

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
RESOLUTION TO
TERMINATE SEVEN (7) YEAR REAL PROPERTY TAX ABATEMENT FOR**

**Exploration Center I, LLC & Republic Airways Holdings Inc.
5303 Stanley Road (aka 5151 Exploration Drive)**

Resolution No. 2024-A-026

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment or rehabilitation activities in Economic Revitalization Areas; and

WHEREAS, pursuant to I.C. 6-1.1-12.1, Exploration Center I, LLC, and Republic Airways Holdings Inc. (collectively "Applicant") filed a designation application requesting that the subject real estate at 5151 Exploration Drive ("Subject Real Estate") be designated as an Economic Revitalization Area for the purpose of achieving real property tax savings in connection with the proposed redevelopment and rehabilitation activities ("Project"); and

WHEREAS, on Wednesday, August 5, 2015, the Metropolitan Development Commission ("Commission") adopted Preliminary Economic Revitalization Area Resolutions No. 2015-A-043, preliminarily designating the Subject Real Estate as an Economic Revitalization Area; and

WHEREAS, on Wednesday, August 19, 2015, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2015-A-051 ("Resolutions"), confirming designation of the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving seven (7) years real property tax abatement ("Abatement"); and

WHEREAS, in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement ("MOA") executed by and between the Applicant and the City of Indianapolis ("City"), the Applicant indicated that \$3,852,900 in real property improvements would be made at the Subject Real Estate, and that 62 retained positions at an average hourly wage of not less than \$22.62, and 6 new full-time permanent positions would be created at an average wage of \$25 per hour as a result of the Project (collectively the "Commitments") and in consideration thereof, the Commission approved the Resolutions and the Applicant accepted the terms and conditions of the Resolutions by accepting the benefits thereof; and

WHEREAS the Resolution directed the Department of Metropolitan Development ("DMD") to survey the Applicant's Project annually and the Commission reserved its rights to reduce the dollar amount, or rescind in its entirety, the Abatement being received by the Applicant for failure to achieve the benefits described in the Statement of Benefits and/or the MOA or for failure to respond to the mandatory survey; and

WHEREAS, the Applicant has indicated they will cease operations at the Subject Real Estate; and

WHEREAS, pursuant to Resolution 2014-A-034 of the Commission, authorizes DMD to evaluate and determine on behalf of the Commission whether each property owner who has been awarded a tax abatement has substantially complied with its Statement of Benefits and whether failure to comply

was caused by factors beyond the control of the property owner. The Applicant's annual survey was evaluated on May 15th, 2022, and DMD has determined it does not comply with its Statement of Benefits and such failure was not caused by factors beyond the Applicant's control; and

WHEREAS, the Applicant has realized a tax savings of \$247,522.17 to date due to the Abatement; and

WHEREAS, the Department of Metropolitan Development, on behalf of the Commission and in agreement with the Applicant, determined that the Abatement should be terminated, and the Applicant will pay damages of \$247,522.17 of tax savings received by the Applicant, and subsequently they set 1:00 p.m. on Wednesday, August 7th, 2024, for the public hearing of remonstrances and objections from persons interested in whether the Abatement for the Subject Real Estate should be terminated, and payment of the damages should be reimbursed to the City; and

WHEREAS, proper legal notices were published stating when and where such final hearing would be held; and

WHEREAS, at such final hearing, evidence, and testimony (along with all written remonstrances and objections previously filed) were considered by the Commission; and

WHEREAS the DMD and the City of Indianapolis have satisfied all other conditions precedent to termination of the Economic Revitalization Area designations and associated tax abatement deductions.

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission hereby confirms DMD's preliminary finding that the Applicant has not substantially complied with the Statement of Benefits contained in the Resolutions or met the Commitments contained in the MOA.
2. The Commission now hereby determines that the Applicant has failed to or will be unable to substantially comply with the Commitments (as identified and agreed upon in the Statement of Benefits form contained in the attachments to the Resolutions and/or the MOA), entitling DMD to terminate, through the Commission, the tax abatement deductions regarding the Subject Real Estate and relative to the Project and Resolutions and authorizes the Director of DMD to sign the Termination Agreement.
3. The Commission hereby acknowledges that Applicant's agreement and consent to the termination of the tax abatement and repayment of damages, as authorized by this Final Resolution.
4. The Commission determines that the MOA for the Subject Real Estate shall be terminated upon adoption of this Termination Resolution.
5. The Commission hereby directs that the Applicant shall pay to the City of Indianapolis damages in the amount of \$247,522.17, within 60 days of the adoption of this Final Resolution and authorizes the Director of the Department of Metropolitan Development to take such action as is necessary to recover said damages should they not be timely remitted. Upon repayment of said damages, the Commission shall release Applicant from any and all other liabilities related to the Abatement or the termination of the Abatement.

- 6. A copy of this Termination Resolution shall be filed with the Marion County Auditor and Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillion III, President

Dated

Approved as to Legal Form
and Adequacy this 9th day
of July 2024

Sheila Kinsey

Approved for Legal Form and Adequacy
Office of Corporation Counsel