

FILED  
OCT 29 2012  
CITY CLERK

TERRE HAUTE CITY COUNCIL  
STATE OF INDIANA  
RESOLUTION NO. 22, 2012

A Resolution of the Common Council of the City of Terre Haute, Indiana,  
Designating an Area Within Terre Haute, Indiana commonly identified as  
that area consisting of 1501 N. Third Street, Terre Haute, Indiana as an Economic  
Revitalization Area for the Purpose of Ten (10) Year Real Property Tax Abatement

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

WHEREAS, the petitioner has submitted an Application and Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre Haute, Indiana to make an informed decision, said information including a legal description of the aforesaid property as set forth in attached **Exhibit A** (which is hereby made a part this Resolution), and an aerial photo of the site;

WHEREAS, petitioner has estimated that its investment at the site (the "Project") will create an estimated 100 jobs by 2016 after completion of the Project;

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

WHEREAS, the Common Council of the City of Terre Haute, Indiana has considered the Application, 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 of the City of Terre Haute, Indiana has found the subject property to be, an area within the boundaries of the City of Terre Haute, Indiana, which area has become undesirable for, or impossible of, normal development and occupancy as it has existed, as a business neighborhood because of a lack of development, cessation of growth, and deterioration of improvements which have impaired values or prevented a normal development of property or use of property - and such is an area declining in tax revenues --

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

1. The petitioner's estimate of the value of the Project to be built on the subject real property is reasonable for projects of that nature in order to enhance services to the community.

2. The petitioner's estimate of the number of individuals who will be employed can reasonably be expected to result from the Project.

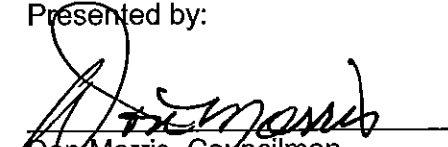
3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed can reasonably be expected to result from the Project.

4. The totality of the benefits of the Project are sufficient to justify a ten (10) year property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and they are hereby, allowed.

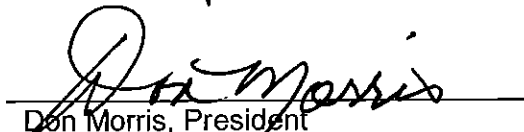
5. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year real property tax abatement and the Statement of Benefits (copies of which were submitted with the Petition) are hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

6. A copy of this Resolution, following its passage, shall be filed with the Vigo County Assessor as required by I.C. 6-1.1-12.1-2-5(c).

Presented by:

  
Don Morris, Councilman

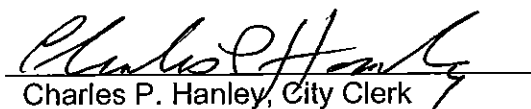
Passed in open Council this 9<sup>th</sup> day of November, 2012.

  
Don Morris, President  
Common Council of the City of Terre Haute, Indiana

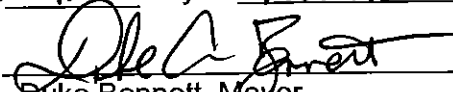
ATTEST:

  
Charles P. Hanley, City Clerk

Presented by me to the Mayor this 9<sup>th</sup> day of November, 2012.

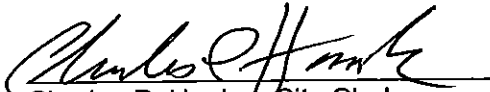
  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 9<sup>th</sup> day of NOVEMBER, 2012.



Duke Bennett, Mayor  
City of Terre Haute, Indiana

ATTEST:

  
Charles P. Hanley, City Clerk

This instrument prepared by Christopher J. Lukaart, Esq.  
109 W. Jackson Street  
Cicero, Indiana 40034

Exhibit A

Legal Description: 1st Parcel  
"Memorial Park"

Legal Description: LOT 21 AND 22 OF SECTION 16-12-9 IN THE CITY OF TERRE HAUTE EXCEPT FOR THE FOLLOWING:

A PART OF LOT 22 IN THE PLAT OF LOTS 21 AND 22 SUB OF SEC 16 OF CITY OF TERRE HAUTE, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 5A, PAGE 83, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH BOUNDARY OF EIGHTH AVENUE WITH THE WEST BOUNDARY OF FOURTH STREET; THENCE SOUTH 0 DEGREES 12 MINUTES 40 SECONDS EAST 15.00 FEET ALONG THE BOUNDARY OF SAID FOURTH STREET TO POINT "305" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST 15.02 FEET TO POINT "304" DESIGNATED ON SAID PARCEL PLAT; THENCE NORTH 56 DEGREES 28 MINUTES 24 SECONDS WEST 18.03 FEET TO POINT "303" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST 235.00 FEET TO POINT "302" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 46 DEGREES 20 MINUTES 14 SECONDS WEST 13.77 FEET TO POINT "301" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 11 MINUTES 07 SECONDS EAST 323.28 FEET TO A POINT ON THE NORTH BOUNDARY OF SEVENTH AVENUE DESIGNATED AS POINT "300" ON SAID PLAT; THENCE NORTH 89 DEGREES 56 MINUTES 47 SECONDS WEST 10.00 FEET ALONG THE BOUNDARY OF SAID SEVENTH AVENUE TO THE EAST BOUNDARY OF THIRD STREET (ALSO KNOWN AS U.S. 41); THENCE NORTH 0 DEGREES 11 MINUTES 07 SECONDS WEST 337.72 FEET ALONG THE BOUNDARY OF SAID THIRD STREET TO THE SOUTH BOUNDARY OF SAID EIGHTH AVENUE; THENCE NORTH 89 DEGREES 50 MINUTES 12 SECONDS EAST 285.00 FEET ALONG THE BOUNDARY OF SAID EIGHTH AVENUE TO THE POINT OF BEGINNING AND CONTAINING 0.115 ACRES, MORE OR LESS.

EXCEPT THE FOLLOWING

LOT NUMBER ONE (1) IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER TWENTY ONE (21) AND A PART OF LOT NUMBER TWENTY TWO (22) IN SCHOOL SECTION SIXTEEN (16) OF TOWNSHIP 12 (12) NORTH OF RANGE NINE (9) WEST IN THE CITY OF TERRE HAUTE, VIGO COUNTY INDIANA.

ALSO EXCEPTING

TWENTY (20) FEET OF EVEN WIDTH OFF THE NORTH SIDE OF LOT 2, IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER 21 AND A PART OF LOT NUMBER 22 IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

Legal Description: 2nd Parcel  
"Second Christian Church" Property

Legal Description: LOT NUMBER ONE (1) IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER TWENTY ONE (21) AND A PART OF LOT NUMBER TWENTY TWO (22) IN SCHOOL SECTION SIXTEEN (16) OF TOWNSHIP 12 (12) NORTH OF RANGE NINE (9) WEST IN THE CITY OF TERRE HAUTE, VIGO COUNTY INDIANA.

ALSO

TWENTY (20) FEET OF EVEN WIDTH OFF THE NORTH SIDE OF LOT 2, IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER 21 AND A PART OF LOT NUMBER 22 IN THE SUBDIVISION OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, IN TERRE HAUTE, VIGO COUNTY, INDIANA.

0 30' 60'

SCALE: 1"=60'

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

EXHIBIT "B"  
RIGHT-OF-WAY PARCEL PLAT  
Prepared For City of Terre Haute, Indiana  
by: AMERICAN

SHEET 2 OF 2

**STRUCTUREPOINT**  
INC.

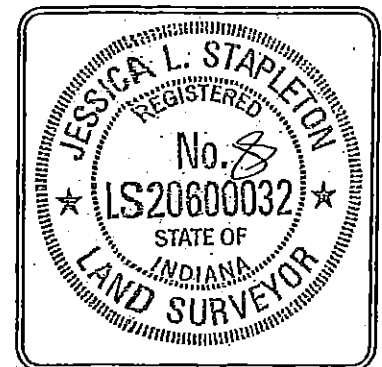
POINT REFERENCE CHART (Feet)

Point	North	East	Station	Offset	Q
200	SEE LOCATION CONTROL ROUTE SURVEY PLAT				
201					
202					
203					
300	42825.2428	59476.7127	+r(222+11.72)	65' Rt.	A
301	43148.5239	59475.6670	225+35	65' Rt.	A
302	43158.0274	59485.6249	10+75	30' Rt.	S-1-A
303	43158.6977	59720.6239	13+10	30' Rt.	S-1-A
304	43148.7406	59735.6524	13+25	40' Rt.	S-1-A
305	43148.7834	59750.6744	+r(13+40.02)	40' Rt.	S-1-A

**SURVEYOR'S STATEMENT**

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2011016657 in the Office of the Recorder of Vigo County, Indiana, incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

*Jessica L. Stapleton* 12/12/2011  
Jessica L. Stapleton Date  
Reg. Land Surveyor No. LS20600032  
State of Indiana



NOTE: STATIONS AND OFFSETS ARE TO CONTROL OVER NORTH AND EAST COORDINATES.

OWNER: MEMORIAL PARK  
PARCEL: 1  
CODE: N/A  
PROJECT: 1006019  
ROAD: 3RD STREET / 8TH AVENUE  
COUNTY: VIGO  
SECTION: 16  
TOWNSHIP: 12 NORTH  
RANGE: 9 WEST

DRAWN BY: JLS  
CHECKED BY: JLS  
DES. NO.: 1006019

AMERICAN STRUCTUREPOINT, INC. PROJECT NO. 200901429

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

**FINAL ACTION BY COMMON COUNCIL OF  
THE CITY OF TERRE HAUTE, INDIANA  
REGARDING RESOLUTION \_\_\_\_\_, 2012**

WHEREAS, the Common Council of the City of Terre Haute, Indiana adopted Resolution \_\_\_\_\_, 2012, on the \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2012, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area, commonly known as that area consisting of 1501 N. Third Street, Terre Haute, Indiana, and notice that a description of the affected area is available for inspection in the office of the Vigo County Assessor and further stating a date on which the Common Council of the City of Terre Haute, Indiana would receive and hear remonstrances and objections; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has conducted the hearing as required by law to hear remonstrances or objections regarding the designation of the affected area as an economic revitalization area or to approval of the Application and Statement of Benefits heretofore filed; and

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

WHEREAS, the Common Council of the City of Terre Haute, Indiana has received and examined, prior to such hearing, an Application and Statement of Benefits on the form prescribed by the City of Terre Haute and the State Board of Tax Commissioners and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. The petitioner's estimate of the value of the Project to be built on the subject real property is reasonable for projects of that nature in order to enhance services to the community.
2. The petitioner's estimate of the number of individuals who will be employed and retained, and the benefits thereby, can reasonably be expected to result from the Project.
3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed, and the benefits thereby, can reasonably be expected to result from the Project.
4. The totality of the benefits of the Project are sufficient to justify a ten (10) year property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and they are hereby, allowed.
5. That all qualifications for establishing an Economic Revitalization Area have been met.
6. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year real property tax abatement and the Statement of Benefits (copies' of which were submitted with the Petition) are hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.


NOW, THEREFORE, for final action on Resolution \_\_\_\_\_, 2012, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES:



ATTEST:

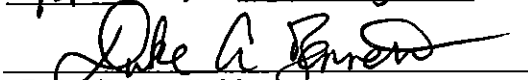
  
Charles P. Hanley, City Clerk

Presented by me to the Mayor this 14<sup>th</sup> day of December, 2012.

  
Don Morris, President  
Common Council of  
City of Terre Haute, Indiana

  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 14<sup>th</sup> day of DECEMBER, 2012

  
Duke Bennett, Mayor  
City of Terre Haute, Indiana

ATTEST:

  
Charles P. Hanley, City Clerk

This instrument prepared by Christopher J. Lukaart, Esq.  
109 W. Jackson Street  
Cicero, Indiana 40034

**CITY OF TERRE HAUTE  
PETITION FOR REAL PROPERTY  
TAX ABATEMENT CONSIDERATION**

The undersigned purchaser(s) of real property located within the City of Terre Haute hereby petition the Common Council of the City of Terre Haute for real property tax abatement consideration pursuant to I.C. 6-1.1-12.1-1, et. seq., and for this petition state(s) the following:

1. The Project. Petitioner, MS Terre Haute, LLC proposes to construct skilled nursing and short-term rehabilitation facility at 1501 N. Third Street, Terre Haute, Indiana.
2. The estimated cost of land acquisition and construction is projected to be \$11,900,000. The proposed facility will be a one story building, of approximately 53,000 square feet.
3. The project is important to the Petitioner as a means to provide skilled-nursing and short-term rehabilitation services from a hospitality-modeled facility to the local community. The construction of this facility is expected to provide enhanced economic development in the immediate and surrounding area.
4. The facility will be operated by a 3<sup>rd</sup> party operator who is expected to fill 100 positions through 2016, and with a total payroll at full stabilization of \$3,375,000.
5. Estimate the dollar value of the redevelopment or rehabilitation project:

The estimated cost of completion of the improvements to the real property is approximately \$10,900,000 (exclusive of land).

6. (a) The real property for which tax abatement consideration is petitioned (Property) is to be owned by the following:

Name, Address, and Interest:

MS Terre Haute, LLC  
109 W. Jackson Street  
Cicero, Indiana 46034

(b) A brief description of the overall nature of the business and of the operations occurring at the Property:

This project will involve the creation of a new state-of-the-art skilled nursing and assisted living facility.

7. The commonly known address of the Property is:

1501 N. Third Street, Terre Haute, Indiana

8. An aerial photo of the Property is attached hereto as **Exhibit A**.
9. There are currently no improvements upon the site of the proposed project. It is used as a park exempt from property tax.

10. Petitioner is seeking a ten (10) year tax abatement which would provide that during each of the first ten (10) years after rehabilitation, real property taxes on the to-be-constructed building and site improvements would abate as follows: The best estimate of the amount of taxes to be abated during each of the ten (10) years after rehabilitation is:

Tax Rate of 2.0%

Assumed Assessed Value of New Improvements: \$9,520,000

Annual Tax without Abatement: \$152,320

ABATEMENT YEAR	ABATEMENT %	TAX ABATED	TAX PAID
1	100%	\$152,320	\$ 0
2	95%	\$144,704	\$7,616
3	80%	\$121,856	\$30,464
4	65%	\$99,008	\$53,312
5	50%	\$76,160	\$76,160
6	40%	\$60,928	\$91,392
7	30%	\$45,696	\$106,624
8	20%	\$30,464	\$121,856
9	10%	\$15,232	\$137,088
10	5%	<u>\$7,616</u>	<u>\$144,704</u>
	Total	\$753,984	\$769,216

11. No building permit has been issued for construction on the property in connection with the improvement in question as of the date of filing of this petition. The signature below is verification of this statement.
12. Other anticipated public financing for the project (including, if any, industrial Revenue bonding to be sought or already authorized, assistance through the United States Department of Housing and Urban Development funds from the City of Terre Haute, or other public financial assistance):
- It is anticipated that this project will be financed privately. Petitioner has not sought any public financing.*
13. The property is located in an area that is within the boundaries of the City of Terre Haute, Indiana, which area has become undesirable for, or impossible of, normal development and occupancy as it has existed, as a former downtown retail and business neighborhood, because of a lack of private development and declining conditions of the neighboring properties, cessation of growth, and deterioration of improvements which have impaired values or prevented a normal development of property or use of property - and such is an area declining in tax revenues. Currently, the land is unimproved and there are no assessed improvements.

14. The current use of the Property is undeveloped land and the current zoning is for use as a Park.
15. In view of the foregoing, the Petitioner applies in good faith, for ten (10) year real property tax abatement for the Property.
16. Petitioner agrees to enter into an Agreement with the Board of Public Works for the City of Terre Haute, Indiana, in substantially the same form as is attached hereto and made a part hereof as **Exhibit B**.
17. The following persons should be contacted as the petitioner's agent regarding additional information and public hearing notifications:

Name:	Christopher J. Lukaart, Esq.
Address:	109 W. Jackson Street
City, State, Zip:	Cicero, Indiana 46034
Telephone:	(317) 420-0205

18. The type of Economic Development Revitalization project involved in this request:

_____	a. Housing
_____	b. Office
_____ X _____	c. Retail/Commercial
_____	d. Mixed Use Retail, Housing and Office*
_____	e. Industrial
_____	f. Warehousing

WHEREFORE, petitioner request that the Common Council of the City of Terre Haute, Indiana, adopt a declaratory resolution designating the area described herein to be an

economic revitalization area for purposes of real 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.

Name of Petitioner:

MS Terre Haute, LLC

X By Paul E. L. 2

DO NOT USE THIS SPACE

Resolution # \_\_\_\_\_ Target Area Required  
\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Confirming Ordinance # \_\_\_\_\_

Date of Notice \_\_\_\_\_

Final Action \_\_\_\_\_

Target Area Ord. Effective \_\_\_\_\_

This instrument prepared by Chrisopher J. Lukaart, Esq.  
109 W. Jackson Street  
Cicero, Indiana 40034



SITE AERIAL 4

## Exhibit B

### **AGREEMENT**

This Agreement (the "Agreement") dated as of the \_\_\_\_ day of \_\_\_\_\_, 2012, serves as a confirmation of the commitment of **MS Terre Haute, LLC** (the "Applicant"), pending a public hearing, to comply with the project description, and job employment figures (the "Project") contained in its designation application, Statement of Benefits, the Preliminary Economic Revitalization Area Resolution No. \_\_\_\_, 2012, and attachments adopted by the Common Council of the City of Terre Haute, Indiana (the "Council") on \_\_\_\_\_, 2012, 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 ten (10) year real property tax abatement for the Applicant's capital expenditure of up to \$10,900,000 associated with land acquisition and construction of a building as part of Applicant's Commitment. The capital expenditure of the Project and the filling of such positions shall occur within three years (3) years of the estimated completion date of February 28, 2014 contained in the approved Statement of Benefits Form SB-1 (the "Commitment Date").

During the term of the abatement, the City of Terre Haute, Indiana (the "City") may annually request information from the Applicant concerning the status of the Project, the approved capital expenditure for the Project, the number of full-time permanent positions created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with those positions, and the Applicant shall provide the City with adequate written evidence thereof within 15 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/RE is filed with the County. The City shall utilize this information to verify that the Applicant has complied with the commitments contained in "the Commitment" 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 reasonably 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 aforesaid commitments, and the Applicant's failure to substantially comply with the Commitment was not due to factors beyond its control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: Making capital expenditures for land acquisition, construction, and associated costs of up to \$11,900,000 for the Project.



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 job creation and projected wages 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 any at 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 attorney 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"

City of Terre Haute

MS Terre Haute, LLC

X By: Paul Engelke 2

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Approved as to legal adequacy and form on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF TERRE HAUTE

PROPERTY TAX ABATEMENT PROGRAM APPLICATION

Ownership Information

Name	Address	Phone	Percentage Interest (if applicable)
MS Terre Haute, LLC --109 West Jackson St., Cicero, IN 46034 -- 317-420-0205 -- 100%			

Note: If the owner is a corporation, list the name, address and telephone number for the contact person representing the corporation. Dennis DeChow, Mainstreet 109 W. Jackson St., Cicero, IN 46034 317-420-0205

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: 1501 N. Third Street, Terre Haute, IN (see attached legal description)

B. Parcel ID Number(s): #84-06-16-402-002.000-002

Current Status of Property

A. Current zoning designation of property: Park

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

No improvements on land currently

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):

Park

D. Current total assessed valuation of land and all improvements:

Currently exempt property

E. Describe any unique historical structure or aesthetic improvements: N/A

### Proposed Improvements

A. Describe proposed real property improvements and projected costs: \_\_\_\_\_

State-of-the-art, next generation health care facility - \$10.9 million

B. Describe proposed depreciable personal property improvements and projected costs: \_\_\_\_\_

Medical and related equipment for use in facility - \$1 - \$1.5 million

C. List any public infrastructure improvements, with estimated costs, that will be necessary for the project: TBD

D. Project Start Date: March 2013

E. Project Completion Date: March 2014

### 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:

Site is not currently being utilized for its best commercial use. This intended use  
will provide a needed and community-enhancing amenity to the surrounding  
area and city.

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: up to 100 Average Annual Salary: up to \$3.375 million

Number of retained employees: N/A; Average Annual Salary: N/A

Description of employee benefits for new and/or retained employees: \_\_\_\_\_

Health care and related benefits

*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
11. Residential.
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  


DATE

10/26/2012

\_\_\_\_\_  
\_\_\_\_\_  
\* 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**  
**Real Property Tax Abatement Guideline Scoring Criteria**

Company Name: Mainstreet

Application Date: October 23, 2012

1. New Real Property Investment	5 points maximum	<u>5</u>
< \$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	<u>5</u>
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	<u>0</u>
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	<u>3</u>
\$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	<u>1</u>
6. Targeted Business	1 point if project is good fit for community	<u>1</u>
7. Community Involvement	1 point if company plans or is already involved in community activities	<u>1</u>
8. Is this project a headquarters or a new project to the community?	1 point if "Yes"	<u>1</u>
9. Diverse Workforce	1 point if applicant maintains an affirmative action plan or other statement of specific goals with respect to employee diversity	<u>          </u>

Total Points		<u>17</u>
<u>Scoring</u>	<u>Length of Real Property Abatement</u>	
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	<u>          </u>
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	<u>1</u>
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	<u>1</u>
4. Existing Facility	Council may award one bonus point for use, reuse, rehabilitation and/or expansion of an existing facility	<u>          </u>
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	<u>1</u>
 Total Bonus Points		<u>3</u>
 Grand Total Points		<u>20</u>
 Recommended Length of Real Property Abatement Per Guideline Scoring Criteria		<u>10</u> Years



Legal Description: 1st Parcel  
"Memorial Park"

Legal Description: LOT 21 AND 22 OF SECTION 16-12-9 IN THE CITY OF TERRE HAUTE EXCEPT FOR THE FOLLOWING:

A PART OF LOT 22 IN THE PLAT OF LOTS 21 AND 22 SUB OF SEC 16 OF CITY OF TERRE HAUTE, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 5A, PAGE 83, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH BOUNDARY OF EIGHTH AVENUE WITH THE WEST BOUNDARY OF FOURTH STREET; THENCE SOUTH 0 DEGREES 12 MINUTES 40 SECONDS EAST 15.00 FEET ALONG THE BOUNDARY OF SAID FOURTH STREET TO POINT "305" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST 15.02 FEET TO POINT "304" DESIGNATED ON SAID PARCEL PLAT; THENCE NORTH 56 DEGREES 28 MINUTES 24 SECONDS WEST 18.03 FEET TO POINT "303" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST 235.00 FEET TO POINT "302" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 46 DEGREES 20 MINUTES 14 SECONDS WEST 13.77 FEET TO POINT "301" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 11 MINUTES 07 SECONDS EAST 323.28 FEET TO A POINT ON THE NORTH BOUNDARY OF SEVENTH AVENUE DESIGNATED AS POINT "300" ON SAID PLAT; THENCE NORTH 89 DEGREES 56 MINUTES 47 SECONDS WEST 10.00 FEET ALONG THE BOUNDARY OF SAID SEVENTH AVENUE TO THE EAST BOUNDARY OF THIRD STREET (ALSO KNOWN AS U.S. 41); THENCE NORTH 0 DEGREES 11 MINUTES 07 SECONDS WEST 337.72 FEET ALONG THE BOUNDARY OF SAID THIRD STREET TO THE SOUTH BOUNDARY OF SAID EIGHTH AVENUE; THENCE NORTH 89 DEGREES 50 MINUTES 12 SECONDS EAST 285.00 FEET ALONG THE BOUNDARY OF SAID EIGHTH AVENUE TO THE POINT OF BEGINNING AND CONTAINING 0.115 ACRES, MORE OR LESS.

EXCEPT THE FOLLOWING

LOT NUMBER ONE (1) IN THE CITY OF TERRE HAUTE'S SUBDIVISION OF LOT NUMBER TWENTY ONE (21) AND A PART OF LOT NUMBER TWENTY TWO (22) IN SCHOOL SECTION SIXTEEN (16) OF TOWNSHIP 12 (12) NORTH OF RANGE NINE (9) WEST IN THE CITY OF TERRE HAUTE, VIGO COUNTY INDIANA.

ALSO EXCEPTING

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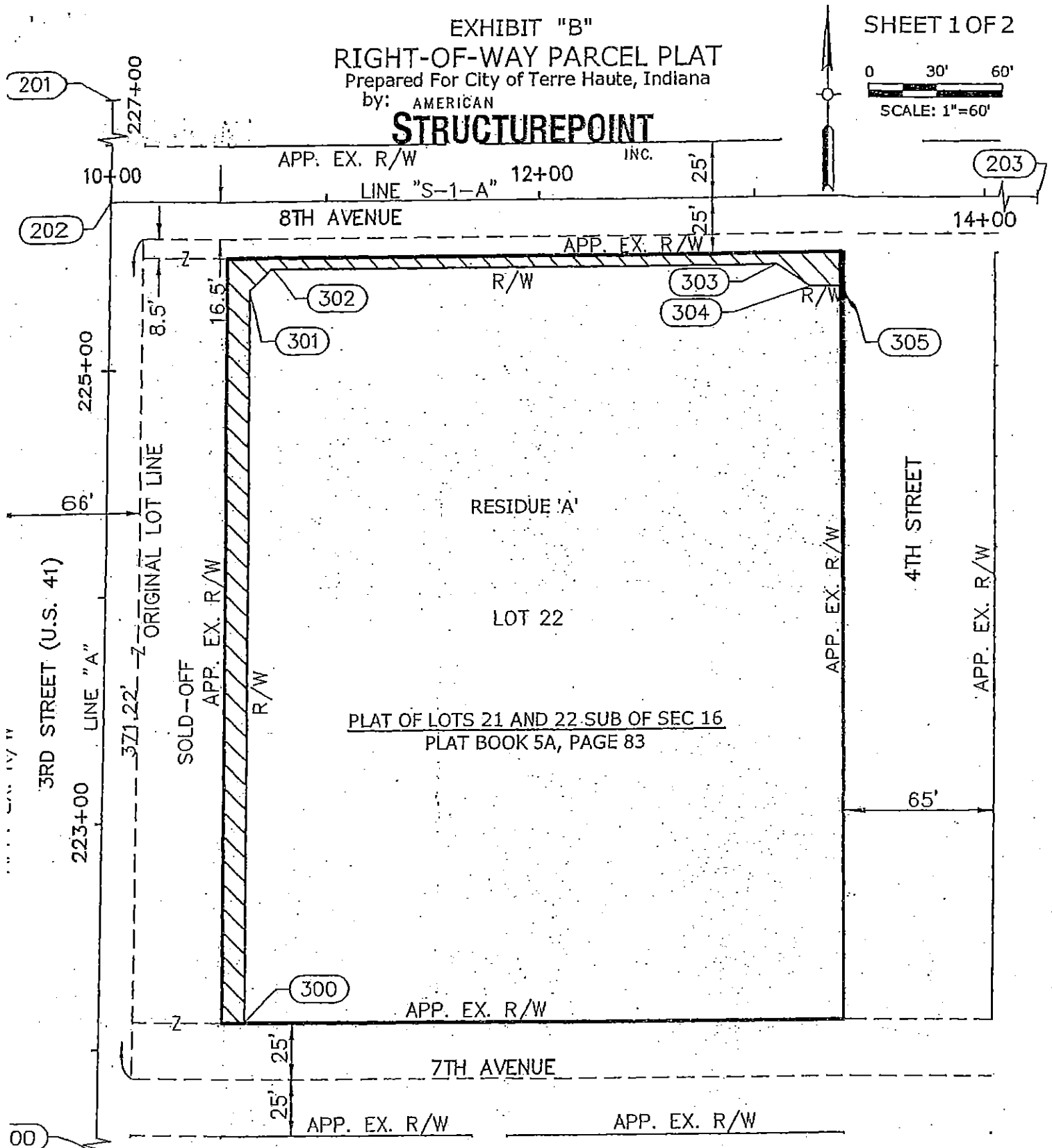
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EXHIBIT "B"  
RIGHT-OF-WAY PARCEL PLAT  
Prepared For City of Terre Haute, Indiana  
by: AMERICAN  
**STRUCTUREPOINT**

SHEET 1 OF 2

0 30' 60'  
SCALE: 1"=60'



PLAT OF LOTS 21 AND 22 SUB OF SEC 16  
PLAT BOOK 5A, PAGE 83



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL PARK  
PARCEL: 1  
CODE: N/A  
PROJECT: 1006019  
ROAD: 3RD STREET / 8TH AVENUE  
COUNTY: VIGO  
SECTION: 16  
TOWNSHIP: 12 NORTH  
RANGE: 9 WEST

DRAWN BY: JLS  
CHECKED BY: JLS  
DES. NO.: 1006019

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

## RIGHT-OF-WAY PARCEL PLAT

Prepared For City of Terre Haute, Indiana

by: AMERICAN

**STRUCTUREPOINT**  
INC.

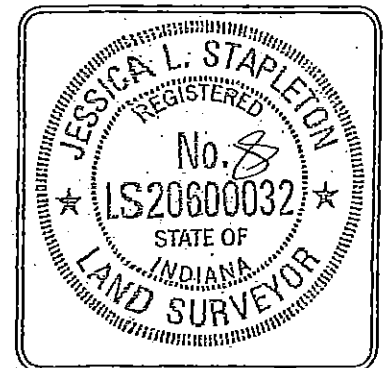
## POINT REFERENCE CHART (Feet)

Point	North	East	Station	Offset	CL
200	SEE LOCATION CONTROL ROUTE SURVEY PLAT				
201					
202					
203					
300	42825.2428	59476.7127	+r(222+11.72)	65' Rt.	A
301	43148.5239	59475.6670	225+35	65' Rt.	A
302	43158.0274	59485.6249	10+75	30' Rt.	S-1-A
303	43158.6977	59720.6239	13+10	30' Rt.	S-1-A
304	43148.7406	59735.6524	13+25	40' Rt.	S-1-A
305	43148.7834	59750.6744	+r(13+40.02)	40' Rt.	S-1-A

## SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2011016657 in the Office of the Recorder of Vigo County, Indiana, incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

*Jessica L. Stapleton* 12/12/2011  
 Jessica L. Stapleton Date  
 Reg. Land Surveyor No. LS20600032  
 State of Indiana



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 CHECKED BY: JLS  
 DES. NO.: 1006019

AMERICAN STRUCTUREPOINT, INC. PROJECT NO. 200901429

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## ASSIGNMENT OF PURCHASE AGREEMENT

WHEREAS, a Real Estate Purchase Agreement was executed to be effective as of September 21, 2012, between the City of Terre Haute, by and through the Board of Public Works ("Seller"), and Mainstreet Property Group, LLC, an Indiana limited liability company ("Buyer") ("Purchase Agreement"); and

WHEREAS, pursuant to Section 25(C) of the Purchase Agreement, the Buyer now desires to assign its interest in the Purchase Agreement to MS Terre Haute, LLC, an Indiana limited liability company ("Assignee").

NOW, THEREFORE, Buyer hereby assigns all of Buyer's right, title and interest in and to the Purchase Agreement to Assignee. Assignee hereby assumes all of the duties and obligations of the Buyer under the Purchase Agreement and Buyer is hereby released from any further liability to Seller.

Dated this 25<sup>th</sup> day of October, 2012.

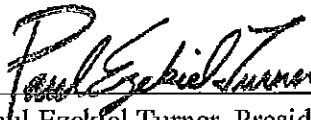
### "Buyer"

Mainstreet Property Group, LLC,  
an Indiana limited liability company

By: Mainstreet Asset Management, Inc.,  
an Indiana corporation

Its: Manager

By:

  
Paul Ezekiel Turner, President


### "Assignee"

MS Terre Haute, LLC,  
an Indiana limited liability company

By: Mainstreet Asset Management, Inc.,  
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Its: Manager

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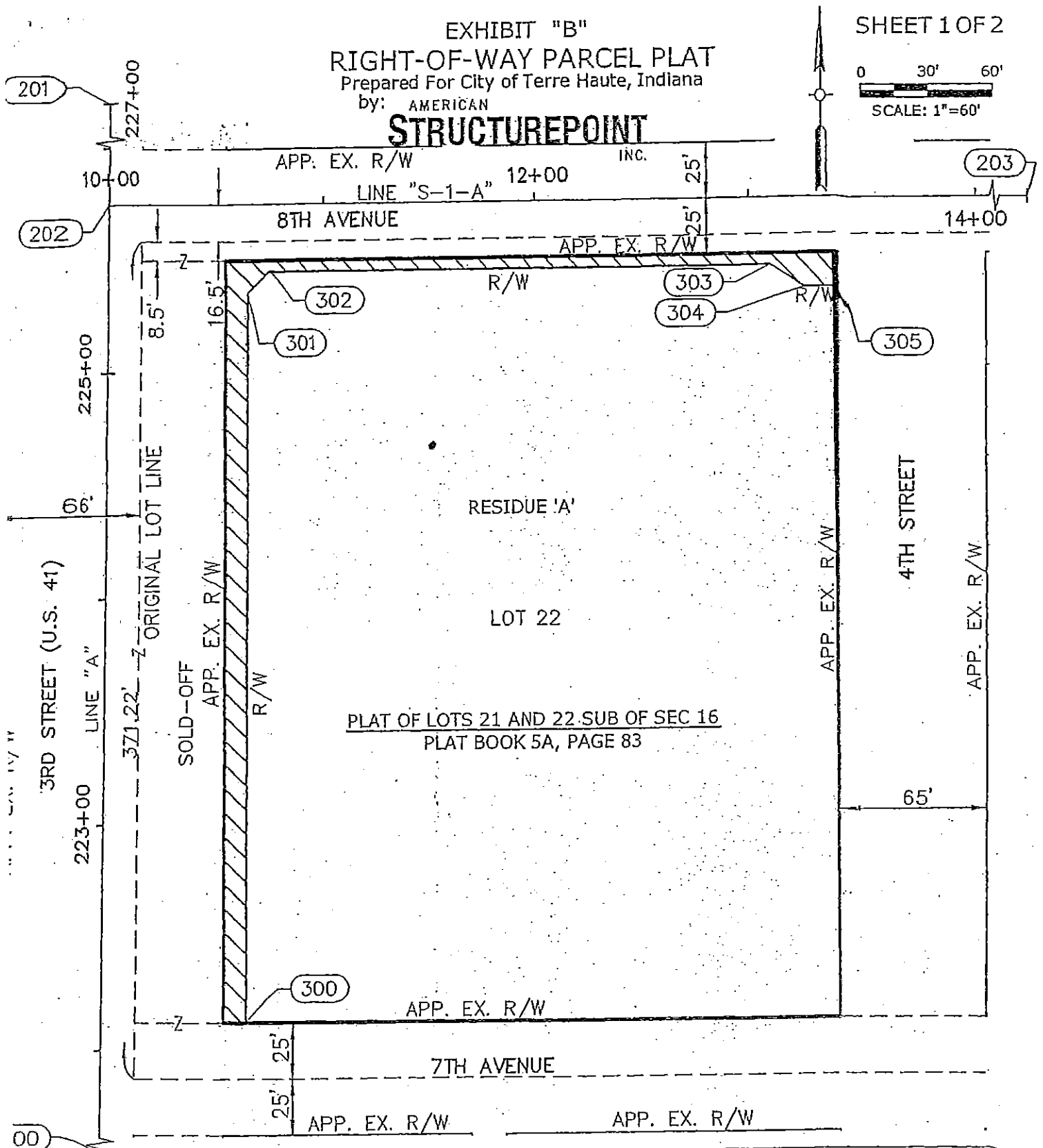
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DES. NO.: 1006019

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INC.

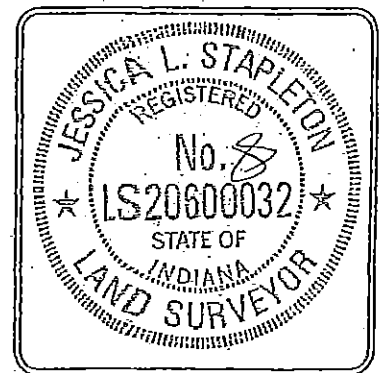
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*Jessica L. Stapleton* 12/12/2011  
 Jessica L. Stapleton Date  
 Reg. Land Surveyor No. LS20600032  
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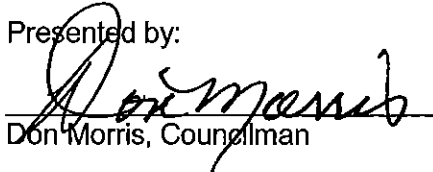
1. That all of the requirements for designation of the real estate described in Resolution \_\_\_, 2012, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.

2. That Resolution \_\_\_, 2012, is in all respects confirmed and approved (as modified to incorporate therein this final action); that the benefits of the proposed development are sufficient to justify a ten (10) year real property tax abatement under Indiana statutes for the proposed redevelopment described in the aforesaid Statement of Benefits; the deduction for the proposed project and development, as well as the Statement of Benefits submitted are each and all approved; the Common Council of the City of Terre Haute, Indiana authorizes and directs the endorsement of said Statement to show such approval; that the real estate described in Resolution \_\_\_, 2012, is declared an Economic Revitalization Area for the purposes of a ten (10) year real property tax abatement; and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

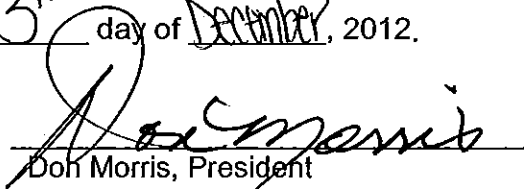
3. That said Resolution supplements any other designation (if any) of the aforesaid real estate as an Economic Revitalization Area.

4. That this Final Action, findings and confirmation of Resolution \_\_\_, 2012, shall be incorporated in and be a part of Resolution \_\_\_, 2012.

Presented by:

  
Don Morris, Councilman

Passed in open Council this 13<sup>th</sup> day of December, 2012.

  
Don Morris, President  
Common Council of  
City of Terre Haute, Indiana