

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
RESOLUTION TO
TERMINATE SIX (6) YEAR REAL AND PERSONAL PROPERTY TAX ABATEMENT FOR**

9700 IN, LLC & Palmer Trucks, Inc.
9702 East 30th Street

Resolution No. 2024-A-019

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

WHEREAS, pursuant to I.C. 6-1.1-12.1, 9700 IN, LLC and Palmer Trucks, Inc. (collectively "Applicant") filed a designation application requesting that the subject real estate at 9702 East 30th Street ("Subject Real Estate") be designated as an Economic Revitalization Area for the purpose of achieving real and personal property tax savings in connection with the proposed redevelopment and rehabilitation activities and the installation of new eligible personal property ("Project"); and

WHEREAS, on Wednesday, August 19, 2020, the Metropolitan Development Commission ("Commission") adopted Preliminary Economic Revitalization Area Resolutions No. 2020-A-020, 2020 and 2020-A-021, preliminarily designating the Subject Real Estate as an Economic Revitalization Area; and

WHEREAS, on Wednesday, September 2, 2020, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2020-A-025 and 2020-A-026 ("Resolutions"), confirming designation of the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving six (6) years real and personal 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 \$700,000 in personal property investments, and \$1,400,000 in real property improvements would be made at the Subject Real Estate, and that 220 retained positions at an average hourly wage of not less than \$26.00, and 110 new full-time permanent positions would be created at an average wage of \$30.00 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 met some but not all of the requirements under the MOA and acknowledges that it is not in full compliance with its terms. Specifically, the applicant was non-

compliant, as of December 31st, 2021, 2022, and 2023, with the MOA due to the Applicant's failure to achieve the new and retained jobs commitments as set forth in the MOA; 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, 2023, 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 \$71,048.36 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 spend damages of \$71,048.36 of tax savings ("Damages") received by the Applicant on implementing a **Workforce Training Plan**, and subsequently they set 1:00 p.m. on Wednesday, June 5th, 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 Statements of Benefits contained in the Resolutions or complied with the Commitments contained in the MOA in 2021, 2022 and 2023.
2. The Commission now hereby determines that in consideration of the Applicant's failure 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), in 2021, 2022 and 2023, the Commission authorizes the Director of DMD to sign the Termination Agreement, which is incorporated hereto by reference.
3. The Commission hereby acknowledges that Applicant agrees and consents to implementing a **Workforce Training Plan** no later than (180) days after the adoption of Resolution No. 2024-A-019.
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 spend damages on implementing a Workforce Training Plan in the amount of \$71,048.36, within 180 days of the adoption of this Termination 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 spent in accordance with this Resolution. Upon documented expenditure of said Damages to implement a Workforce Training Plan, the Commission shall release Applicant from any and all other liabilities related to 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 May 2024

Sheila Kinney *Sheila Kinney*
Approved for Legal Form and Adequacy
Office of Corporation Counsel