

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

**RESOLUTION WAIVING CERTAIN FILING REQUIREMENTS OF THE ECONOMIC
REVITALIZATION AREA DESIGNATION APPROVED BY RESOLUTION
2018-A-046, AND APPROVING AMENDMENTS TO THE ASSOCIATED AGREEMENT**

RESOLUTION NO. 2023-A-037

REAL PROPERTY TAX ABATEMENT

MiraVista Diagnostics, LLC & Mirabella Technologies, LLC

4705 Decatur Boulevard

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

WHEREAS, on Wednesday, September 19th, 2018, the Metropolitan Development Commission (hereinafter "Commission") adopted Preliminary Economic Revitalization Area Resolution No. 2018-A-043, 2018 preliminarily designating 4705 Decatur Boulevard, Indianapolis, Indiana (the "Subject Real Estate") as an Economic Revitalization Area; and

WHEREAS, on Wednesday, October 15th, 2018 after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2018-A-046, 2018 (hereinafter, the "Resolution"), designating the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving six (6) years real property tax abatement for the benefit of MiraVista LLC & Mirabella Technologies, LLC. (hereinafter "Applicant" and the "Abatement"); and

WHEREAS, I.C. 6-1.1-12.1-5 requires an Applicant for Economic Revitalization Area designation to annually file with the real property return a certified deduction schedule, including forms known as the Compliance with a Statement of Benefits Real Estate Improvements Property, or Form CF1/Real Property (hereinafter "CF-1"), (hereinafter the "Deduction Application") with the Marion County Assessor (hereinafter "Assessor"); and

WHEREAS, in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement (hereinafter referred to as the "MOA") executed by and between the Applicant and the City of Indianapolis (hereinafter referred to as the "City"), the Applicant indicated that \$4,064,832 in real property improvements would be made at the Subject Real Estate, 53 permanent positions would be retained at an average wage of \$35.19 per hour, and 22 permanent positions would be created at an average wage of \$35.19 per hour as a result of the Project (collectively, the "Commitments"); and

WHEREAS, the Applicant submitted SB-1 Statement of Benefits forms that showed the Applicant met the retained jobs and retained wages; and

WHEREAS, the Applicant's submitted SB-1 Statement of Benefits forms also showed that the Applicant exceeded the real property investment commitment; and

WHEREAS, the Applicant submitted SB-1 Statement of Benefits forms that showed the Applicant failed to meet the job creation Commitments and job creation wages ; and

WHEREAS, the Applicant subsequently confirmed to DMD that they would be unlikely to comply with the job creation Commitment and job creation wages by the Commitments dates; and

WHEREAS, the City and Applicant (collectively, the “Parties”) desire to amend the MOA in the following manner: reduce the job creation commitment to 16 full-time permanent positions, at an average hourly wage of not less than \$32.58 per hour, by December 31, 2026, and in consideration of these amendments to the agreement, to increase the retained positions to 63 full-time permanent positions, at an average hourly wage of not less than \$41.97 and subsequently set 1:00 p.m. on Wednesday, November, 1st, 2023, for the public hearing of remonstrances and objections from persons interested in the Applicant’s compliance with Resolutions and MOA, and if the payment of the damages should be made to the City; and

WHEREAS, I.C. 6-1.1-12.1-11.3(a)(5) allows the Commission to waive non-compliance for certain filing requirements of the statutory abatement process, including the filing deadline for the certified deduction applications, provided that the Commission holds a public hearing and adopts a resolution approving such waivers (hereinafter “the Waiver”); and

WHEREAS, the Assessor, without the Commission’s adoption of the Waiver, is legally prohibited from accepting the Applicant’s 2023 deduction applications due to the untimeliness of the filing; and

WHEREAS, the Commission fixed 1:00 p.m. on November 1st, 2023, in the Public Assembly Room of the City-County Building for public hearing regarding the Waiver of Applicant’s noncompliance relative to the 2023 Pay 2024 deduction application filing dates (hereinafter, the “Public Hearing”); and

WHEREAS, such Public Hearing shall only consider the specified Waiver relative to the Applicant’s deduction filing and shall not constitute any other waiver of non-compliance of any other requirements of the Project pursuant to the Resolution and the executed Memorandum of Agreement, including but not limited to the Applicant’s commitments regarding the number and deadline dates for job creation and retention, wages and salaries of Applicant’s employees, and capital investment in the Project; and

WHEREAS, the Department of Metropolitan Development published proper legal notices for the Public Hearing stating the time, date, and location that the Commission would hear remonstrances and public input concerning the Waiver of Applicant’s noncompliance with the filing deadline for the 2023 Pay 2024 Abatement deduction applications.

NOW, THEREFORE, IT IS RESOLVED:

1. Following the Public Hearing and after consideration of all public input and the facts presented to the Commission, the Commission now confirms, adopts and approves the Waiver of Applicant’s failure to file, in a timely manner, the 2023 deduction application, for which Applicant desires to claim deductions for taxes payable in 2024 under I.C. 6-1.1-12.1 *et seq.*, and the Commission finds and confirms all such noncompliance relative to the 2023 Pay 2024 deduction application filing deadline is hereby waived.
2. The Commission hereby determines that the Applicant is unlikely to be able to comply with the job creation Commitments and job creation wages, as stated in the Statements of Benefits, the Resolutions, and the MOA.

3. The Commission finds that the reduction in job creation and decrease in average hourly wage, increase in retention positions, and increase retention wages as set forth in this resolution, are reasonable deviations from the Commitments set forth in the SB-1s, Resolutions and MOA, and authorizes the Director of DMD to execute the Amended Memorandum of Agreement, attached hereto as Exhibit A and incorporated herein, between the Parties (“Amended MOA”).
4. A copy of this resolution shall be filed with the Marion County Auditor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 23rd day
of October 2023.

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel