

1st Reading 01/06/09
2nd Reading 01/20/09

Received 12/22/08 via email 4:37pm
Clerk-Treasurer's Office
Auburn, Indiana

RESOLUTION NO. 01- 2009

**A RESOLUTION APPROVING ERA APPLICATION
FOR BETZ SENIOR VILLAS, LLP**

SUMMARY

This resolution retroactively applies the application required under Form 322 / RE to the tax phase-in for Betz Nursing, Inc./Betz Developing Company, LLC d/b/a Betz Senior Villas, LLP.

The application is hereby retroactively accepted prior to the date of approval of the tax phase-in on February 21, 2006.

This resolution authorizes the Auburn City Council to accept said application for the tax phase-in, which has previously been approved and for the County Auditor to accept said application and to apply the tax phase-in as Indiana Code allows.

_____ Recorder's Office	_____ <u>N/A</u> Publish Public Hearing
_____ Auditor's Office	_____
_____ Clerk's Office	_____ <u>N/A</u> Publish O/R after adoption
<u>xx</u> _____ Other: City Web Site	_____

RESOLUTION NO. 01- 2009

**A RESOLUTION APPROVING ERA APPLICATION
FOR BETZ SENIOR VILLAS, LLP**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF AUBURN,

INDIANA: This resolution retroactively applies the application required under Form 322 / RE to the tax phase-in for Betz Nursing, Inc./Betz Developing Company, LLC d/b/a Betz Senior Villas, LLP.

The application is hereby retroactively accepted prior to the date of approval of the tax phase-in on February 21, 2006. The application shall be considered timely filed by the County Auditor.

This resolution authorizes the Auburn City Council to accept said application for the tax phase-in, which has previously been approved and for the County Auditor to accept said application and to apply the tax phase-in as Indiana Code allows.

WHEREAS, the Common Council of the City of Auburn, Indiana, previously approved an Economic Revitalization Area for the real estate located at 116 Betz Road, Auburn, Indiana 46706, in Tax District 025, Key Number 18-06-20-179-003, and legally described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, Form 322 / RE has not previously been filed as required by Indiana Code. See said application attached hereto as Exhibit "B";

WHEREAS, all other appropriate forms associated with said request for deduction from assessed valuation of structures in Economic Revitalization Area have been filed in the past by the Auburn Common Council.

1st Reading 01/06/09
2nd Reading _____

NOW THEREFORE, BE IT RESOLVED, by the City of Auburn Common Council that Form 322 / RE shall hereby be retroactively accepted and considered to be part of the application for tax phase-in previously approved by this Council on February 21, 2006, and that this resolution and application shall be submitted to the Auditor of DeKalb County, Indiana;

WHEREAS, said form shall be accepted as part of the application for the tax phase-in for the property described herein.

BE IT FURTHER RESOLVED, this Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

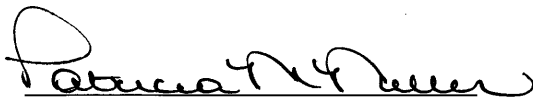
ADOPTED BY THE COMMON COUNCIL OF THE MUNICIPAL CITY OF AUBURN, INDIANA, ON THE 20th **DAY OF** January, **2009.**


PATRICIA MILLER
Clerk-Treasurer

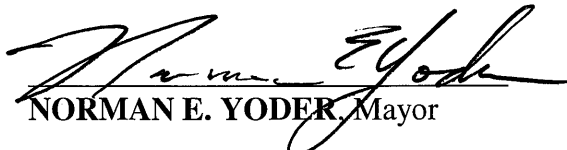
PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 20th day of January, 2009.


JAMES FINCHUM, Councilmember

ATTEST:


Patricia Miller, Clerk-Treasurer

Presented and approved by me, Mayor of the City of Auburn, Indiana, this 20th day of January, 2009.


NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

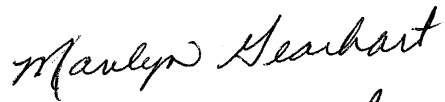
Dick Stahly



David Painter



Marilyn Gearhart



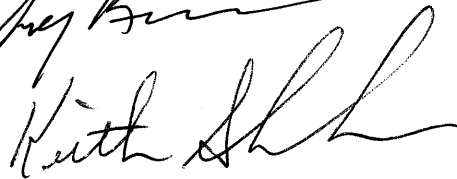
James Finchum



Greg Kenner



Keith Schrimshaw



Michael Walter



EXHIBIT "A"

A part of the Northeast Quarter (1/4) and a part of the Northwest Quarter (1/4) of Section Twenty (20), Township Thirty-four (34) North, Range Thirteen (13) East, Second Principal Meridian, Union Civil Township, DeKalb County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Southeast corner of the Northwest Quarter (1/4) of said Section 20; thence South $89^{\circ} 25' 10''$ West (assumed bearing and basis of all bearings to follow in this description), 200.00 feet on and along the South line of said Northwest Quarter (1/4) to the Southwest corner of a 0.874 acre tract of real estate described in Warranty Deed dated February 19, 2002, to Betz Nursing Home, Inc. and recorded in Document No. 02-1643 in the Office of the Recorder of DeKalb County, Indiana, said point being the true point of beginning of this description: thence continuing South $89^{\circ} 25' 10''$ West, 60.00 feet on and along said South line of the Northwest Quarter (1/4) to the Southeast corner of a 0.43 acre tract of real estate described in Trustees' Deed dated February 15, 2002, to Betz Nursing Home, Inc. and recorded in Document No. 02-1642 in said recorder's office; thence North $01^{\circ} 30' 00''$ East, 170.00 feet on and along the East line of said 0.43 acre tract to the Northeast corner of said tract; thence South $89^{\circ} 25' 10''$ West, 218.00 feet on and along the North line of said 0.43 acre tract, on and along the North line of a 0.215 acre tract of real estate described in said Trustees' Deed to Betz Nursing Home, Inc., and on and along the North line of a 0.215 acre tract of real estate described in Warranty Deed dated November 9, 1962, to Thurlow D. Hay and Gail E. Hay and recorded in Deed Record 135 at page 198 in said recorder's office to the East line of the plat of Auburn Hills Section 1, an addition to DeKalb County, Indiana, as recorded in Plat Book 8 at page 120 in said recorder's office, said point marked by a 5/8 inch rebar with cap marked "KLINE ASSOC. INC. #0043"; thence North $01^{\circ} 30' 00''$ East, 596.05 feet on and along said East line of the plat of Auburn Hills Section I to a 5/8 inch rebar with cap marked "RUSSELL ASSOC, CORP. #0017" marking the Northwest corner of a 2.000 acre tract of real estate described in Warranty Deed dated September 29, 1997, to Betz Nursing Home, Inc. and recorded in Deed Record 218 at page 571 in said recorder's office; thence North $89^{\circ} 31' 31''$ East, 248.67 feet on and along the North line of said 2.000 acre tract to a 5/8 inch rebar with cap marked "RUSSELL ASSOC, CORP. #0017" marking the Northeast corner of said tract and also being a point on the West line of a 1.071 acre tract of real estate described in Warranty Deed dated June 10, 1996, to Philip E. Schlink and Carie L. Schlink and recorded in Deed Record 214 at

page 254 in said recorder's office; thence South 01 ° 28 min. 26 sec. West, 120.00 feet on and along said West line of 1.071 acre tract to a 5/8 inch rebar with cap marked "RUSSELL ASSOC, CORP. #0017" marking the Southwest corner of said tract; thence North 89 ° 31 min. 31 sec. East, 229.24 feet on and along the South line of said 1.071 acre tract to a 5/8 inch rebar with cap marked 'KLINE ASSOC. INC. #0043" on the East line of said Northwest Quarter (1/4); thence North 01 ° 30 min. 00 sec. East, 6.91 feet on and along said East line of the Northwest Quarter (1/4) to the Southwest corner of the plat of Woodfield Addition, an addition to DeKalb County, Indiana, as recorded in Plat Book 5 at page 260 in said recorder's office, said point marked by a 5/8 inch rebar with cap marked "KLINE ASSOC. INC. #0043"; thence South 68 ° 08 min. 05 sec. East, 288.00 feet on and along the South line of said plat of Woodfield Addition; thence South 21 ° 51 min. 55 sec. West, 195.57 feet; thence North 67 ° 41 min. 15 sec. West, 216.03 feet to a point on aforesaid East line of the Northwest Quarter (1/4); thence South 01 ° 30 min. 00 sec. West, 255.26 feet on and along said East line of the Northwest Quarter (1/4) to the Northeast corner of aforesaid 0.874 acre tract of real estate described to Betz Nursing Home, Inc.; thence South 89 ° 25 min. 10 sec. West, 200.00 feet on and along the North line of said 0.874 acre tract to the Northwest corner of said tract; thence South 01 ° 30 min. 00 sec. West, 190.00 feet on and along the West line of said 0.874 acre tract to the point of beginning, containing 7.168 acres.

Said above described 7.168 acre tract SUBJECT TO a 60 feet wide ingress-egress easement as established per Quit Claim Deed dated June 6, 1996, and recorded in Deed Record 214 at page 253 in the Office of the Recorder of DeKalb County, Indiana.

ALSO SUBJECT TO two (2) 20 feet wide utility easements to the City of Auburn, Indiana, and Indiana Bell Telephone Company as established per Right of Way Grant dated September 30, 1968, and recorded in Deed Record 149 at page 39 in the Office of the Recorder of DeKalb County, Indiana.

Subject to any and all other restrictions, conditions, limitations, zoning ordinances, easements visible or of record, rights of way and highways of record.

PRESENTLY AND COMMONLY LOCATED approximately ½ block of 116 Betz Road, Auburn, Indiana, 46706.