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**RESOLUTION 09 - 2021**

**RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF AUBURN, INDIANA REGARDING CONTITECH USA, INC.**

**Summary**

This Resolution allows for a belated filing of the Form CF-1/PP and Form CF-1/RE required for the Tax-Phase for CONTITECH USA, INC. pursuant to Indiana Code Section 6-1.1-1-12.1-13.1.

\_\_\_\_\_x\_\_\_\_\_ Recorder's Office

\_\_\_\_\_x\_\_\_\_\_ Publish Public Hearing

\_\_\_\_\_x\_\_\_\_\_ Auditor's /Assessor's Office

6pm 7/20/2021

\_\_\_\_\_ Clerk's Office

\_\_\_\_\_x\_\_\_\_\_ Publish summary O/R

\_\_\_\_\_ Other:

**RESOLUTION 09 - 2021**

**RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF AUBURN, INDIANA REGARDING CONTITECH USA, INC.**

**WHEREAS**, the Common Council of the City of Auburn has heretofore adopted its resolutions (the “RESOLUTION”) and Ordinances that created an Economic Development Area (ERA) and granted tax abatement for both Real Estate and Personal Property to CONTITECH USA, INC; and

**WHEREAS**, pursuant to I.C. 6-1.1-1-12.1-13.1, the Common Council has the authority to waive any noncompliance by a tax payer, including failure to timely file Form CF-1/PP; and

**WHEREAS**, CONTITECH USA, INC. failed timely to file Form CF-1/PP and CF-1/RE for the year 2021 payable in either 2021 and /or 2022 and consistent with the Indiana Code the purpose of this Resolution cures the defect by waiving the deadline for the late filing by the Auburn Common Council and to allow the County Assessor or the County Auditor, as the case may be, to apply the appropriate deduction; and

**WHEREAS**, the Auburn Common Council, has held a hearing to consider the explanation of CONTITECH USA, Inc. and on this date, held a public hearing pursuant to a notice duly published in the Star newspaper a qualifying newspaper published in DeKalb County, State of Indiana, and has heard and considered the testimony of any person interested in the proceedings regarding the foregoing.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Auburn that the Common Council hereby waives any and all errors and nonconformities that are waivable under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3, and any other relevant provisions of law including, without limitation, any noncompliance for file the Form CF-1/PP and Form CF-1/RE

**BE IT FURTHER RESOLVED**, that the Common Council hereby passes the Resolution to waive noncompliance and to give the tax payer the appropriate deduction and other relief for taxes, payable in 2021 and / or 2022 or to allow the tax deduction to move forward that is associated with the CF-1 Compliance forms that are due in the year 2021. All belated filings are hereby waived and shown as timely filed herein, after good cause being shown.

**BE IT FURTHER RESOLVED**, that the Clerk-Treasurer of the City is hereby directed to submit a copy of the Resolution to the Auditor or Assessor of DeKalb County, Indiana as appropriate with a request that the County of DeKalb implement the waiver approved in the Resolution.

**ECONOMIC REVITALIZATION AREA**: The following is the real estate subject to the tax phase-in situated in DeKalb County, State of Indiana, to-wit:

**See Exhibit “A”**

**PRESENTLY AND COMMONLY KNOWN**

**and the current location of the company commonly referred to as CONTITECH USA, INC. at 207 S. West Street, Auburn, Indiana 46706.**

Passed and adopted by the Common Council of the City of Auburn, DeKalb  
County, Indiana, this 20<sup>nd</sup> day of July, 2021

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF AUBURN,  
INDIANA, ON THE 20th day of July, 2021.**

\_\_\_\_\_  
James Finchum, Council Member

**ATTEST:**

\_\_\_\_\_  
Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this **20<sup>th</sup> day of July, 2021.**

\_\_\_\_\_  
**PATRICIA MILLER**  
Clerk-Treasurer

**APPROVED AND SIGNED** by me this 20<sup>th</sup> day of July

\_\_\_\_\_  
**MICHAEL D. Ley, Mayor**

**VOTING**

**AYE**

**NAY**

Kevin Webb, *President*

James Finchum

Dave Bundy

Natalie DeWitt

Dennis K Kruse II

Dennis Ketzenberger

Michael Walter

**Exhibit “A”**

The following Real Estate in DeKalb County in the State of Indiana, to-wit:

A part of the Northeast Quarter (1/4) of Section Thirty-one (31), Township 34 North, Range 13 East, Union Civil Township, DeKalb County, Indiana and more particularly described as follows:

Beginning at an iron rod found at the intersection of the Northerly right-of-way line of West Fifteenth Street (as established by a Quit Claim Deed to The Municipal City of Auburn of DeKalb County in the State of Indiana dated August 6, 1973 and recorded September 20, 1973 in Deed Record Volume 155 at page 490) in the City of Auburn, Indiana and the Westerly right-of-way line of the Fort Wayne & Jackson Railroad (now Penn-Central), said iron rod found at the point of beginning also being at a South-East corner of a tract of real estate conveyed by the trustee of Cooper Tire & Rubber Company Employees’ Retirement Trust to Cooper Tire & Rubber Company by Warranty Deed dated June 6, 1980 and recorded June 16, 1980 in Deed Record Volume 172 at page 383, thence North 22 degrees 17 minutes 00 seconds East (recorded bearing and basis of all bearings to follow in this description) on and along said Westerly railroad right-of-way line and also being on and along an easterly line of said Cooper Tire & Rubber Company tract of real estate, 803.09 feet to a P.K. Nail found at the intersection of said Westerly railroad right-of-way line and the South line of West Eleventh Street in the City of Auburn, Indiana, said P.K. Nail found also being at a Northeast corner of said Cooper Tire & Rubber Company tract of real estate then North 88 degrees 33 minutes 25 seconds East on and along the extended South line of said West Eleventh Street and also being on and along an extended North line of said Cooper Tire & Rubber Company tract of real estate 38.23 feet to an iron rod set fifteen (15) feet Northwesterly (by right angle measure) of the centerline of said Fort Wayne & Jackson Railroad; thence South 22 degrees 17 minutes 00 seconds West parallel to a fifteen (15) feet Westerly (by right angle measure) of the centerline of said Fort Wayne & Jackson Railroad, 803.07 feet to an iron rod set on the extended Northerly right-of-way line of said West Fifteenth Street, said iron rod set also being on the extended South line of said Cooper Tire & Rubber Company tract of real estate; thence South 88 degrees 31 minutes 40 seconds West on and along the extended Northerly right-of-way line of said West Fifteenth Street and also being on and along the extended South line of said Cooper Tire & Rubber Company tract of real estate, 38.24 feet to the point of beginning.

AND ALSO, a part of the Northeast Quarter (1/4) of Section Thirty-one (31), Township Thirty-four (34) North, Range Thirteen (13) East, Union Civil Township, DeKalb County, Indiana, more particularly described as follows:

Beginning at a cross cut in concrete at the intersection of the South line of Eleventh Street and the West line of West Street in the City of Auburn, thence North 1 degree 23 minutes 55 seconds West (assumed bearing and basis of all bearings to follow in this description) (North recorded) on and along the West line of West Street, 138.54 feet (138.9 feet recorded) to a Railroad rail fence corner post; thence South 88 degrees 35 minutes 05 seconds (West recorded), 417.32 feet (416 feet recorded) to a Railroad rail fence post; thence South 88 degrees 50 minutes 40 seconds West (South 88 degrees 25 minutes West recorded), 246.80 feet (246.8 recorded); thence South 1 degree 36 minutes 35 seconds East (South 1 degree 30 minutes East recorded), 875.64 feet (875.6 feet recorded) to an iron rod on the Northerly right-of-way line of Fifteenth Street, thence North 88 degrees 31 minutes 40 seconds East on and along said Northerly right-of-way line, 691.74 feet to an iron rod at the intersection of said Northerly right-of-way line and the Westerly right-of-way line of the Fort Wayne, Jackson and Saginaw, also New York Central, also Penn Central Railroad; thence North 22 degrees 17 minutes 00 seconds East on and along said Westerly railroad right-of-way line, 803.09 feet to a P.K. Nail at the intersection of said Westerly railroad right-of-way line and the South line of Eleventh Street, thence Westerly on and along the South line of Eleventh Street the following three (3) courses and distances to-wit:

1. South 88° 33' 25" West, 65.42 feet to a cross cut in concrete,
2. North 1° 23' 55" West, 0.10 feet to a cross cut in concrete, and
3. South 88° 33' 25" West, 288.00 feet to the point of beginning containing 16.542 acres subject to all legal right-of-way and easements

Included within and a part of this tract of real estate as described are Lots Numbered Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37) and Thirty-eight (38) in West View Addition to the City of Auburn; also vacated "West Street from Eleventh Street South to the Southern extremity of West Street", the vacated "alleyway lying South and adjacent to Lot 38 in West View Addition and extending from West Street East to the right of way of the Fort Wayne, Jackson and Saginaw Railroad Company, now operated by the New York Central Railroad Company", the vacated "alleyway lying on the Southeast side of said West View Addition and adjacent to and on the Northwest side of the Fort Wayne, Jackson and Saginaw Railroad Company, which is now operated by the New York Central Railroad Company, and extending from Eleventh Street in West View

Addition Southwesterly to the end of said Addition;” and the vacated “alleyway extending East from West Street in said West View Addition to the alleyway along the Northwest side of the right of way of Fort Wayne, Jackson and Saginaw Railroad Company, now operated by the New York Central Railroad Company, said alleyway being bounded on the North by Lots 29 and 33, inclusive, and on the South by Lot 34, all of said lots being in West View Addition”, all as vacated in DeKalb Circuit Court per Cause Number 20455; also a part of West Eleventh Street in the City of Auburn, Indiana; described as follows, to-wit; “Beginning at a point in the intersection of the South line of Eleventh Street and the West line of West Street extended, and thence as follows: North on the West line of West Street 7.6 feet; thence East parallel with the South line of Eleventh Street 288 feet; thence South 7.6 feet to the South line of Eleventh Street; thence West along the South line of Eleventh Street 288 feet to the place of beginning” as vacated in DeKalb Circuit Court per Cause Number 22522; also a part of West Eleventh Street in the City of Auburn, Indiana, described as follows, to-wit; “The South seven and one-half (7 ½) feet to West Eleventh Street between the West right of way line of the New York Central Railroad and the West line of Fulton Street” as vacated in DeKalb Circuit Court per Cause Number 25395. Along with a part of vacated 11th Street adjacent to Lots 29, 30, 31, 32 and 33 per Ordinance No. 97-30 recorded January 2, 19998 in Record Miscellaneous 7 Page 144.

EXCEPTING therefrom:

Part of the Northeast Quarter (1/4) of Section Thirty-one (31), Township Thirty-four (34) North, Range Thirteen (13) East, Union Civil Township, DeKalb County, Indiana, and more particularly described as follows:

Beginning at a point where the extended North line of West Fifteenth Street, in the City of Auburn, Indiana, intersects with West right-of-way line for the main tract of the Penn Central Railroad Company; thence South 88 degrees 25 minutes West on and along said extended North street line, 690.1 feet; thence North 1 degree 39 minutes West, 7 feet; thence North 88 degrees 25 minutes East, parallel to and 7 feet northerly of (as measured at right angles) the aforesaid of extended North line at West Fifteenth Street to the aforesaid West railroad right-of-way line thence Southwesterly on and along said railroad right-of-way line to a point of beginning.

ALSO EXCEPTING therefrom:

Part of the Northeast Quarter of Section 31, Township 34 North, Range 13 East, described as follows: Beginning at the intersection of the North line of Fifteenth Street, in the City of Auburn, extended Westerly at its intersection with the Westerly line of the

right-of-way of the Penn Central Railroad Company; thence South 88 degrees 25 minutes West on the North line of said Fifteenth Street Extended 443.3 feet; thence South One degree 30 minutes East 922.9 feet to said Westerly right of way line of said railroad; thence Northeasterly along said right of way line 1,025.1 feet to the place of beginning.