

DEKALB COUNTY COUNCIL
RESOLUTION NUMBER 2015-CC-5
A CONFIRMATORY RESOLUTION AWARDDING REAL AND
PERSONAL PROPERTY TAX ABATEMENT

WHEREAS. There exists in DeKalb County, Indiana areas that are undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character or occupancy, age, obsolescence, substandard buildings, and other factors that have impaired the values and have prevented normal development of property or use of property in those areas; and

WHEREAS, the County Council of DeKalb County, Indiana is permitted, pursuant to I.C. § 6-1.1-12.1, *et seq.*, to declare those portions of DeKalb County, Indiana experiencing said retarded growth as "Economic Revitalization Areas"; and

WHEREAS, once declared an Economic Revitalization Area, parties with real estate and/or manufacturing equipment in said areas may apply for Tax Abatement under I.C. § 6-1.1-12.1, *et seq.*; and

WHEREAS, Techo-Bloc Midwest Corp. has applied for Tax Abatement on real estate (see attached "Exhibit A") and new machinery and equipment (see attached Exhibit "B"); and

WHEREAS, the County Council of DeKalb County, Indiana previously determined that the real estate described in attached Exhibit "A" meets the definition of an Economic Revitalization Area by way of its Declaratory Resolution 2012-RCC-4 dated effective October 1, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of DeKalb County, Indiana, that:

1. The County Council of DeKalb County, Indiana has been advised by Techo-Bloc Midwest Corp. of a proposed revitalization program set out, in part, on attached "Exhibit A", which includes the construction of new improvements on a portion of the real estate described in attached "Exhibit A", which said portion of real estate is owned in fee by Techo-Block Midwest Corp.
2. The County Council of DeKalb County, Indiana has been advised by Techo-Bloc Midwest Corp. of a proposed revitalization program set out, in part, on attached Exhibit "B", which includes: i) the purchase of new equipment to be located on property owned Techo-Bloc Midwest Corp. and described on attached "Exhibit A".
3. The County Council of DeKalb County, Indiana has reviewed the statement of benefits forms included here as attached "Exhibits A and B" and other information brought to its attention, and hereby determines that the deductions under I.C. § 6-1.1-12.1, *et seq.*, should be allowed based on the following findings:
 - (a) The estimates of costs of the real estate improvements and new machinery and equipment is reasonable.
 - (b) The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the purchase and installation of the new equipment.

- (c) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed purchase and installation of new equipment.
- (d) The number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid by employees, along with the value of the personal property to be purchased, create benefits of the type and quality anticipated by the County Council of DeKalb County, Indiana within the Economic Revitalization Area and can reasonably be expected to result from the purchase and installation of the new equipment.
- (e) The totality of benefits is sufficient to justify the deductions.

4. The County Council of DeKalb County, Indiana hereby finds that the purposes of Tax Abatement are served by allowing the deductions provided by I.C. § 6-1.1-12.1-4.5 for a period of 5 years for new manufacturing equipment which is to be installed as contemplated by and reflected in attached Exhibit "B", and the abatement shall be applied as follows:

2016 - 100%
2017 - 80%
2018 - 60%
2019 - 40%
2020 - 20%

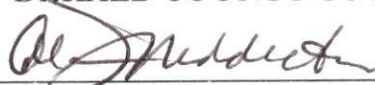
and for a period of 10 years for the real estate described in attached Exhibit
“A” which is to be improved as contemplated by and reflected in attached
Exhibit “A”, and the abatement shall be applied as follows:


2016 - 100%
2017 - 90%
2018 - 80%
2019 - 70%
2020 - 60%
2021 - 50%
2022 - 40%
2023 - 30%
2024 - 20%
2025 - 10%

5. The statement of benefits submitted by Techo-Block Midwest Corp. is hereby
approved.

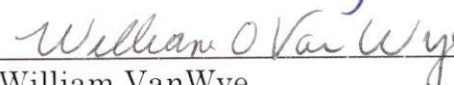
Voted effective the 3rd day of August, 2015, by the County Council of DeKalb
County, Indiana.

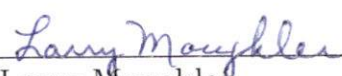
DEKALB COUNTY COUNCIL

BY: 
Allen Middleton

BY: 
Robert Wilder

BY: 
Eadonna King

BY: 
William VanWye

BY: 
Larry Moughler

BY: Janet Ordway
Janet Ordway

BY: Richard Ring
Richard Ring

ATTEST:

Jan Bauman
Jan Bauman
Acting DeKalb County Auditor

EXHIBIT A

23.82 acre and 2.72 acre parcels of real estate more particularly described on the surveys prepared by D.A. Brown Engineering Consultants, Inc. dated May 12, 1999 and June 30, 1999, which descriptions are as follows:

PARCEL A

A tract of land located in the Northeast Quarter of Section 27, Township 34 North, Range 14 East, in DeKalb County, the State of Indiana, more fully described as follows:

COMMENCING at a Harrison Marker situated in the Northwest corner of said Northeast Quarter; thence North 87 degrees 31 minutes 53 seconds East (GPS Grid Basis of Bearings), a distance of 134.99 feet along the North line of said Northeast Quarter to a Marker Spike with tag (D.A. Brown RLS #S0337), the TRUE POINT OF BEGINNING; thence South 02 degrees 28 minutes 07 seconds East, a distance of 20.01 feet along the East right-of-way line of Road #206 to a rebar stake with cap (D.A. Brown RLS #S0337); thence South 76 degrees 13 minutes 32 seconds West, a distance of 76.49 feet along said West right-of-way to a rebar stake with cap (D.A. Brown RLS #S0337); thence South 50 degrees 58 minutes 19 seconds West, a distance of 76.19 feet to an INDOT Concrete right-of-way monument; thence South 01 degrees 36 minutes 18 seconds East, a distance of 1253.52 feet along the West line of the Northwest Quarter of said Northeast Quarter to a rebar stake with cap (D.A. Brown RLS #S0337) in the Southwest corner thereof; thence North 87 degrees 39 minutes 00 seconds East, a distance of 561.18 feet along the South line of the Northwest Quarter of said Northeast Quarter to a Railroad Tie corner post; thence North 16 degrees 35 minutes 27 seconds East, a distance of 1412.35 feet along the West right-of-way line of the Norfolk and Southern Railroad to a Marker Spike with tag (D.A. Brown RLS #S0337); thence South 87 degrees 31 minutes 53 seconds West, a distance of 867.28 feet along the North line of said Northeast Quarter to the POINT OF BEGINNING, as said on survey said tract containing 23.82 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.

PARCEL B

A tract of land located in the Northwest Quarter of Section 27, Township 34 North, Range 14 East, in DeKalb County, the State of Indiana, more fully described as follows:

COMMENCING at a Harrison Marker situated in the Northeast corner of said Northwest Quarter; thence South 01 degrees 36 minutes 18 seconds East (GPS Grid Basis of Bearings), a distance of 476.39 feet along the East line of said Northwest Quarter to a concrete INDOT right-of-way marker; the TRUE POINT OF BEGINNING; thence Southerly, a distance of 252.43 feet along the East line of the tract of land conveyed to DeKalb County in DeKalb County Deed Record Book 213, page 522 (being a circular arc that is concave to the West having a central angle of 11 degrees 47 minutes 50 seconds, having a radius of 1225.98 feet, and having a chord bearing of South 13 degrees 15 minutes 50 seconds West with a distance of 251.99 feet) to a rebar stake with cap (D.A. Brown RLS #S0337); thence South 19 degrees 09 minutes 45 seconds West, a distance of 659.73 feet along the East line of said DeKalb County tract to a rebar stake with cap (D.A. Brown RLS #S0337); thence North 87 degrees 50 minutes 31 seconds East, a distance of 298.60 feet along the South line of the Northeast Quarter of said Northwest Quarter to a rebar stake with cap (D.A. Brown RLS #S0337) in the Southeast corner thereof; thence North 01 degrees 36 minutes 18 seconds West, a distance of 857.53 feet along the East line of said Northwest Quarter to the POINT OF BEGINNING, as said on survey said tract containing 2.72 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R4 / 11-16)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific valuation paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-6.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying eligible equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-7)

SECTION 1 - TAXPAYER INFORMATION													
Name of taxpayer Magle Coll Products, LLC					Name of contact person Steve Lent, Chief Financial Officer								
Address of taxpayer (number and street, city, state, and ZIP code) 4143 County Road 61, Butler, Indiana 46721					Telephone number (260) 888-2645								
SECTION 2 - LOCATION AND DESCRIPTION OF PROPOSED PROJECT													
Name of designating body DuKut County Council					Resolution number (A) 2015RCC-7								
Location of property 4143 County Road 61, Butler, Indiana 46721					County DuKut		DLGF taxing district number Wilmington 15/17026						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) New manufacturing equipment: 60" Brainer Shilling Line.					ESTIMATED								
					START DATE					COMPLETION DATE			
					Manufacturing Equipment					02/01/2018		04/30/2018	
					R & D Equipment								
					Logistical Equipment								
IT Equipment													
SECTION 3 - ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT													
Current number 47		Salaries 3,836,704.28		Number retained 47		Salaries 3,838,704.28		Number additional 0		Salaries 0			
SECTION 4 - ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT													
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.				MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
				COST		ASSESSED VALUE		COST		ASSESSED VALUE		COST	
Current values				0									
Plus estimated values of proposed project				2,776,357									
Less values of any property being replaced				0									
Net estimated values upon completion of project				2,776,357									
SECTION 5 - WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER													
Estimated solid waste converted (pounds) 0					Estimated hazardous waste converted (pounds) 0								
Other benefits: None													
SECTION 6 - TAXPAYER CERTIFICATION													
I hereby certify that the representations in this statement are true.													
Signature of authorized representative Steve Lent					Date signed (month, day, year) 8/2/17								
Printed name of authorized representative Steve Lent					Title CFO								

FOR USE OF THE DESIGNATING BODY																				
<p>We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2</p>																				
<p>A. The designated area has been limited to a period of time not to exceed <u>3</u> calendar years (see below). The date this designation expires is <u>November 2, 2018</u>. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.</p>																				
<p>B. The type of deduction that is allowed in the designated area is limited to:</p> <table style="width: 100%;"> <tr> <td style="width: 50%;">1. Installation of new manufacturing equipment;</td> <td style="width: 25%;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> <td style="width: 25%;"><input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-10</td> </tr> <tr> <td>2. Installation of new research and development equipment;</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td rowspan="3">Check box if an enhanced abatement was approved for one or more of these types</td> </tr> <tr> <td>3. Installation of new logistical distribution equipment;</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>4. Installation of new information technology equipment;</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>			1. Installation of new manufacturing equipment;	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-10	2. Installation of new research and development equipment;	<input type="checkbox"/> Yes <input type="checkbox"/> No	Check box if an enhanced abatement was approved for one or more of these types	3. Installation of new logistical distribution equipment;	<input type="checkbox"/> Yes <input type="checkbox"/> No	4. Installation of new information technology equipment;	<input type="checkbox"/> Yes <input type="checkbox"/> No								
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3. Installation of new logistical distribution equipment;	<input type="checkbox"/> Yes <input type="checkbox"/> No																			
4. Installation of new information technology equipment;	<input type="checkbox"/> Yes <input type="checkbox"/> No																			
<p>C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)</p>																				
<p>D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)</p>																				
<p>E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)</p>																				
<p>F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)</p>																				
<p>G. Other limitations or conditions (specify): <u>SEE "EXHIBIT C" - CLAW BACK CLAUSE</u></p>																				
<p>H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Year 1</td> <td><input type="checkbox"/> Year 2</td> <td><input type="checkbox"/> Year 3</td> <td><input type="checkbox"/> Year 4</td> <td><input checked="" type="checkbox"/> Year 5</td> <td><input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-10</td> </tr> <tr> <td><input type="checkbox"/> Year 6</td> <td><input type="checkbox"/> Year 7</td> <td><input type="checkbox"/> Year 8</td> <td><input type="checkbox"/> Year 9</td> <td><input type="checkbox"/> Year 10</td> <td>Number of years approved: _____</td> </tr> <tr> <td colspan="5"></td> <td>(Enter one to twenty (1-20) years, may not exceed twenty (20) years.)</td> </tr> </table>			<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input checked="" type="checkbox"/> Year 5	<input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-10	<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10	Number of years approved: _____						(Enter one to twenty (1-20) years, may not exceed twenty (20) years.)
<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input checked="" type="checkbox"/> Year 5	<input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-10															
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					(Enter one to twenty (1-20) years, may not exceed twenty (20) years.)															
<p>I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a copy of the abatement schedule to this form. <u>SEE RESOLUTION</u> If no, the designating body is required to establish an abatement schedule before the deduction can be determined.</p>																				
<p>Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.</p>																				
<p>Approved by (signature and title of authorized member of designating body)</p> <p><u>Alan Middleton</u></p> <p>Printed name of authorized member of designating body</p> <p><u>ALAN MIDDLETON</u></p> <p>Attested by (signature and title of attester)</p> <p><u>Jan Bauman</u></p>	<p>Telephone number</p> <p><u>260 925-2362</u></p> <p>Name of designating body</p> <p><u>DEKALB COUNTY COUNCIL</u></p> <p>Printed name of attester</p> <p><u>JAN BAUMAN</u></p>	<p>Date signed (month, day, year)</p> <p><u>9-11-17</u></p>																		
<p>* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.</p>																				

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body that establishes an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

MCP INVESTMENTS, LLC

Form 104, Business Tangible Personal Property Return and Form 103, Business Tangible Personal Property Assessment Return are amended to include Deduction per Form 103 ERA, Schedule of Deduction from Assessed Valuation Personal Property in Economic Revitalization Area.

Note to auditor:

Please be advised that the attached resolution incorrectly refers to Magic Coil Products, LLC when it should have referred to MCP Investments, LLC per legal counsel Henry P. Najdeski. Mr. Najdeski's contact information is:

Henry P. Najdeski, Partner
Barrett McNaghy
216 East Berry Street
Fort Wayne, IN., 46802
(260) 423-8835
hpn@barrettlaw.com