certified copy of this Resolution to MREIC Indy IN 3, LLC, the Auditor of Johnson County, and the Indiana Department of Local Government Finance.

Section 5. This resolution shall be effective from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Greenwood, Indiana, this 9th day of November, 2022.


Michael Campbell, President
Greenwood Common Council

ATTEST:

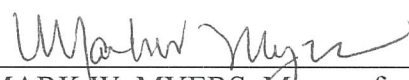
I hereby certify that the foregoing within and attached resolution was duly passed by the Common Council of the City of Greenwood, Indiana, at a meeting thereof held on the 9th day of November, 2022, by the following vote:

	AYE:	NAY:
Ronald Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Andrew K. Foster	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda S. Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ezra Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. David Hopper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Lekse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bradley Pendleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The foregoing within and attached resolution passed by the Common Council of the City of Greenwood, Indiana, on the 9th day of November, 2022, is presented by me this 17th day of November, 2022, at 12:00 o'clock P.m., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

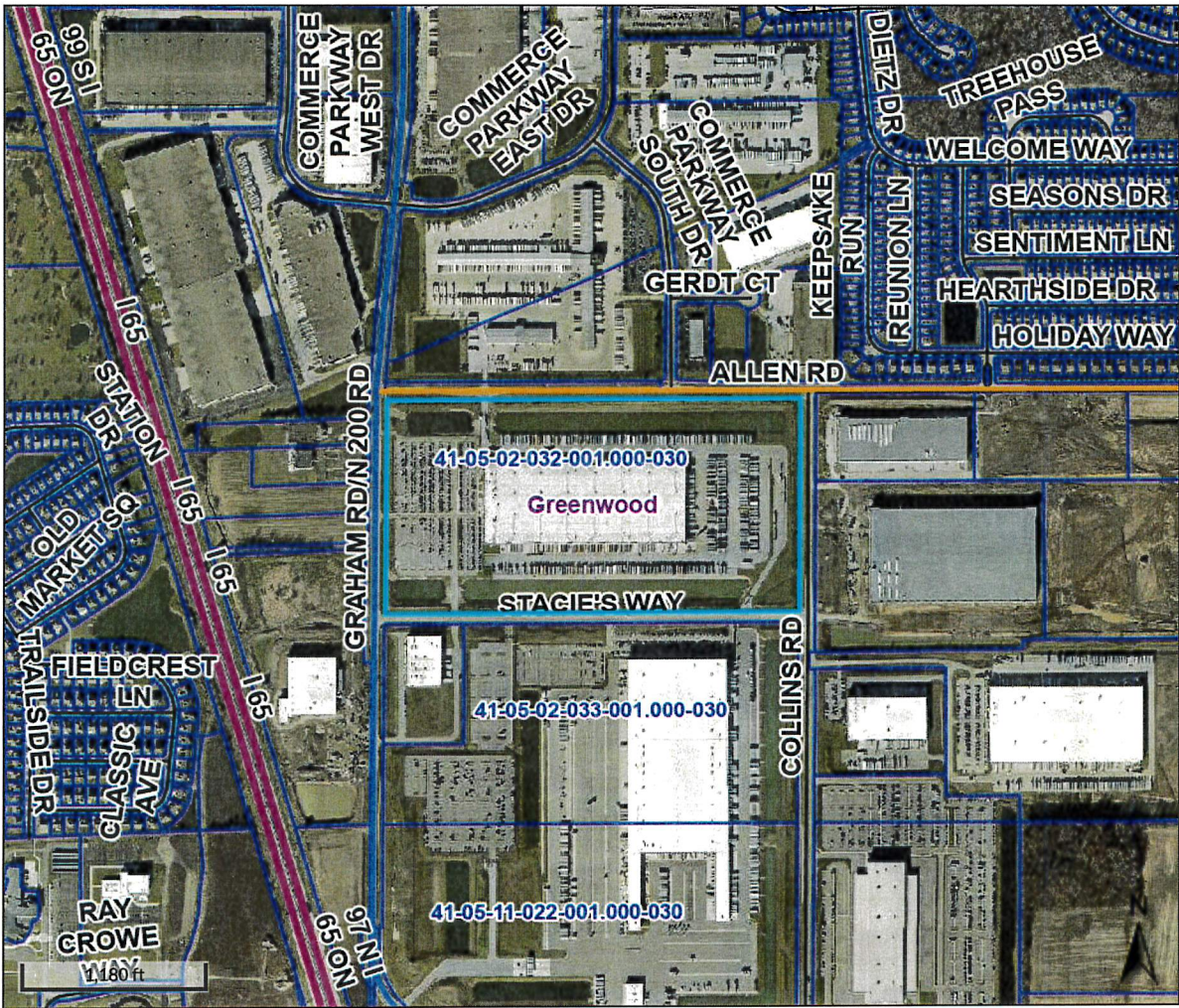
The foregoing within and attached resolution passed by the Common Council of the City of Greenwood, Indiana, on the 9th day of November, 2022, is approved by me this 20th day of November, 2022, at 5:00 o'clock P.m.


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

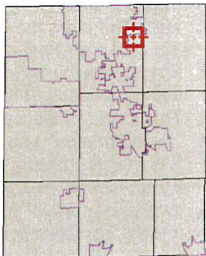


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Johnson County, IN



Overview



Legend

- Cities
- Parcels
- Roads
 - ACCESS RAMP
 - HIGHWAY
 - INTERSTATE
 - LOCAL
 - MAJOR ARTERIAL
 - MAJOR COLLECTOR
 - MINOR ARTERIAL
 - MINOR COLLECTOR
 - PRIVATE ROAD

Parcel ID	41-05-02-032-001.000-030	Alternate ID	41-05-02-032-001.000-030	Owner Address	MREIC INDY IN 3 LLC
Sec/Twp/Rng	n/a	Class	Industrial Warehouse		C/O THE RMR GROUP
Property Address	1151 S GRAHAM RD GREENWOOD	Acreage	78.64		255 WASHINGTON ST STE 270 NEWTON, MA 02458
District	030 COUNTYWIDE				
Brief Tax Description	GREENWOOD PARK @ 65 SOUTH LOT 1 (Note: Not to be used on legal documents)				

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GEOSPATIAL


**COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51766 (R3 / 2-13)

Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM CF-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer MREIC Indy IN 3, LLC		County Johnson	
Address of taxpayer (number and street, city, state, and ZIP code) c/o The RMR Group, 255 Washington Street, Suite 270, Newton, MA 02458		DLGF taxing district number 030	
Name of contact person Ruth Cimorelli		Telephone number (617) 658-0736	
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY	
Name of designating body Greenwood Common Council	Resolution number 18-20	Estimated start date (month, day, year) 10/1/2018	
Location of property 1151 S. Graham Road, Greenwood, IN 46143		Actual start date (month, day, year) 10/8/2018	
Description of real property improvements reinforced steel structure with pre-cast concrete tilt-wall exterior panels and a 60 mil. TPO roof system		Estimated completion date (month, day, year) 12/31/2022	
		Actual completion date (month, day, year) 7/31/2019	
SECTION 3		EMPLOYEES AND SALARIES	
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		1250	3645
Salaries		38,090,000.00	103,738,449.70
Number of employees retained			
Salaries			
Number of additional employees			
Salaries			
SECTION 4		COST AND VALUES	
COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1		COST	ASSESSED VALUE
Values before project			
Plus: Values of proposed project		45,000,000.00	
Less: Values of any property being replaced			
Net values upon completion of project		45,000,000.00	
ACTUAL		COST	ASSESSED VALUE
Values before project			
Plus: Values of proposed project		54,427,625.63	
Less: Values of any property being replaced			
Net values upon completion of project		54,427,625.63	33,086,700.00
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted			
Amount of hazardous waste converted			
Other benefits:			
SECTION 6		TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.			
Signature of authorized representative 		Title CFO and Treasurer	Date signed (month, day, year) 9/30/2022

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991**

INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (specify) _____

Reasons for the determination (attach additional sheets if necessary)

Signature of authorized member

Date signed (month, day, year)

Attested by:

Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing

☐ AM
☐ PM

Date of hearing (month, day, year)

Location of hearing

HEARING RESULTS (to be completed after the hearing)

☐ Approved

☐ Denied (see instruction 4 above)

Reasons for the determination (attach additional sheets if necessary)

Signature of authorized member

Date signed (month, day, year)

Attested by:

Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.