STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

RESOLUTION NO. 2021 – R – 003

A RESOLUTION CONSOLIDATING RESOLUTIONS 2016-R-004 AND 2016-R-005 FOR REPORTING PURPOSES AND AMENDING ABATEMENT SCHEDULES FOR RESOLUTIONS 2016-R-003, 2016-R-004, AND 2016-R-005.

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 March 14, 2016, in an open meeting for which the public was invited, this Council previously adopted Resolutions 2016-R-003, 2016-R-004, and 2016-R-005, which approved certain statements of benefits for real property and granted tax abatements for LIT Industrial Limited Partnership (the "Recipient") regarding a large industrial project; and,

WHEREAS, the Recipient of said tax abatements, accelerated its construction schedule and built out two of the three phases simultaneously instead of building the project one phase at a time; and,

WHEREAS, Clarion Partners, the managing entity for the Recipient, has petitioned the Sellersburg Redevelopment Commission (the "Commission") and this Council for the consolidation of the three previously approved abatements into two and revision of the abatement schedule to reflect a 50% deduction per year for each respective year. True and accurate copies of the letter, amended SB-1 Forms and proposed amended abatement schedules are attached hereto as *Exhibit A*; and,

WHEREAS, on April 5, 2021, the Commission adopted Resolution No. 21-001, which supports the consolidation and amendment to the abatement schedules. A true and accurate copy of the resolution is attached hereto as *Exhibit B*; and,

WHEREAS, the aforementioned consolidation of the tax abatements and amendment to the abatement schedules are in the best interest of the Town of Sellersburg.

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

1. Resolutions 2016-R-004 and 2016-R-005 are hereby consolidated for the purpose of filing the necessary forms for the Recipient to receive the previously authorized abatements, but in no way reduces the estimated assessed values set forth in *Exhibit A*.

2. The abatement schedules in Resolutions 2016-R-003, 2016-R-004, and 2016-R-005 are hereby amended as follows:

Year	Percent Deduction
1	50%
2	50%
3	50%
4	50%
5	50%
6	50%
7	50%
8	50%
9	50%
10	50%

3. All other provisions set forth in Resolutions 2016-R-003, 2016-R-004, and 2016-R-005 remain in place and are unaffected by this resolution unless set forth herein.

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

So Resolved this 12th day of April, 2021

"Aye"	"Nay"
Brad Amos Council President	Brad Amos Council President
Matthew Czarnecki Council Vice President	Matthew Czarnecki Council Vice President
Terry Langford Council Member	Terry Langford Council Member
Scott McVoy Council Member	Scott McVoy Council Member
Randall Mobley Council Member	Randall Mobley Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

Motion: Langford

Second: Czarnecki

Vote: 5 aye 0 nay

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CLARION PARTNERS

Andy Sitzer
Senior Vice President

March 31, 2021

Mr. Nick Lawrence
The Wheatley Group, LLC
5150 Charlestown Road, Suite 1A
New Albany, IN 47150

RE: Amended SB-1s and Deduction Schedules

Dear Nick,

LIT Industrial Limited Partnership, a real estate entity managed by Clarion Partners, is requesting an amendment to the economic development incentives previously approved by the Sellersburg Town Council and its Redevelopment Commission. As you know, Building A, a 660,000 square foot Class A warehouse and distribution building (7801 Highway 31E), was completed in late 2020. The adjacent site for Building B, a planned 417,000 square foot building (7803 Highway 31E), is pad-ready.

Following discussions between representatives for LIT Industrial Limited Partnership and the Redevelopment Commission, it has been determined that an adjustment in the abatement schedules and the resubmittal of SB-1s would be advantageous. The adjustment would recognize that the abatements will be implemented in two phases rather that the three phases originally approved. The changes could also be helpful in the recruitment and retainage of tenants for the buildings, as well as providing accelerated property tax revenue receipts for the Redevelopment Commission. Therefore, we would appreciate the Town of Sellersburg's consideration in consolidating the three approved abatements into two and revising the deduction schedules to reflect a 50% deduction per year for each respective 10-year abatement period.

We anticipate the receipt of the 2021 assessment for the property in April, which will include the value of the Building A improvements. This will require abatement compliance paperwork to be filed with the Clark County Auditor's office in May 2021. We respectfully request swift action from the approving bodies regarding this proposal so the new schedules can take effect immediately.

Please consider this letter our formal petition to the Town Council and Redevelopment Commission for the proposed amendments. Thank you, Nick, for your assistance.

Sincerely,

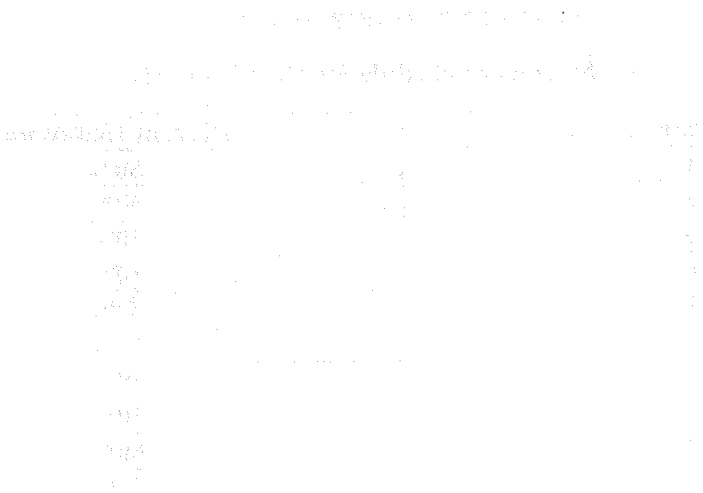
Andy Sitzer
andy.sitzer@clarionpartners.com

EXHIBIT
tabbies
A

Town of Sellersburg, Indiana

Tax Abatement Schedule for Real Property

Year	Percent Deduction
1	50%
2	50%
3	50%
4	50%
5	50%
6	50%
7	50%
8	50%
9	50%
10	50%



Resolution No. 21-001

A RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE TOWN OF SELLERSBURG, INDIANA AMENDING RESOLUTION NO: 16-001

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, the Commission previously adopted a resolution supporting certain incentives and commitments for improvements made on behalf of LIT Industrial Limited partnership, a real estate entity managed by Clarion Partners, and Fortis Group LLC (collectively known as the "Developer"), on 77.9 acres of land within the economic development area and identified by the common address of 7615 Hwy 31 East, Sellersburg, IN 47172.

WHEREAS, the Developer has completed construction on Building A, a 659,790 square foot light industrial building and intends to construct Building B, a 417,270 square foot light industrial building, as identified in Exhibit A.

WHEREAS, the Developer has requested an amendment to its SB-1 forms and abatement schedule as described in Exhibit B to reflect its development plans.

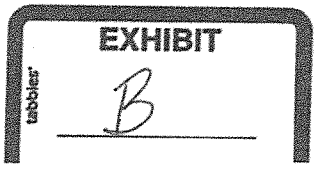
WHEREAS, the Commission supports the Developer's request for the amendment.

WHEREAS, the Commission supports, as part of the economic development incentives approved by the Town, that the Town amend Resolutions 2016-R-003, 2016-R-004, 2016-R-005 to reflect the updated SB-1 forms and abatement schedules described in Exhibit B.

WHEREAS, the Commission supports a corresponding amendment to the Development Agreement executed on March 22, 2016, and authorizes the Commission president to execute the amended Development Agreement.

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

1. The Commission supports the Developer's request for amendment to SB-1 forms and abatement schedule as described in Exhibit B.



2. The Commission supports, as part of the economic development incentives approved by the Town, that the Town amend Resolutions 2016-R-003, 2016-R-004, 2016-R-005 to reflect the updated SB-1 forms and abatement schedule described in Exhibit B.

3. The Commission supports a corresponding amendment to the Development Agreement executed on March 22, 2016, and authorizes the Commission president to execute the amended Development Agreement

Dated this 5 day of April, 2021.

Town of Sellersburg Redevelopment Commission

By: _____
Michael J. Kestetler, President

ATTESTED BY:

_____
Terry Langford, Secretary

Exhibit A – Site Development Plan

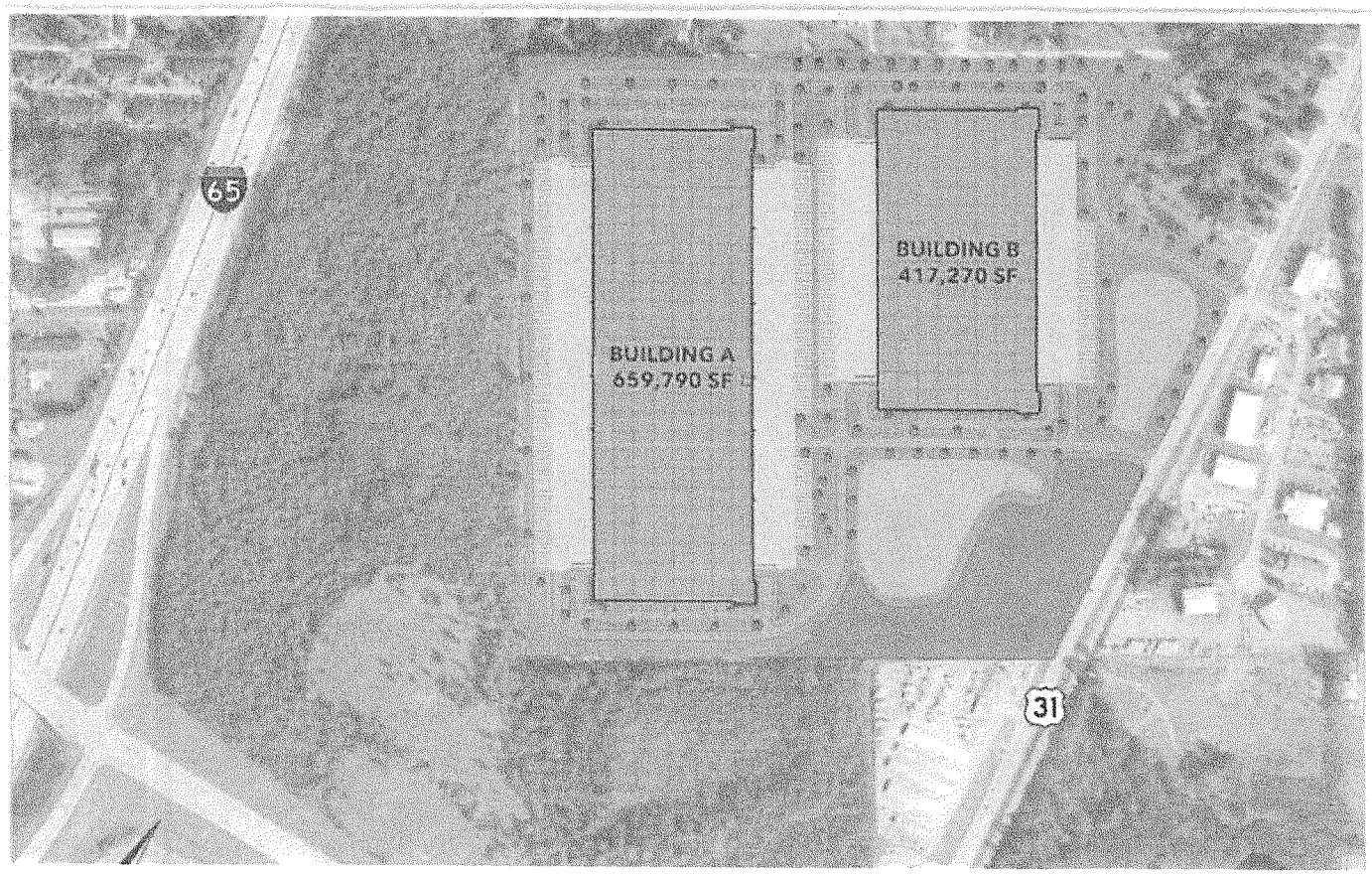

65
BUILDING A
659,790 SF
BUILDING B
417,270 SF
31

Exhibit B – SB-1s and schedules

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20 21 PAY 20 22

FORM SB-1 / Real Property

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):
☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body* ***BEFORE*** *the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
LIT Industrial Limited Partnership

Address of taxpayer (*number and street, city, state, and ZIP code*)
c/o Clarion Partners 1717 McKinney Ave. Suite 1900, Dallas, TX 75202

Name of contact person	Telephone number	E-mail address
Mr. Andy Sitzer, Senior Vice President	(214) 647,4929	andy.sitzer@clarionpartners.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Sellersburg Town Council		2021-R-003
Location of property	**County**	**DLGF taxing district number**
7801 Highway 31E	Clark	031
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*)		**Estimated start date** (*month, day, year*)
Construction of Building A - 659,790 square foot Class 'A' warehouse/distribution project		June 1, 2019
		Estimated completion date (*month, day, year*)
		June 30, 2020

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
0.00	$0.00	0.00	$0.00	0.00	$0.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	0.00	
Plus estimated values of proposed project	26,350,000.00	
Less values of any property being replaced	0.00	
Net estimated values upon completion of project	26,350,000.00	

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

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed n/a calendar years* *(see below)*. The date this designation expires is n/a. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☑ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ 26,350,000.00.

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

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☑ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☑ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also 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 of designating body)*	Telephone number	Date signed *(month, day, year)*
Brad Amos	(812) 246-3821	4/12/21
Printed name of authorized member of designating body	**Name of designating body**	
Brad J. Amos	Town of Sellersburg	
Attested by *(signature and title of attester)*	**Printed name of attester**	
Michelle D. Miller, Clerk Treasurer	Michelle D. Miller	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20____ PAY 20____
FORM SB-1 / Real Property
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INSTRUCTIONS:

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2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

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Address of taxpayer (*number and street, city, state, and ZIP code*)
c/o Clarion Partners 1717 McKinney Ave. Suite 1900, Dallas, TX 75202

Name of contact person	Telephone number	E-mail address
Mr. Andy Sitzer, Senior Vice President	(214) 647,4929	andy.sitzer@clarionpartners.com

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Name of designating body		Resolution number
Sellersburg Town Council		2021-R-003
Location of property	**County**	**DLGF taxing district number**
7803 Highway 31E	Clark	031
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*)		**Estimated start date** (*month, day, year*)
Construction of Building B - 417,270 square foot Class 'A' warehouse/distribution project		July 1, 2021
		Estimated completion date (*month, day, year*)
		December 31, 2022

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
0.00	$0.00	0.00	$0.00	0.00	$0.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	0.00	
Plus estimated values of proposed project	16,600,000.00	
Less values of any property being replaced	0.00	
Net estimated values upon completion of project	16,600,000.00	

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

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed n/a calendar years* *(see below)*. The date this designation expires is n/a. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☑ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ 16,600,000.00

D. Other limitations or conditions *(specify)*

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☑ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☑ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also 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 of designating body)*	Telephone number	Date signed *(month, day, year)*
Brad J. Amos	(812)246-3821	4/12/21
Printed name of authorized member of designating body	**Name of designating body**	
Brad J. Amos	Town of Sellersburg	
Attested by *(signature and title of attester)*	**Printed name of attester**	
Michelle D. Miller, Clerk Treasurer	Michelle D. Miller	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.