

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

RESOLUTION NO. 2016 – R – 006

A RESOLUTION AUTHORIZING WAIVER OF SEWER TAP-IN FEES

WHEREAS, this Town Council of Sellersburg, Indiana (“Council”) is the town legislative body of the town and the President of the town council is the town executive pursuant to Ind. Code § 36-5-2 *et seq.*; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on the 7th day of March, 2016, the Town of Sellersburg Redevelopment Commission (“Commission”) adopted Resolution No. 16-001 setting forth certain recommendations to this Council (*See Exhibit “A”*); and,

WHEREAS, the Commission supports that this Council waive certain sewer tap-in fees for Clarion Partners as it relates to the property located within the economic revitalization area at 7615 Hwy 31 East, Sellersburg, IN 47172^{DM} (“Property”) conditioned upon Clairon Partners installing all sewer systems to Town’s specifications, connecting all such systems to the Town’s existing sewer system and conveying the sewer system to the Town; and,

WHEREAS, it is estimated that the sewer tap-in fees will be approximately One Hundred Ten Thousand and No/100 (\$110,000.00) US Dollars; and,

WHEREAS, it is estimated that the sewer system to be installed on, through, and for the benefit of, the Property will cost Four Hundred Eighty Thousand and No/100 (\$480,000.00) US Dollars, which shall be paid for by Clairon Partners.

NOW, THEREFORE BE IT RESOLVED by this Town Council of Sellersburg, Indiana as follows:

1. That the sewer tap-in fees for the Property, in an estimated amount of One Hundred Ten Thousand and No/100 (\$110,000.00) US Dollars, shall be waived in lieu of and contingent upon the complete installation and construction of the necessary sewer system to support the proposed project of Clarion Partners.
2. This resolution shall satisfy the written findings requirement of Ordinance No. 2004-001 as to the decision not to charge Clarion Partners, an industrial user, any sewer tap-in fees.

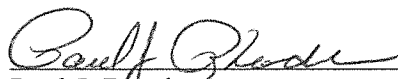
This Resolution shall be in full force and effect after its adoption by the Town Council of Sellersburg, Indiana.

[Signature page to follow]

So Resolved this 14 day of March, 2016.

“Aye”

“Nay”



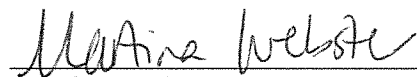
Paul J. Rhodes
Council President

Paul J. Rhodes
Council President



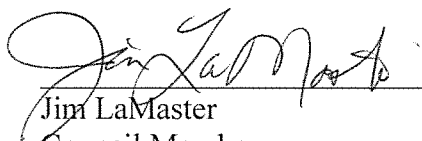
Brad Amos
Council Vice President

Brad Amos
Council Vice President



Martina Webster
Council Member

Martina Webster
Council Member



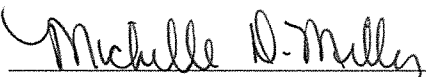
Jim LaMaster
Council Member

Jim LaMaster
Council Member



William Conlin
Council Member

William Conlin
Council Member



Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

Resolution No: 16-001

RESOLUTION OF THE
REDEVELOPMENT COMMISSION
OF THE
TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Redevelopment Commission (the "Commission") as the governing body for the Town of Sellersburg Redevelopment Department, pursuant to Indiana Code § 36-7-14, as amended (the "Act") previously adopted a resolution designating an area as an economic development area.

WHEREAS, LIT Industrial Limited partnership, a real estate entity managed by Clarion Partners, (collectively "Purchaser") has contracted to purchase 77.9 acres of land located within the economic development area and identified by the common address of 7615 Hwy 31 East, Sellersburg, IN 47172 (the "Real Estate") as shown on the attached Exhibit A.

WHEREAS, Fortis Group LLC dba: NAI Fortis Group ("Developer") is contemplating the development of the Real Estate on behalf of Purchaser for the purposes of developing Class A warehouse/distribution space of approximately 1,075,360 square feet in up to three phases.

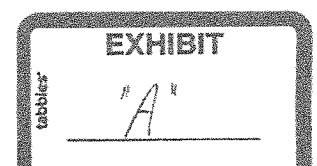
WHEREAS, the Commission believes that the redevelopment of the Real Estate will benefit the public health, safety, morals, and welfare of the Town, will increase the economic well-being of the Town and the state; and will serve to protect and increase property values in the Town and the state.

WHEREAS, the Commission has studied certain areas needing redevelopment and desires to promote the use of land in the manner that best serves the interests of the Town and Area and its inhabitants; and desires to cooperate with the Town in a manner that best serves the community in accordance with I.C. § 36-7-14.

WHEREAS, the Commission has approved a representative to discuss with Developer certain development requests, and having done so, the Commission recommends the Town and Commission cooperate in a manner that best serves the community as follows:

WHEREAS, the Town Council of Sellersburg has already rezoned the Real Estate from A&R-1 to I-1 by Ordinance No. 2015-0015 on December 28, 2015.

WHEREAS, the Commission supports, as part of the economic development incentives to be approved by the Town, that the Town grant Purchaser (Clarion



Partners dba: LIT Industrial Limited Partnership) certain real estate property tax abatements as described in SB-1 forms listed as Exhibit B.

WHEREAS, the Commission further supports that the Town waive certain sewer tap-in fees conditioned upon the Developer installing all sewer systems to Town's specifications and connecting all such systems to the Town's existing sewer system.

WHEREAS, contingent on the approval and acceptance of the above Town incentives and Developer obligations, then the Commission desires to enter into a Contract for the construction of local public improvements to specific portions of US 31 for certain areas needing redevelopment in an amount not to exceed \$250,000.00.

WHEREAS, Developer shall pay for the design of the public improvements to the roadway to INDOT specifications subject to the Commission's ultimate approval and shall maintain an irrevocable letter of credit in an amount that covers any costs that exceed the Commission's \$250,000 cost cap.

WHEREAS, as a condition precedent to Commission or Town entering into the above incentive agreements, the Commission requests that the Town require that Developer to grant to the Town a permanent easement adjacent to Butler Drive, which is currently used by certain residences and has not been dedicated to the Town as a public right-of way.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF SELLERSBURG, INDIANA, THAT:

1. The Commission intends to pursue and seek approval of the Town, where appropriate, certain economic development incentives for the redevelopment of the Real Estate as follows:
2. The Commission supports, as part of the economic development incentives to be approved by the Town, that the Town grant Taxpayer certain real estate property tax abatements as described in SB-1 forms listed as Exhibit B. The ten-year abatement program will commence upon the completion of the construction of each phase separately on the condition that the Purchaser and/or Developer agreeing not to appeal the property tax assessment to an amount lower than the amount presented within the SB-1 forms for each phase of development.
3. The Commission further supports that the Town waive certain sewer tap-in fees, estimated to be approximately One Hundred Ten Thousand and No/100 (\$110,000.00) Dollars, conditioned upon the Developer installing all sewer systems to Town's specifications and connecting all such systems to the Town's existing sewer system. The design and specifications for such improvements shall be mutually

agreed upon by the Town and Purchaser. The engineer's estimate of these Developer funded sewer system improvements is Four Hundred Eighty Thousand and No/100 (\$480,000) Dollars. Any pump station and force main constructed as part of this system shall be granted to the Town for long term operation and maintenance.

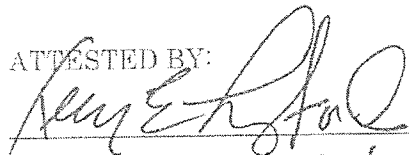
4. Contingent on the approval and acceptance of the above Town incentives and Developer obligations, then the Commission desires to enter into a Contract for the construction of local public improvements for certain areas needing redevelopment, specifically portions of U.S. Highway 31 near the Real Estate. The Commission intends to contribute up to a maximum of Two Hundred Fifty Thousand and No/100 (\$250,000.00) Dollars with the Developer responsible for any such costs the Commission incurs in the project that exceed such amount. Commission shall not advertise or offer the public improvements for bid until Developer has both closed on the Real Estate and paid for the design to INDOT specifications, subject to the Commission's ultimate approval. Prior to the publication for any bid documents by the Town or Commission, the Developer must maintain an irrevocable letter of credit in the amount of the engineered estimate that exceeds the Commissions' \$250,000.00 construction cost cap, with such irrevocable letter being subject to amendment upward at the Commission's direction to cover any project costs above \$250,000 after actual bids are received. Such irrevocable letter of credit shall be in a form agreeable to the Town and Commission so that the Commission may draw upon such funds during the construction of the local public improvements. If the Developer progresses on site improvements to the Real Estate in a commercially reasonable manner, the Commission will complete the public improvements to US-31 within substantial completion of the shell building of Developer's first phase of construction. The "first phase of construction" shall include the construction of a 415,480 square foot Class A warehouse/distribution center and such phase shall be completed when the building is substantially complete so as to be marketable to potential tenants.

5. As an additional condition precedent to Commission or Town entering into the above incentive agreements, the Commission requests that the Town further require that Purchaser and/or Developer grant to the Town an approximately 15 foot by 1,500 foot permanent access easement contiguous to the Real Estate's north property line as shown as Exhibit A. The easement is intended to assist the Town in its efforts to enhance traffic access on Butler Drive and to provide for adequate right-of-way for future expansion of Butler Drive as a public right-of-way. Purchaser and/or Developer and Town will enter into a mutually agreeable shared easement agreement regarding the construction, maintenance and repair of the right-of-way.

Dated this 7th day of March, 2016.

Town of Sellersburg Redevelopment
Commission

By: 
Michael J. Hostetler, President

ATTESTED BY:

Terry E Langford
Printed Name/Secretary