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Clerk-Treasurer
Auburn, Indiana

RESOLUTION 15-2009

**RESOLUTION QUALIFYING
NEW EQUIPMENT AND REAL ESTATE FOR TAX PHASE-IN**

Summary

The attached resolution grants tax phase-in to **ALCOA CORPORATION** for certain real estate improvements and equipment.

The attached resolution establishes that certain equipment is to be installed or located within an economic revitalization area.

Further, the resolution allows for **ALCOA CORPORATION** to receive tax phase-in as follows:

Five (5) years for new manufacturing equipment with a value of **\$53,720.00 and**

Three (3) years for real estate improvements with a value of **\$45,780.00**

The resolution also sets forth that the Clerk-Treasurer will file a certified copy of this same resolution with the County Auditor.

_____ Recorder's Office	<u>11/6/09</u> Publish Public Hearing
<u>x</u> Auditor's Office	<u>11/17/09 @ 6:00pm</u>
_____ Clerk's Office	_____ Publish O/R after adoption
<u>x</u> Other: Clerk-Treas.	

RESOLUTION 15- 2009

**RESOLUTION QUALIFYING
NEW EQUIPMENT AND REAL ESTATE FOR TAX PHASE-IN**

WHEREAS, the Common Council of the City of Auburn, Indiana, has approved of economic revitalization and tax phase-in pursuant to the provisions of Indiana Code, I.C. 6-1.1-12.1 et seq. and has enacted ordinance number 86-22 to implement economic revitalization and tax phase-in pursuant to this statute;

WHEREAS, **ALCOA CORPORATION** has filed an application for tax phase-in for new manufacturing equipment pursuant to said statute and ordinance which application was filed on **October 20, 2009**.

WHEREAS, said application has been reviewed by the Committee of the Common Council with a do-pass recommendation and the applicant has paid the required filing fees;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF AUBURN, DEKALB COUNTY, INDIANA, THAT:

1. **AREA INCLUDED IN ECONOMIC REVITALIZATION AREA** It is hereby declared that the following described real estate, situate in DeKalb County, State of Indiana, to-wit:

Commencing at a cast iron marker situated in the Southeast corner of said Southwest Quarter; thence N 01-21-19 W (Record Basis of Bearings) for 1402.16 feet along the East line of said Southwest Quarter to a square iron rod; thence S 87-56-18 W for 80.01 feet along the centerline of a 100 feet wide perpetual easement conveyed to the Municipal City of Auburn in DeKalb County Deed Record Book 182, page 217, to a Railroad spike, the TRUE POINT OF BEGINNING; thence S 87-56-18 W for 1737.54 feet along said centerline to a Rebar Stake; thence S 00-39-14 E for 655.45 feet along a line parallel with and 150 feet East of the West line of said Southwest Quarter (said line also being the East Right-of-way line of a 150

feet wide Public Drain Easement conveyed to the Municipal City of Auburn in DeKalb County Deed Record Book 182, page 215) to a Rebar stake; thence S 89-20-46 W for 150.00 feet along the south Right-of-way line of said Drain Easement to a Rebar stake; thence S 00-39-14 E for 462.87 feet along the West line of said Southwest Quarter to a Rebar stake; thence Easterly for 113.26 feet along the North Right-of-way of the CSX Railroad (being a circular arc that is concave to the South having a radius measuring 5785.65 feet and having a long chord measuring 113.26 feet and bearing S 77-25-52 E; thence S 76-52-13 E for 370.02 along said North right-of-way line to a Rebar stake in the Southwest corner of the tract of land conveyed to the B&O Railroad in DeKalb County Deed Record Book 117, page 404; thence N 13-07-47 E for 60.00 feet along the West line of said B&O tract to a Rebar stake in the Northwest corner thereof (also being the Southwest corner of the tract of land conveyed to Ruth Chaffins in DeKalb County Deed Record Book 202; page 249); thence N 01-21-19 W for 288.33 feet along the West line of said Chaffins tract to a Rebar stake in the Southwest corner of the tract of land conveyed to Cleta Grandstaff in DeKalb County Deed Record Book 183, page 211; thence N 87-56-08 E for 177.97 feet along the South line of said Grandstaff tract to a Rebar stake in the Southeast corner thereof (also being the Northwest corner of Spangler's original Plat of Auburn Junction as recorded in DeKalb County Plat Book 2, page 64, and in Plat Book 3, page 82); thence N 87-56-08 E for 495.01 feet along the North line of said Spangler's Plat to a Rebar stake in the Northeast corner of Lot #14 therein; thence S 01-21-19 E for 132.00 feet along the East line of said Lot #14 to a Rebar stake in the Southeast corner thereof; thence N 87-56-08 E for 132.00 feet along the North Right-of-way line of Auburn Avenue to the Southeast corner of Lot #22 in said Spangler's Plat; thence N 01-21-19 W for 132.00 feet along the East line of said Lot #22 to the Northeast corner thereof; thence N 87-56-08 E for 66.01 feet along the North line of said Spangler's Plat to the Northwest corner of Lot #29 therein; thence S 01-21-19 E for 39.16 feet along the West line of said Lot #29 to the South Corner thereof; thence N 32-02-58 E for 47.30 feet along the West line of the tract of land conveyed to the Auburn Port Authority in DeKalb County Deed Record Book 179, page 398ff to a Rebar in the Northeast corner of said Lot #29; thence N 32-02-58 E for 946.18 feet along the west line of said Port Authority to a Rebar stake; thence N 01-21-19 W for 110.23 feet along the West Right-of-way line of Grandstaff Avenue as conveyed in DeKalb County Deed Record Book 158, page 483 to the POINT OF BEGINNING, said tract of land containing 35.46 Acres, more or less, and being benefited by and subject to the 100 feet wide perpetual easement conveyed to the Municipal City of Auburn as recorded in DeKalb County Deed Record Book 182, page 217, and being subject to the 12 foot wide easement granted to the Northern Indiana Fuel and Light Company, Inc. in DeKalb County Deed Record Book 132, page 424, and being subject to the Permanent Right-of-way and Easement (of varying width) conveyed to Indiana and Michigan Electric Company in DeKalb

County Deed Record Book 187, page 6 & 7. A survey of said tract of land being represented by Plat of Survey #34-13-31-01 as prepared by Brown Consulting Engineers, Inc., 940 West North Street Kendallville, Indiana.

PRESENTLY AND COMMONLY KNOWN AS 1101
Oren Drive, Auburn, Indiana, 46706,

is hereby declared an “economic revitalization area” as that phrase is used and defined in the above cited statute and ordinance, in that the subject real estate has been “undesirable for, or impossible of, normal development and occupancy” inasmuch as the land has been underutilized and void of development, which factors have impaired values and prevented an efficient normal use of the subject property. In the alternative, the area described above is within the corporate limits of the City of Auburn, Indiana and 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. The term “economic revitalization area” also includes: Any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.

2. **FINDINGS** It is hereby found:

(A) The estimate of the value of the redevelopment or rehabilitation is reasonable for the projects of that nature.

(B) 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 proposed described redevelopment or rehabilitation.

(C) 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 proposed described redevelopment or rehabilitation.

(D) There are other benefits about which information was requested and those benefits can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(E) The totality of benefits is sufficient to justify the deduction.

3. **NEW MANUFACTURING EQUIPMENT IS ELIGIBLE** That the Common Council of the City of Auburn hereby resolves and declares that the new manufacturing equipment described in the Statement of Benefits, Form SB-1, be hereafter eligible for property tax phase-in pursuant to the provisions of the above statute and ordinance. That the Common Council of the City of Auburn, Indiana, finds that the new equipment described in the application valued at **\$53,720.00** is dedicated for use as manufacturing.
4. **REAL ESTATE IMPROVEMENT IS ELIGIBLE**. That the Common Council of the City of Auburn hereby resolves and declares that the real estate improvement described in the Statement of Benefits, Form SB-1 and SR RE/322, be hereafter eligible for property tax phase-in pursuant to the provisions of the above statute and ordinance. That the Common Council of the City of Auburn, Indiana, finds that the

real estate improvement described in the application valued at approximately **\$45,780.00** is dedicated for use of real estate improvement.

5. **EFFECTIVE DATE** This resolution shall be effective upon its passage subject to the notice and hearing provisions of Indiana Code, I.C. 6-1.1-12.1-2.5. The tax phase-in shall be effective from and after the date the Statement of Benefits was filed, which was **October 20, 2009**. The hearing contemplated by said statute was held at the time and the place designated for a regular meeting of the Common Council of the City of Auburn, Indiana, on **November 17, 2009** at the City Hall Council Chambers, 210 East 9th Street in Auburn, Indiana, at **6:00 p.m.** At such meeting the Common Council took final action in determining whether the qualifications for real estate improvements and new manufacturing equipment have been met and the Common Council will then confirm, modify or rescind this original resolution. Such determination and final action by the Council shall be binding upon all affected parties, subject to the appeal procedures contemplated by Indiana Code, I.C. 6-1.1-12.1-1, et seq.
6. **PHASE-IN PERIOD** That the Common Council of the City of Auburn further resolves and declares that the application shall receive tax phase-in on new manufacturing equipment for five (5) years. That the Common Council of the City of Auburn further resolves and declares that the application shall receive tax phase-in on real estate improvements for three (3) years. Should this Auburn facility of the applicant close and/or cease operations during the phase-in period any phase-in of taxes gained by this resolution ceases and applicant will immediately pay back any

and all taxes abated by this resolution. By accepting tax phase-in, applicant hereby agrees to be bound by the terms hereof.

7. **ON SITE INSPECTION** Upon installation of the new equipment that is to receive tax phase-in the recipient shall notify the Clerk-Treasurer of the City of Auburn of the installation. Thereafter the recipient shall allow the City to inspect the equipment to insure compliance on an annual basis throughout the period of phase-in.
8. **FILING WITH DEKALB COUNTY AUTHORITIES** Upon the adoption of this resolution the Clerk-Treasurer of the City of Auburn, Indiana, shall cause a certified copy of this resolution to be filed with the DeKalb County Auditor.

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF AUBURN,
INDIANA, ON THE 17 DAY OF November, 2009.**


PATRICIA MILLER, Clerk-Treasurer


PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 17th
day of November, 2009.


Councilmember


ATTEST:


Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 17 day of
November, 2009.


PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 17 day of November, 2009.


NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

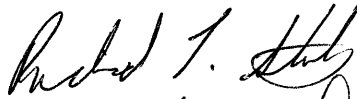
Marilyn Gearhart 

David Painter

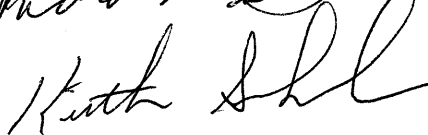
James Finchum



Richard Stahly



Keith Schrimshaw



Michael Walter

