FILED
APR 29 2011
CITY CLERK

RESOLUTION NO. 6, 2011

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within the City of Terre Haute, Indiana, commonly identified as 1800 and 3181 North Fruitridge Avenue, as an Economic Revitalization Area for the Purposes of Personal Property Tax Abatement.

WHEREAS, a petition for ten (10) year personal property tax abatement has been filed with the Common Council of the City of Terre Haute requesting that the real property described therein be designated an Economic Revitalization Area for purposes of personal property tax abatement; and

WHEREAS, the petitioner, Sony DADC US, Inc., formerly known as Sony Digital Audio Disc Corporation, has submitted a Statement of Benefits and provided all information and documentation necessary for the Common Council to make an informed decision, said information including a description of the real property which is commonly known as 1800 and 3181 North Fruitridge Avenue, and more particularly described as follows:

(See attached Exhibit A)

WHEREAS, the Common Council of the City of Terre Haute is authorized under the provisions of I.C. 6-1.1-12.1-1 et seq., to designate areas of the City as Economic Revitalization Areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute has considered the Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an Economic Revitalization Area under Indiana statutes; and

WHEREAS, the Common Council has found the subject property to be an area where facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

WHEREAS, the Common Council of the City of Terre Haute has found the request for personal property tax abatement to satisfy the requirements of Special Ordinance 11, 1997, as amended; and

WHEREAS, the petitioner estimates the investment to be made on the subject site will provide the opportunity to retain 1312 jobs with an annual payroll of $60,865,002.00, and have an estimated value of $71,879,825.00 for new manufacturing equipment.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Common Council of the City of Terre Haute that:

1. The petitioner's estimate of the cost of new manufacturing equipment to be installed is reasonable for manufacturing equipment of that type.

2. The petitioner's estimate of the number of individuals who will be retained can reasonably be expected to result from the proposed installation of additional new manufacturing equipment.

3. The petitioner's estimate of the annual salaries or wages of the number of individuals who will be retained can reasonably be expected to result from the installation of new manufacturing equipment.

4. The totality of the benefits of the proposed installation of additional new manufacturing equipment is sufficient to justify a ten (10) year personal property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each such deduction should be, and is hereby, allowed.

5. That the petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year personal property tax abatement and the Statement of Benefits are hereby approved, and the property is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et seq.

Presented by:

Neil Garrison, Councilman

Passed in open Council this _____ day of May, 2011.

John Mullican, President
Common Council of Terre
Haute, Indiana

ATTEST:

Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of May, 2011.

_____
Charles P. Hanley, City Clerk

Approved by me this _____ day of May, 2011.

_____
Duke A. Bennett, Mayor, City
of Terre Haute

ATTEST:

_____
Charles P. Hanley, City Clerk

PUBLIC HEARING held this _____ day of May, 2011.

_____
John Mullican, President
Common Council of Terre
Haute, Indiana

This instrument was prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, IN 47807, (812) 232-3388.

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section 12, Township 12 North, Range 9 West in Harrison Township, Vigo County, Indiana; thence south 0 degrees 03 minutes 00 seconds West, 1,109.19 feet; thence North 89 degrees 97 minutes 98 seconds West, 990.00 feet; thence North 0 degrees 09 minutes 12 seconds East, 232.30 feet; thence North 89 degrees 97 minutes 98 seconds West, 109.73 feet; thence North 0 degrees 09 minutes 12 seconds East, 323.43 feet; thence North 89 degrees 97 minutes 29 seconds West, 318.09 feet; thence North 0 degrees 07 minutes 49 seconds East, 979.91 feet to the North Section line; thence South 88 degrees 11 minutes 99 seconds East, 977.10 feet, to the point of beginning.

Commonly known as 3181 N. Fruitridge Avenue, Terre Haute, Indiana.

AND

A parcel of land described as follows: Commencing at the Northwest corner of the Northeast ¼ (NE ¼) of Section 12, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, thence South 88 degrees 17 minutes 90 seconds East along centerline Fort Harrison Road 447.34 feet to the centerline of Aberdeen Avenue, South 00 degrees 09 minutes 90 seconds East along and with the centerline said road 220.62 feet to the place of beginning. Thence South 00 degrees 09 minutes 90 seconds East along and with the centerline said road 1349.38 feet to the North line extended of a tract as conveyed by Deed Record 388 Page 267-1 Records of Vigo County Recorder thence North 88 degrees 17 minutes 90 seconds West along and with the North line said tract 490.07 feet to the West line of the Northeast ¼ (NE ¼) said Section 12, North 00 degrees 03 minutes 90 seconds West along and with the West line of said Northeast ¼ (NE ¼) 1349.30 feet; South 88 degrees 17 minutes 90 seconds East 447.72 feet to the place of beginning and containing 13.898 acres, more or less.

Commonly known as 1800 N. Fruitridge Avenue, Terre Haute, Indiana.

FINAL ACTION BY COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA REGARDING RESOLUTION NO. 6, 2011

WHEREAS, the Common Council of the City of Terre Haute, unanimously adopted Resolution No. 6, 2011 on the 12th day of May, 2011, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution, including a description of the effected area and notice that a description of the effected area is available for inspection in the office of the County Assessor and further stating a date which the Common Council would receive and hear remonstrances and objections; and

WHEREAS, the Common Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the effected area as an Economic Revitalization Area or to approval of the Statement of Benefits; and

WHEREAS, said matter is before the Common Council for final action pursuant to Indiana law; and

WHEREAS, the Common Council has received and examined, prior to said hearing, (i) a Statement of Benefits on the form prescribed by the State Board of Tax Commissioners and proper application for designation; (ii) an Agreement with the Board of Public Works for the City of Terre Haute; and (iii) has heard all appropriate evidence concerning the proposed project and is found and does find:

1. The age, deterioration and size of the existing manufacturing improvement and facilities on the subject real property render such to be technologically and economically obsolete and without redevelopment and rehabilitation may lead to decline in employment and tax revenues.

2. That the personal property tax abatement satisfies the requirements of Special Ordinance No. 11, 1997, as amended by the Common Council.

3. That the estimate of cost of the new manufacturing equipment is reasonable for equipment of that type.

4. That the estimate of individuals whose employment will be retained as a result of the installation of the new manufacturing equipment can reasonably be expected to result from the proposed project.

5. The estimate of annual salaries of those individuals whose employment will be retained can reasonably be expected to result from the proposed installation of the new manufacturing equipment.

6. That the benefits can reasonably be expected to result from the proposed installation of new manufacturing equipment.

7. That Petitioner has met, or exceeded, the benefits stated in Petitioner's prior Statement of Benefit forms as seen in the Compliance with Statement of Benefits form filed with the County Auditor.

8. That the totality of benefits sufficient to justify the deduction.

9. All qualifications for establishing an Economic Revitalization Area have been met.

NOW, THEREFORE, for final action on Resolution No. 6, 2011, the Common Council of the City of Terre Haute, Indiana, RESOLVES, and FINDS, and DETERMINES:

1. That all the requirements for designation of the real estate described in Resolution No. 6, 2011, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.

2. That Resolution No. 6, 2011, is in all respects confirmed and approved (as modified to incorporate therein this final action) and the benefits of the proposed redevelopment are sufficient to justify ten (10) year personal property tax abatement under Indiana statutes for the proposed acquisition of the equipment described in the Statement of Benefits of Sony DADC US, Inc. and the deduction for the proposed project and acquisition of the equipment and the Statement of Benefits submitted by Sony DADC US, Inc. is approved and that the real estate described in Resolution No. 6, 2011, is declared an Economic Revitalization Area for the purposes of ten (10) year personal property tax abatement, and the said real estate is hereby designated an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et seq.

3. That said Resolution supplements any other designation of the real estate as an Economic Revitalization Area.

4. That this final action, findings and confirmation of Resolution No. 6, 2011, shall be incorporated in and be a part of Resolution No. 6, 2011.

Presented by:

Neil Garrison, Councilman

Passed in open Council this _____ day of June, 2011.

John Mullican, President
Common Council of Terre
Haute, Indiana

ATTEST:

_____
Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of June, 2011.

_____
Charles P. Hanley, City Clerk

Approved by me this _____ day of June, 2011.

_____
Duke A. Bennett, Mayor, City
of Terre Haute

ATTEST:

_____
Charles P. Hanley, City Clerk

This instrument prepared by: Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, IN 47807.

CITY OF TERRE HAUTE
PETITION FOR PERSONAL PROPERTY
TAX ABATEMENT CONSIDERATION

SONY DADC US, INC., formerly known as SONY DIGITAL AUDIO DISC CORPORATION, as owner of real property located within the City of Terre Haute, hereby petitions the Common Council of the City of Terre Haute for personal property tax abatement consideration pursuant to I.C. 6-1.1-12-.1-1, et seq. and in support of this petition states the following:

1. The project, Sony DADC US, Inc. proposes, includes installation of new machinery and equipment to expand capacity of existing product lines to meet market demand.

2. This project, once completed, not counting labor hired for construction and installation, will provide the opportunity to retain at least 1312 jobs within the first year representing an annual payroll of $60,865,002.00 as long as business conditions and sales of products permit.

3. That the estimated dollar value of this additional equipment is about $71,879,825.00 in new manufacturing equipment.

4. That the manufacturing equipment for which tax abatement consideration is petitioned will be owned by Sony DADC US, Inc., 1800 North Fruitridge Avenue, Terre Haute, Vigo County, Indiana.

5. The commonly known address of the location of the property and equipment is 1800 and 3181 North Fruitridge Avenue, Terre Haute, Indiana, a legal description of which is attached hereto, and marked as Exhibit "A" and is incorporated herein.

6. The best estimate of the amount of taxes being and to be abated for the new manufacturing equipment is set forth in the "Sony DADC US, Inc., Estimated Tax Abatement", which is attached hereto, made a part hereof and marked as Exhibit "B".

7. No public financing is being used for any phase of the project.

8. In view of the foregoing circumstances, Sony DADC US, Inc. in good faith applies for a ten (10) year tax abatement for new manufacturing equipment, as above set forth.

9. Indiana State Form 51764 (R/1-06), Statement of Benefits, as prescribed by the Indiana State Board of Tax Commissioners, which contains confidential information pursuant to the provisions of I.C. 6-1.1-39-9, will be submitted by Sony DADC US, Inc. to the members of the Common Council at an appropriate time and manner for consideration to preserve its confidentiality.

10. The current use of the Property is manufacturing and the current zoning is M-2 Manufacturing District.

11. Sony DADC US, Inc. agrees to enter into an Agreement with the Board of Public Works and Safety for the City of Terre Haute, Indiana, in substantially the same form as is attached hereto and made a part hereof as Exhibit "C", and further, Sony DADC US, Inc. agrees to comply with Special Ordinance 11, 1997, as amended.

12. The person to contact as the Petitioner's agent regarding additional information and the public hearing notifications is:

Mr. Michael Mitchell
EVP and CTO
Sony DADC US, Inc.
1800 North Fruitridge Avenue
Terre Haute, IN 47804

WHEREFORE, Petitioner, Sony DADC US, Inc., requests that the Common Council of the City of Terre Haute, Indiana, adopt a declaratory resolution declaring and designating the area described herein to be an Economic Revitalization Area for purposes of personal property tax abatement consideration, and after publication of notice and public hearing, determine qualifications for an economic revitalization area have been met and confirm such resolution.

Sony DADC US, Inc.

By:_____
Michael Mitchell, EVP and CTO of Sony DADC US, Inc.

This instrument was prepared by Richard J. Shagley, WRIGHT, SHAGLEY & LOWERY, P.C., 900 Ohio Street, P.O. Box 8448, Terre Haute, IN 47808-8448, (812) 232-3388.

EXHIBIT A
LEGAL DESCRIPTION

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Commonly known as 3181 N. Fruitridge Avenue, Terre Haute, Indiana.

AND

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Commonly known as 1800 N. Fruitridge Avenue, Terre Haute, Indiana.

EXHIBIT B

Sony DADC US, Inc.

ESTIMATED PERSONAL PROPERTY TAX ABATEMENT

Tax Year	Cost	True Tax Value	Tax Rate	Gross Tax	Estimated State Replacement Credit Rate	Estimated State Replacement Credit	Net Tax	Tax Abatement %	Estimated Tax Abatement
1	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	100%	$924,628.80
2	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	90%	$832,165.92
3	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	80%	$739,703.04
4	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	70%	$647,240.16
5	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	60%	$554,777.28
6	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	50%	$462,314.40
7	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	40%	$369,851.52
8	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	30%	$277,388.64
9	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	20%	$184,925.76
10	$71,900,000.00	$28,800,000.00	3.5126%	$1,011,628.80	8.60%	$87,000.07	$924,628.80	10%	$92,462.88
								Total Tax Abated	$5,085,458.00

EXHIBIT C
AGREEMENT

This Agreement (the "Agreement") dated as of the ____ day of _____, 2011, serves as a confirmation of Sony DADC US, Inc., formerly known as Sony Digital Audio Disc Corporation (the "Applicant") commitment, pending an June 9, 2011 public hearing, to comply with the project description, job retention (and associated wage rates and salaries) figures contained in its designation application, Statement of Benefits, the Preliminary Economic Revitalization Area Resolution No. 13, 2010 and attachments adopted by the Common Council of the City of Terre Haute, Indiana (the "Council") on May 12, 2011 and this Agreement (the "Commitment").

Subject to the adoption of a Final Economic Revitalization Area Resolution by the Council, the City of Terre Haute, Indiana (the "City") commits to providing a ten (10) year personal property tax abatement for the Applicant's capital expenditure of up to $71,900,000.00 associated with the installation of new equipment (the "Project") described and approved as part of the Commitments. The Project will retain 1022 hourly permanent positions (average wage rate of $19.41 per hour, excluding benefits & overtime) and will retain 290 salaried positions (average annual salary of $67,600 excluding benefits). The capital expenditure for the Project and the retention of such positions shall occur within two (2) years of the estimated completion date of March 1, 2012 contained in the approved Statement of Benefits Form SB-1 (the "Commitment Date").

During the term of the abatement, the City may annually request, in writing, information from the Applicant concerning the status of the Project, the approved capital expenditure for the Project, the number of full-time permanent positions retained by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the position, and the Applicant shall provide the City with adequate written evidence thereof within 19 days of such request (the "Annual Survey"). The Applicant shall provide a copy of the annual CF-1 to the Board of Public Works and Safety at the same time the CF-1 is filed with the County. The City shall utilize this information to verify that the Applicant has complied with the commitments contained in "the Commitments" at all times after the Commitment Date and during the duration of the abatement. The Applicant further agrees to provide the City with such additional information requested by the City related to the information provided in the Annual Survey and the CF-1 form within a reasonable time following any such additional request.

The City, by and through the Council, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it determines that the Applicant has not made reasonable efforts to substantially comply with all the commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its control. As used in the Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: Making capital expenditures of up to $71,900,000.00 for the Project; the retention of not less than 1022 of the permanent full-time retained hourly positions with average hourly wage rates of $19.41 (excluding benefits and overtime) and the retention of 290 of the full-time retained salaried positions with average annual salaries of not less than $67,600 (excluding benefits).

As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of the designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

If the City terminates the Economic Revitalization Area designation and associated tax abatement deductions, it may require the Applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. The amount of tax abatement required to be repaid for each year of noncompliance shall not exceed an amount equal to the percentage by which the Applicant has failed to attain substantial compliance in position retention and/or creation and average hourly wage rate and salary categories multiplied by the dollar amount of taxes actually abated. If the Applicant fails to substantially comply with more than one of the aforementioned categories, repayment shall be based on the highest level of noncompliance.

If at any time during the term of this Agreement, whether before or after the Commitment Date, the Applicant shall: (i) cease operations at the facility for which the tax abatement was granted: or (ii) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated future tax abatement deductions.

In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (the "Statement"), and Applicant shall make such repayment to the City within 30 days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

"Applicant"

Sony DADC US, Inc. formerly known as
Sony Digital Audio Disc Corporation

By: _____
Michael Mitchell, EVP and CTO
of Sony DADC US, Inc.

Board of Public Works
City of Terre Haute

_____

_____

_____

_____

_____

Approved as to Legal Adequacy and Form on this _____ day of _____, 2011.

By:_____

Title:_____

CITY OF TERRE HAUTE

PROPERTY TAX ABATEMENT PROGRAM APPLICATION

Ownership Information

Name	Address	Phone	Percentage Interest (if applicable)
Sony DADC US, Inc.,	1800 N Fruitridge Ave, Terre Haute, IN 47804	812-462-8123	100%

Note: If the owner is a corporation, list the name, address and telephone number for the contact person representing the corporation.

If the owner is a partnership, list the name, address and telephone number of each general and/or limited partner and the percentage of interest in the property held by each general and/or limited partner.

If the owner is a sole proprietor, list the name, address and telephone number of the proprietor.

Property Description

A. Street Address: 1800-3181 N Fruitridge Ave, Terre Haute, IN 47807

B. Lot Number(s): 84-06-12-127-003.000-002 & 84-06-12-200-031.000-002

Current Status of Property

A. Current zoning designation of property: M-2 Manufacturing District

B. Describe current improvements to the property, including estimated age of existing buildings:

Building and manufacturing equipment . Estimated age: 1800 – 28 years old from acquistition

Date built 1968; 3181 – 21 years old

C. Describe the current use of the property, including the names of businesses currently operating (if applicable) and the current number of jobs (if applicable):

Manufacturing facility – 1312 jobs

D. Current assessed valuation: $161,800 .00

E. Describe any unique historical structure or aesthetic improvements: Not applicable

Proposed Improvements

A. Describe proposed real property improvements and projected costs:
Internal remodeling of current buildings for new machinery and equipment .

B. Describe proposed depreciable personal property improvements and projected costs:
New machinery and equipment to expand capacity of existing product lines to meet market demand.

C. List any public infrastructure improvements, with estimated costs, that will be necessary

for the project: None.

D. Project Start Date: July 1, 2011

E. Project Completion Date: March 1, 2012

Eligibility

A. State reasons why the project site qualifies as an Economic Revitalization Area as defined under State Law, i.e., lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors that have impaired values or prevent a normal development of property or use of property. In the case of manufacturing equipment, also indicate whether or not the area contains a facility or group of facilities that are technologically, economically, or energy obsolete and if the obsolescence may lead to a decline in employment and tax revenues:

Lack of development, cessation of growth, deterioration of improvements.

B. State the estimated number of new full-time employees (if applicable) and new employees retained (if applicable). Also include salaries and a description of employee benefits:

Number of new employees: 0; Average Annual Salary: 0

Number of retained employees: 1312; Average Annual Salary: $67,600 .00

Description of employee benefits for new and/or retained employees:
Health, pension, (401K) and training for full time employees.

C. Please attach completed State of Indiana Statement of Benefits form for real property improvements (Form SB – 1/ RE) and/or State of Indiana Statement of Benefits form for personal property improvements (Form SB – 1/ PP) to this application material.

Ineligible Projects

Projects will not be considered if a building permit has already been obtained or construction has been initiated. This is because the decision of the Council to designate the Economic Revitalization Area must be passed on the finding that the area is "undesirable for normal development".

The City Council has the right to void the tax abatement designation awarded to a project if the project has not been initiated within twelve (12) months of the reconfirmation date of the tax abatement resolution, or if the actual use is different than that approved.

Tax abatement for the rehabilitation or development of real property is not eligible for the following types of facilities:

1. Private or commercial golf courses.
2. Country club.
3. Massage parlor.
4. Tennis club.

5. Skating facility (including roller skating, skateboarding or ice skating).
6. Racquet sport facility (including any handball or racquetball court).
7. Hot tub facility.
8. Suntan facility.
9. Racetrack.
10. Any facility the primary purpose of which is:
    a. retail food and beverage service;
    b. automobile sales or service; or
    c. other retail; (unless the facility is located in an Economic Development Target Area (EDTA) as established by the Terre Haute City Council)
11. Residential (unless the facility is a multi-family facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals or unless the facility is located in an Economic Development Target Area as outlined in Indiana Code 6-1.1-12.1-7)).
12. A package liquor store that holds a liquor dealer's permit under IC 7.1-3-10 or any other entity that is required to operate under a license issued under IC 7.1. This subdivision does not apply to an applicant that:
    (A) was eligible for tax abatement under this chapter before July 1, 1995;
    (B) is described in IC 7.1-5-7-11; or
    (C) operates a facility under:
        (i) a beer wholesaler's permit under IC 7.1-3-3;
        (ii) a liquor wholesaler's permit under IC 7.1-3-8; or
        (iii) a wine wholesaler's permit under IC 7.1-3-13;

Certification

I hereby certify that the representations made in this application are true and I understand that if above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an Economic Revitalization Area, the Terre Haute Common Council shall have the right to void such designation.

OWNER(S)* DATE

Sony DADC US, Inc. 4-29-11

By: _____

Michael Mitchell, EVP and CTO

* If the entity seeking tax abatement is a corporation, an authorized representative must sign. If the entity is a partnership, all partners must sign. If the entity is a sole proprietorship, the proprietor must sign.

CITY OF TERRE HAUTE

PROPERTY TAX ABATMENT PROGRAM OVERVIEW AND SCORING SYSTEM

Program Description

Property tax abatement in Indiana is authorized under Indiana Code 6-1.1-12.1 in the form of deductions from assessed valuation. Any property owner in a locally-designated Economic Revitalization Area (ERA) who makes improvements to the real property or installs eligible new or used personal property (such as manufacturing equipment and certain research and development equipment) is eligible for property tax abatement. Land does not qualify for abatement. For some projects, such as retail or multi-family housing, additional criteria apply as well.

Scoring System

The City of Terre Haute utilizes a scoring system to determine the appropriate length of time (one of ten time periods can be used) of the property tax abatement(s) being sought for a proposed project. Additional information on the scoring system can be found elsewhere in this document.

Indiana Real Property Assessment Standard

A property's assessed value is the basis for property taxes. Annually, local assessing officials assess the value of real property on March 1 based on market value in use of the property. Property owners can estimate the property taxes for new construction by adding the cost of the land and improvements together and multiplying by the tax rate. For real property tax abatement calculation purposes, the cost of the improvements (the land itself cannot be abated) would be utilized as the real property assessed value. This real property assessment value would then be phased-in over one of ten time periods.

Indiana Personal Property Assessment Standard

Personal property values are assessed March 1 of every year and are self reported by property owners to township assessors using prescribed state forms. Generally speaking, personal property taxes are levied against all tangible property other than real property. Numerous deductions can be applied to personal property. Of course, the value of personal property over time will be subject to depreciation, therefore, applicants are advised to seek the counsel of a financial advisor to determine which asset pool(s) (see following table) would be applicable to their particular project.

Additional information on the State of Indiana's property tax assessment system can be found at the Indiana Department of Local Government Finance website at www.in.gov/dlgf.

Indiana Pools of Assets by Lives Utilized on Federal Tax Return

Year of Acquisition	Pool #1 (1-4 Yrs)	Pool #2 (5-8 Yrs)	Pool #3 (9-12 yrs)	Pool #4 (13+ Yrs)
1	65%	40%	40%	40%
2	50%	56%	60%	60%
3	35%	42%	55%	63%
4	20%	32%	45%	54%
5		24%	37%	46%
6		18%	30%	40%
7		15%	25%	34%
8			20%	29%
9			16%	25%
10			12%	21%
11				15%
12				10%
13				5%

Note: The total valuation of a taxpayer's assessable depreciable personal property in a single taxing district cannot be less than 30% of the adjusted cost of all such property of the taxpayer.

Real Property Abatement Calculation

Real property abatement is a declining percentage of the increase in assessed value of the improvement based on one of the ten following time periods and percentages as determined by the City Council:

Year	10 Year	9 Year	8 Year	7 Year	6 Year	5 Year	4 Year	3 Year	2 Year	1 Year
1	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2	95%	88%	88%	85%	85%	80%	75%	66%	50%	
3	80%	77%	75%	71%	66%	60%	50%	33%		
4	65%	66%	63%	57%	50%	40%	25%			
5	50%	55%	50%	43%	34%	20%				
6	40%	44%	38%	29%	17%					
7	30%	33%	25%	14%						
8	20%	22%	13%							
9	10%	11%								
10	5%									

Depreciable Personal Property Abatement Calculation

Depreciable personal property tax abatement is a declining percentage of the assessed value of the newly installed manufacturing (and certain research/development and warehousing/distribution equipment), based upon one of the ten time periods and percentages as determined by the City Council:

Year	10 Year	9 Year	8 Year	7 Year	6 Year	5 Year	4 Year	3 Year	2 Year	1 Year
1	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2	90%	88%	88%	85%	85%	80%	75%	66%	50%	
3	80%	77%	75%	71%	66%	60%	50%	33%		
4	70%	66%	63%	57%	50%	40%	25%			
5	60%	55%	50%	43%	34%	20%				
6	50%	44%	38%	29%	17%					
7	40%	33%	25%	14%						
8	30%	22%	13%							
9	20%	11%								
10	10%									

Project Eligibility Criteria

Decisions to designate areas as Economic Revitalization Areas are determined on a point basis for any project located within the corporate limits of the City of Terre Haute. Each project is scored on its individual merits. The points system that is utilized to evaluate projects considers the degree of revitalization that the project will have on the surrounding area as well as other facts such as employment (created and/or retained) , investment, utilization of local construction firms and labor and so forth.

For certain types of projects (retail developments, mixed-use and multi-family housing developments without a 20% designated low and moderate income component), the designation of an area as an economic revitalization area for tax abatement purposes will be limited to Economic Development Target Areas of the City as defined by the City Council.

These Economic Development Target Areas (EDTAs) have been identified as areas which have suffered slow growth and deterioration of improvements. In assessing the revitalization needs of these areas, several goals and objectives were cited, including: retention of existing businesses and expansion of employment opportunities; rehabilitation, preservation and restoration of historic properties; promotion of housing opportunities and economic development activities and increased utilization of vacant land for new development.

A map illustrating the City of Terre Haute's Economic Development Target Areas can be found on page _____ of this handbook. A narrative description of the boundaries of each target area follows the map.

The following projects will be considered by the Terre Haute City Council for property tax abatement. The length of abatement for each project can be found in the section entitled "City of Terre Haute Real Property Scoring Criteria" on page _____. (For projects seeking personal property tax abatement, the "City of Terre Haute Personal Property Scoring Criteria" on page _____ should be consulted as well.)

(A.) Manufacturing Project – Local manufacturing projects, local manufacturing-related office structures and local manufacturing-related warehouses that create or preserve employment within the city limits are eligible for property tax abatement. In the case of manufacturing facilities that directly produce product (as well as manufacturing related-warehouses), both real and depreciable personal property are eligible. In the case of manufacturing-related office structures, only real property is eligible for abatement. Also, certain research and development equipment may qualify for depreciable personal property tax abatement.

(B.) Non-Manufacturing Warehouse and Distribution Center Projects – Warehouses and distribution centers not related to a local manufacturing facility may be eligible for both real and depreciable personal property tax abatement. To be eligible for property tax abatement, the facility must either be located in one of the Economic Development Target Areas or substantially serve markets beyond the Terre Haute metro area.

(C.) Office Space Development – Office space developments within the city limits are eligible for real property abatement.

(D.) Historic Preservation – Projects within the city limits that assist in the preservation of buildings of significant historical nature will be considered for real property abatement.

City of Terre Haute

Real Property Tax Abatement Scoring Criteria

Company Name: Sony DADC US, Inc

Application Date: April 6, 2010

1. New Real Property Investment	5 points maximum	_
< $500,000	1	
$501,000 to $1,000,000	2	
$1,000,001 to $2,000,000	3	
$2,000,001 to $3,000,000	4	
$3,000,001 and up	5	
2. Anticipated New Full-Time Jobs Created Within 5 Years	5 points maximum	_
1 to 10 employees	1	
11 to 20 employees	2	
21 to 30 employees	3	
31 to 40 employees	4	
41 employees and up	5	
3. Anticipated Jobs To Be Retained	5 points maximum	_
1 to 10 employees	1	
11 to 20 employees	2	
21 to 30 employees	3	
31 to 40 employees	4	
41 employees and up	5	
4. Wage Rates	3 points maximum	_
$7.50 to $10.00 per hour	0	
$10.01 to $12.00 per hour	1	
$12.01 to $14.00 per hour	2	
$14.01 per hour and up	3	
5. Benefits Package	1 point if offered	_
6. Targeted Business	1 point if project is good fit for community	_
7. Community Involvement	1 point if company plans or is already involved in community activities	_
8. Is this project a headquarters or a new project to the community?	1 point if "Yes"	_
9. Diverse Workforce	1 point if applicant maintains an affirmative action plan or other statement of specific goals with respect to employee diversity	_

Total Points _____

Scoring	Length of Real Property Abatement
20 points and up	10 years
18 to 19 points	9 years
16 to 17 points	8 years
14 to 15 points	7 years
12 to 13 points	6 years
10 to 11 points	5 years
8 to 9 points	4 years
6 to 7 points	3 years
4 to 5 points	2 years
2 to 3 points	1 year

Bonus Points

1. Common Construction Wage	Council may award one bonus point if company includes common construction wage requirement in its bid specs	_____
2. Contractors Licensed To Do Business in Vigo County	Council may award one bonus point if a substantial percentage of the total fees for construction work associated with the project are paid to companies licensed to do business in Vigo County	_____
3. Materials and Supplies From Vigo County Vendors	Council may award one bonus point if the applicant commits to purchase a substantial amount of materials and supplies for the construction work associated with the project from Vigo County-based vendors	_____
4. Existing Facility	Council may award one bonus point for use, reuse, rehabilitation and/or expansion of an existing facility	_____
5. Mentoring/Intern Program	Council may award one bonus point if applicant pledges to participate in a mentoring or intern program associated with a Vigo County educational institution	_____

Total Bonus Points _____

Grand Total Points _____

Length of Real Property Abatement
Per guideline Scoring Criteria ____Years

City of Terre Haute

Personal Property Tax Abatement Scoring Criteria

Company Name: Sony DADC US, Inc.

Application Date: April 29, 2011

1. New Personal Property Investment	5 points maximum	5
< $500,000	1	
$501,000 to $1,000,000	2	
$1,000,001 to $2,000,000	3	
$2,000,001 to $3,000,000	4	
$3,000,001 and up	5	
2. Anticipated New Full-Time Jobs Created Within 5 Years	5 points maximum	0*
1 to 10 employees	1	
11 to 20 employees	2	
21 to 30 employees	3	
31 to 40 employees	4	
41 employees and up	5	
3. Anticipated Jobs To Be Retained	5 points maximum	5
1 to 10 employees	1	
11 to 20 employees	2	
21 to 30 employees	3	
31 to 40 employees	4	
41 employees and up	5	
4. Wage Rates	3 points maximum	3
$7.50 to $10.00 per hour	0	
$10.01 to $12.00 per hour	1	
$12.01 to $14.00 per hour	2	
$14.01 per hour and up	3	
5. Benefits Package	1 point if offered	1
6. Targeted Business	1 point if project is good fit for community	1
7. Community Involvement	1 point if company plans or is already involved in community activities	1
8. Diverse Workforce	1 point if applicant maintains an affirmative action plan or other statement of specific goals with respect to employee diversity	1

*hired over 100 employees already

Total Points	17

Scoring	Length of Personal Property Abatement
20 points and up	10 years
18 to 19 points	9 years
16 to 17 points	8 years
14 to 15 points	7 years
12 to 13 points	6 years
10 to 11 points	5 years
8 to 9 points	4 years
6 to 7 points	3 years
4 to 5 points	2 years
2 to 3 points	1 year

Bonus Points

1. American Made	Council may award one bonus point if equipment to be installed is manufactured or engineered in the United States	0
2. Installation By Local Contractor(s)	Council may award one bonus point if a substantial portion of the equipment to be installed is by a company or individuals maintaining a place of business in Vigo County	1
3. Rehabilitation Of Existing Facilities	Council may award one bonus point if the project involves the rehabilitation of existing facilities	1
4. Mentoring/Intern Program	Council may award one bonus point if applicant pledges to participate in a mentoring or intern program associated with a Vigo County educational institution	1

Total Bonus Points	7
Grand Total Points	20
Recommended Length of Personal Property Abatement Per Guideline Scoring Criteria	10 Years

STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51764 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

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 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. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment,* ***BEFORE*** *a deduction may be approved*
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. The 103-ERA must be filed between March 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 March 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001. For equipment installed prior to March 2, 2001, the schedules and statutes in effect at the time shall continue to apply. (IC 6-1.1-12.1-4.5(f) and (g))*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Sony DADC US Inc F/K/A Sony Digital Audio Disc Corporation

Address of taxpayer *(number and street, city, state, and ZIP code)*: 1800 N Fruitridge Ave Terre Haute IN 47804

Name of contact person: Michael Mitchell

Telephone number: (812) 462-8123

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Common Council of City of Terre Haute

Resolution number (s): 6, 2011

Location of property: 1800 N Fruitridge Ave Terre Haute IN 47804

County: Vigo

DLGF taxing district number: Harrison

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 Machinery & Equipment with an estimated cost of $71,879,825 to expand capacity of existing product lines to meet market demand.

	ESTIMATED START DATE	ESTIMATED COMPLETION DATE
Manufacturing Equipment	07/01/2011	03/01/2012
R & D Equipment		
Logist Dist Equipment		
IT Equipment		

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
1,312	60,865,002.00	1,312	60,865,002.00	0	0.00

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	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	541.90	161.80						
Plus estimated values of proposed project	71.90	28.80						
Less values of any property being replaced								
Net estimated values upon completion of project	613.80	190.60						

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) _____

Estimated hazardous waste converted (*pounds*) _____

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*

FOR USE OF THE DESIGNATING BODY

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.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * *(see below)*. The date this designation expires is _____ .

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; ☐ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

C. The amount of deduction applicable to new manufacturing equipment is limited to $ _____ cost with an assessed value of $ _____.

D. The amount of deduction applicable to new research and development equipment is limited to $ _____ cost with an assessed value of $ _____.

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ _____ cost with an assessed value of $ _____.

F. The amount of deduction applicable to new information technology equipment is limited to $ _____ cost with an assessed value of $ _____.

G. Other limitations or conditions *(specify)*_____

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 on or after July 1, 2000, is allowed for:

☐ 1 year	☐ 6 years
☐ 2 years	☐ 7 years
☐ 3 years	☐ 8 years
☐ 4 years	☐ 9 years
☐ 5 years **	☐ 10 years **

** For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

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.

Approved: *(signature and title of authorized member)*	Telephone number	Date signed *(month, day, year)*
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5