

RESOLUTION NO. 17, 2013

A RESOLUTION TO RESCIND THE TEN (10)-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR BLACK DOG RANCH LLC (BDR) d/b/a RPM ROOFING.

WHEREAS, by Resolution No. 28, 2006, the Common Council for the City of Terre Haute, Indiana, confirmed on November 9, 2006, a ten (10) year personal property tax abatement for Black Dog Ranch LLC (BDR) d/b/a RPM Roofing (hereinafter "Petitioner"). Resolution No. 28, 2006, is attached hereto as Exhibit A; and

WHEREAS, by written notice dated February 6, 2013, Petitioner was provided with a courtesy notification that the Common Council Finance Committee would be reviewing the compliance of previously granted tax abatements and advised Petitioner to review the status of its tax abatement and to ensure submission of appropriate compliance forms. A copy of said notice is attached hereto as Exhibit B; and

WHEREAS, at a special meeting of the Common Council held on June 6, 2013, to review compliance of approved tax abatements, it was determined that Petitioner was not in substantial compliance with the Statement of Benefits for failure to submit to the Common Council a Form CF-1/PP (Compliance with Statement of Benefits – Personal Property); and

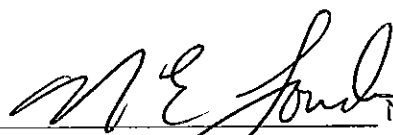
WHEREAS, pursuant to I.C. § 6-1.1-12.1-5.9, by written notice dated June 11, 2013, Terre Haute City Clerk notified Petitioner that a determination had been made that Petitioner was not in substantial compliance with the Statement of Benefits. Such notice stated the reason for the determination of non-compliance and the date, time, and place for a hearing. Such notice is attached hereto as Exhibit C; and

WHEREAS, at the public hearing held on June 27, 2013, the Common Council determined that Petitioner had not made a reasonable effort to comply with the Statement of Benefits and therefore such tax deductions should be terminated.

THEREFORE, BE IT RESOLVED by the Common Council for the City of Terre Haute, Indiana, that tax deductions authorized for Petitioner provided in Resolution No. 28, 2006, are hereby terminated.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to provide a copy of this Resolution No. 17, 2013 to the Petitioner, Vigo County Auditor, and the appropriate township assessor.

BE IT FURTHER RESOLVED, that the Common Council requests that the County Auditor follow the provisions set forth at I.C. §6-1.1-12.1-5.9(d).

Introduced by:  Norman Loudermilk, Councilman

Passed in open Council this 18th day of July, 2013.


 Norman Loudermilk, President

ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 19th day of July, 2013.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 19th day of July, 2013.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk

Exhibit "A"

FILED

RESOLUTION NO 28, 2006

OCT 06 2006

CITY CLERK

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within the City (commonly identified as 1251 N. Frulridge Ave., Terre Haute, Indiana) as an Economic Revitalization Area for the Purpose of Ten (10) Year Personal Property Tax Abatement for Black Dog Ranch LLC (BDR), d/b/a RPM Roofing.

WHEREAS, a Petition for a ten (10) year personal property tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described in attached Exhibit A (which is hereby made a part hereof) be designated an Economic Revitalization Area for purposes of real property tax abatement;

WHEREAS, the Petitioner has submitted a 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 map of the aforesaid property as set forth in attached Exhibit B (which is hereby made a part hereof); and

WHEREAS, Petitioner has estimated that its investment in the new equipment project (the "Project") to be located at said real estate itself will create thirty-seven (37) new jobs; 7 new management positions with an average hourly wage, without benefits of \$26.78 and with benefits of equal to \$34.81 (\$72,405.00 average annual compensation package); 30 full-time hourly production positions with an average hourly wage, without benefits of \$14.00, and with benefits of equal to \$20.00. (\$41,600.00 average annual compensation package), and the company's first full year annual payroll is estimated at \$1,742,400.00.

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 the City of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana 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 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 because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property—and such is an area where facilities that are technologically, economically or energy obsolete, are located and where the obsolescence may lead to a decline 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 put in place on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve the ability of Petitioner to continue functioning as a competitive manufacturer of commercial, roofing products in the City of Terre Haute, Indiana.

2. The Petitioner's estimate of the number of new jobs, and the benefits therefrom, can reasonably be expected to result from the Project.

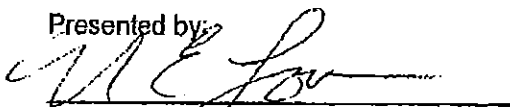
3. The Petitioner's estimate of the annual salaries or wages of the individuals who will staff those new jobs, and the benefits therefrom, can reasonably be expected to result from the Project.

4. The totality of the benefits of the Project are sufficient to justify a ten (10) year personal 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 personal property tax abatement and the Statement of Benefits (a copy of which was 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).

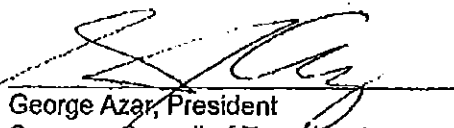
Presented by:


Norman Loudermilk, Councilman

Passed in open Council this 21st day of October, 2006.

ATTEST:



Charles P. Hanley, City Clerk


George Azar, President
Common Council of Terre Haute,
Indiana

Presented by me to the Mayor this 12th day of October, 2006.


Charles P. Hanley, City Clerk

Approved by me, Kevin D. Burke, Mayor, this 12th day of October, 2006.


Kevin D. Burke, Mayor,
City of Terre Haute, Indiana

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by Jeffrey A. Lewellyn, Attorney,
333 Ohio Street, P.O. Box 800, Terre Haute, IN 47808.

EXHIBIT A

Beginning at a point on the West line of the Southeast quarter of Section 12, Township 12 North, Range 9 West, 662.3 feet North of the South line of said Section, and thence North, 660 feet, thence East at a 90 degree angle, 682 feet to the West Right-of-way line of the Chicago, Milwaukee and St. Paul Railroad thence Southerly along said West Right-of-way line to a point 662.3 feet North of the South line of said Section 12; thence West, 701.2 feet to the place of beginning.

EXCEPT 150 feet of even width off of the North side of the above tract as described in Deed Record 370, page 836-1.

EXCEPT that part conveyed to Unique Graphics Corporation and described as Tract I in that certain indenture date October 14, 1977 and recorded in Deed Record 372, Page 694, said part being a strip 435 feet wide at the West end, 455 feet, more or less, wide at the East end, off the South side of the above described real estate.

ALSO EXCEPT that part conveyed to the City of Terre Haute, Indiana as shown by Instrument dated June 7, 1971 and recorded in Deed Record 353, page 532. Said part being a strip 91 feet wide at the South end, 91.04 feet wide at the North end, off the West side of the above described real estate.

SUBJECT to a permanent right of way and easement granted the City of Terre Haute, Indiana, as shown by Instrument dated November 16, 1973 and recorded in Deed Record 361, page 585-1.

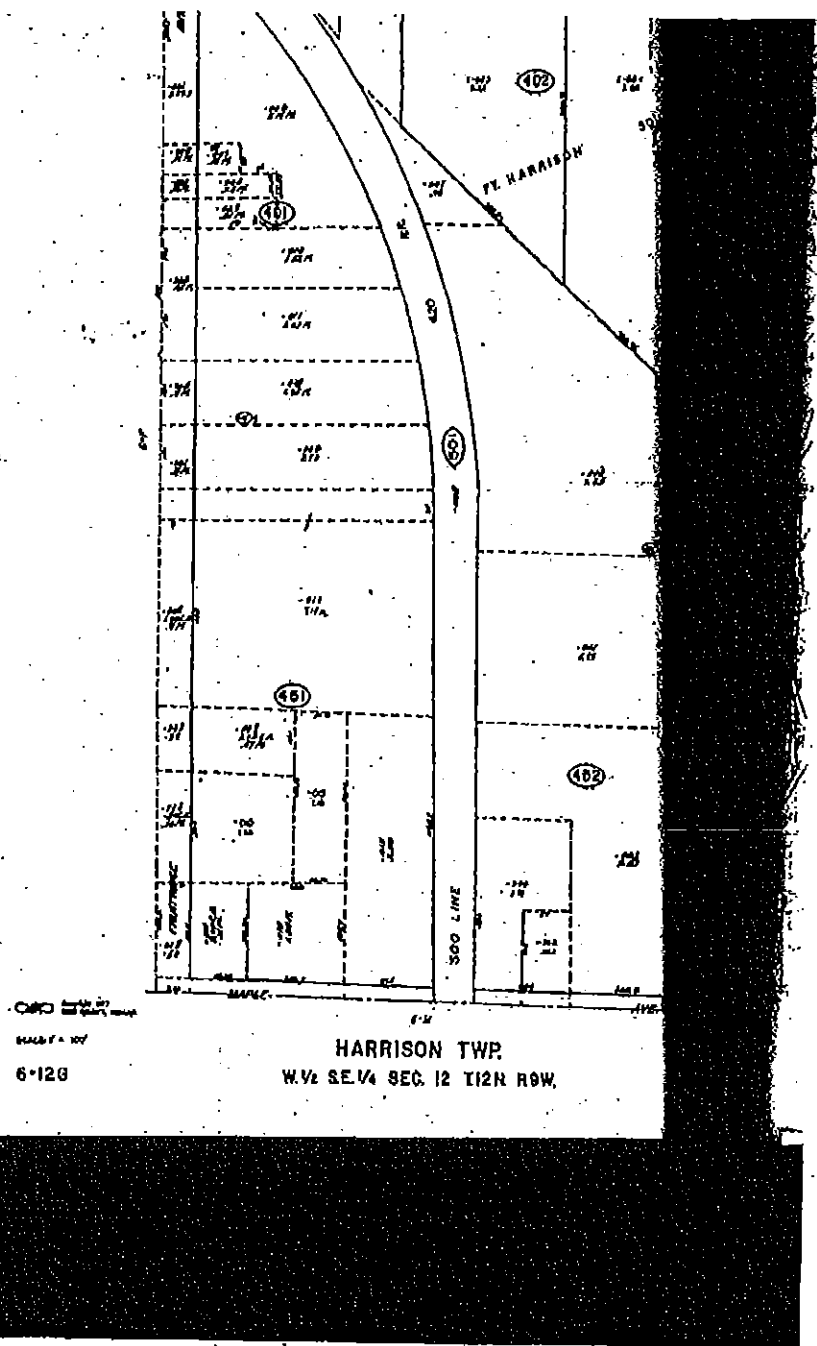
ALSO,

All that part of the West Half of the South Half of the Southeast Quarter of Section 12, Township 12 North, Range 9 West, lying West of the West line of that part of the above described premises theretofore conveyed to the Southern Indiana Railway Company for a Right-of-Way by Mary Cliver as shown by deed dated June 3, 1903, and recorded in Deed Record 110, Page 36 in the custody of the Recorder of Vigo County, Indiana. Except a strip 476 feet in width off the West side thereof (the "Real Property").

All records of the Vigo County Recorder's Office.

EXHIBIT B

(Map attached)



**FINAL ACTION BY COMMON COUNCIL OF
THE CITY OF TERRE HAUTE, INDIANA
REGARDING RESOLUTION 28, 2006**

WHEREAS, the Common Council of the City of Terre Haute, Indiana adopted Resolution 28, 2006, on the 12th day of October, 2006, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area 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 and has received no remonstrances or objections to designation of the affected area as an economic revitalization area or to approval of the 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, a Statement of Benefits on the form prescribed by 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. That the estimate of the cost of the redevelopment is reasonable for projects of that type.
2. That the estimate of individuals who will be employed as a result of the redevelopment, rehabilitation and installation of the equipment can reasonably be expected to result from the proposed project.
3. The estimate of annual salaries of those individuals who will be employed can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.
4. That the benefits heretofore stated can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.
5. That the totality of benefits is sufficient to justify the deductions.
6. That all qualifications for establishing an economic revitalization area have been met.

NOW, THEREFORE, for final action on Resolution 28, 2006, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES:

1. That all of the requirements for designation of the real estate described in Resolution 28, 2006, 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 28, 2006, 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 ten (10) year personal property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation 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 28, 2006, 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 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 28, 2006, shall be incorporated in and be a part of Resolution 28, 2006.

Presented by:


Norman Loudermilk, Councilman

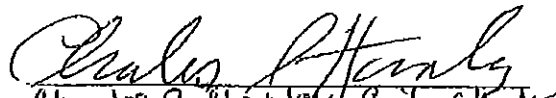
Passed in open Council this 9th day of November, 2006.


George Azar, President
Common Council of City of Terre
Haute, Indiana

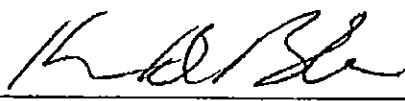
ATTEST:


Charles P. Hanley, City Clerk

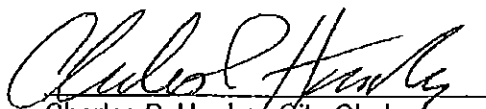
Presented by me to the Mayor this 9th day of November, 2006.


Charles P. Hanley, City Clerk

Approved by me, Kevin D. Burke, Mayor, this 9th day of November, 2006.


Kevin D. Burke, Mayor,
City of Terre Haute, Indiana

ATTEST:


Charles P. Hanley, City Clerk

This Instrument prepared by Jeffrey A. Lewellyn, Attorney,
333 Ohio Street, P.O. Box 800, Terre Haute, IN 47808.

Exhibit "B"

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

city of terre haute

Black Dog Ranch LLC d/b/a RPM Roofing
20 Cheval Circle
Bellevue, ID 83313
ATTN: Drew Pitt

February 6, 2013

RE: City of Terre Haute, Indiana Real and/or Personal Property Tax Abatement Recipient

To Whom It May Concern:

This letter is to inform you that the Terre Haute City Council Finance Committee will be conducting meetings this year to discuss real and personal property tax abatement compliance. The Finance Committee will review all previously granted tax abatements for compliance and proper paperwork. Failure to file required paperwork may result in a recommendation to repeal your tax abatement.

The tax abatement recipients who fail to meet the filing requirements or who filed information that does not comply with the obligations set forth in the tax abatement petition and resolution will be asked to appear before the Finance Committee to provide additional information. Notice will be sent to the address listed on the CF-1 form(s).

The Finance Committee provides the following recommendations to assist in the proper submission and review of real and/or personal property tax abatement compliance forms:

- ✓ Complete the CF-1/PP or CF-1/RP in its entirety. Incomplete forms will be returned for completion.
- ✓ Handwritten forms must be legible.
- ✓ The Terre Haute City Council has not approved consolidation of multiple projects on one (1) compliance form. Please use a separate compliance form for each tax abatement granted.
- ✓ Using the correct compliance form, reference the correct City Council resolution number and year for each tax abatement granted.
- ✓ Please double-check all of the calculations entered on each form.

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

city of terre haute

- ✓ Attach a copy of the original SB-1 form (Statement of Benefits) that was filed with the tax abatement.
- ✓ Be prepared to explain discrepancies between pledged numbers of employees and salaries (as listed on the original SB-1) and actual numbers of employees and salaries.
- ✓ File your completed forms annually by May 15th with both the Vigo County Auditor and the Terre Haute City Clerk's Office.
- ✓ Confirm that the contact person's name, address, and phone number is listed on the form or on a separate sheet of paper. This will expedite the process for mailing any correspondence the Finance Committee feels is necessary.

For your assistance, I have enclosed copies of the most current Indiana Department of Local Government Finance Form CF-1/PP (Compliance with Statement of Benefits Personal Property) and Form CF-1/RP (Compliance with Statement of Benefits Real Property). These forms may also be found on the Indiana Department of Local Government Finance website at www.IN.gov/dlgef.

Thank you in advance for your cooperation in this matter.

Sincerely,



Michelle L. Edwards
Chief Deputy City Clerk

Enclosures

cc: Mayor Bennett
Members of the City Council
Chou-il Lee, City Attorney

Exhibit "C"

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

June 11, 2013

Black Dog Ranch LLC d/b/a RPM Roofing
Drew Pitt
20 Cheval Circle
Bellevue, ID 83313

RE: RS 28, 2006 Personal Tax Abatement

To Whom It May Concern:

This letter is in reference to the status of your company's tax abatement compliance with the Terre Haute City Common Council. A meeting was held by the Common Council on June 6, 2013 to discuss tax abatement compliance matters. During this meeting it was determined your company was not in substantial compliance. This determination was based on the failure to file the proper Compliance of Benefits Form (CF-1) with the Common Council.

A hearing has been scheduled for June 27, 2013 at 5:30pm (EST) in the City Hall Courtroom. The Courtroom is located at 17 Harding Avenue, City Hall, Terre Haute, Indiana 47807. A representative of your company must appear to answer questions concerning the failure to file the proper documentation. In addition, your company will need to prepare and present the proper CF-1 form during this hearing. If your company feels the forms were not required to be filed this year, please present evidence at the hearing.

If a representative fails to attend the hearing scheduled for June 27, 2013, the Council may consider such as the property owner's failure to make reasonable efforts to comply with the statement of benefits and may vote to terminate the abatement thereby eliminating the deduction, pursuant to I.C. 6-1.1-12.1-5.9(c). Please make sure a representative is available for questions at the hearing.

If you have any questions, please feel free to contact me at 812-244-2131 or Michelle.Edwards@Terrehaute.In.Gov

Sincerely,



Michelle Edwards
Chief Deputy City Clerk

city of terre haute