

FILED

OCT 30 2017

TERRE HAUTE COMMON COUNCIL

RESOLUTION NO. 22

CITY CLERK

APPROVING THE ORDER OF THE VIGO COUNTY AREA
PLAN COMMISSION

WHEREAS, the City of Terre Haute ("City") Redevelopment Commission ("Commission") did on August 20, 2003 adopt a declaratory resolution ("Declaratory Resolution") establishing the Fort Harrison Business Park Economic Development Area ("Area") and declaring that the Area is an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25, and all acts supplemental and amendatory thereto (collectively, "Act") and the Declaratory Resolution was confirmed by a confirmatory resolution adopted on November 11, 2003 ("Confirmatory Resolution");

WHEREAS, the Declaratory Resolution and the Confirmatory Resolution are hereinafter referred to as the "Area Resolution;"

WHEREAS, the Area Resolution approved the Economic Development Plan ("Original Plan"), which Original Plan contained specific recommendations for economic development in the Area;

WHEREAS, on October 25, 2017, the Commission adopted a resolution amending the Area Resolution ("Amending Declaratory Resolution") and the Original Plan to: (i) add the construction of rail improvements, together with all necessary appurtenances, related improvements and equipment to the Original Plan ("2017 Project"), in, serving or benefiting the Area, to the list of projects in the Original Plan ("2017 Plan"); and (ii) designate Pyrolyx USA, Inc. as a designated taxpayer;

WHEREAS, the Vigo County Area Plan Commission ("Plan Commission") approved the 2017 Plan and Amending Declaratory Resolution; and

WHEREAS the Act requires approval of the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA, AS FOLLOWS:

1. The action of the Plan Commission determining that the Amending Declaratory Resolution conforms to the comprehensive plan of the City is in all respects approved by the Common Council.
2. The Clerk is hereby directed to file a copy of the Amending Declaratory Resolution, the 2017 Plan and the approval of the Plan Commission with the permanent minutes of this meeting.
3. This resolution shall be effective from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Terre Haute, Indiana,
this 9th day of November, 2017.

PRESENTED BY COUNCIL PERSON *O. Earl Elliott*
O. Earl Elliott


COMMON COUNCIL OF THE CITY OF TERRE
HAUTE, INDIANA

K. Wasser
Karrin Wasser, President

Attest:

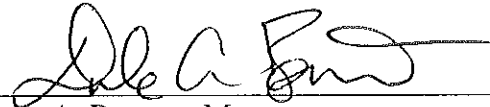
Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute, Indiana, on the 13th day of November, 2017.



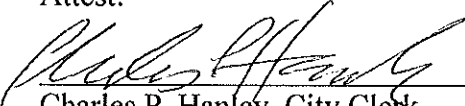
Charles P. Hanley, City Clerk

This ordinance approved and signed by me, the Mayor of the City of Terre Haute, Indiana, on the 13th day of NOVEMBER, 2017.



Duke A. Bennett, Mayor

Attest:



Charles P. Hanley, City Clerk

FILED

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Terre Haute Redevelopment Commission

CITY CLERK

RESOLUTION NO. ___23___, 2017

RESOLUTION AMENDING THE RESOLUTION OF THE
TERRE HAUTE REDEVELOPMENT COMMISSION
ENTITLED "RESOLUTION NO. 23, 2003, DECLARATORY
RESOLUTION OF THE TERRE HAUTE REDEVELOPMENT
COMMISSION"

WHEREAS, the City of Terre Haute ("City") Redevelopment Commission ("Commission") did on August 20, 2003 adopt a declaratory resolution ("Declaratory Resolution"), establishing the Fort Harrison Business Park Economic Development Area ("Area"), and the Declaratory Resolution was confirmed by a Confirmatory Resolution adopted on November 11, 2003 ("Confirmatory Resolution");

WHEREAS, the Declaratory Resolution and the Confirmatory Resolution are hereinafter collectively referred to as the "Area Resolution;"

WHEREAS, the Area Resolution established an allocation area in accordance with IC 36-7-14-39 ("Allocation Area"), for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Allocation Area;

WHEREAS, the Area Resolution approved the Economic Development Plan ("Original Plan") which Original Plan contained specific recommendations for economic development in the Area;

WHEREAS, the Common Council approved the creation of the Area;

WHEREAS, the Commission now desires to amend the Area Resolution and the Original Plan to: (i) include the construction of rail improvements, together with all necessary appurtenances and related improvements and equipment in, serving or benefiting the Area ("2017 Project") in the list of projects in the Original Plan ("2017 Plan"); and (ii) designate Pyrolyx USA, Inc. as a "designated taxpayer" for purposes of capturing increases in depreciable personal property assessed value in the Allocation Area;

WHEREAS, IC 36-7-14-39.3 authorizes the Commission to designate a "designated taxpayer," if the Commission finds that:

- i. The taxes to be derived from the taxpayer's depreciable personal property in the allocation area and all other depreciable personal property located and taxable on the designated taxpayer's site of operations within the allocation area, in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service on bonds issued under IC 36-7-14-25.1, or to make payments or to provide security on leases payable under IC 36-7-14-25.2, in order to provide local public improvements for a particular allocation area;

- ii. The taxpayer's property in the allocation area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects or regulated amusement devices (as defined in IC 22-12-19.1) and related improvements; and
- iii. The taxpayer's property in the allocation area does not consist primarily of retail, commercial or residential projects;

WHEREAS, IC 36-7-14-39.3 authorizes the Commission to modify the definition of property taxes in IC 36-7-14-39(a) for the purposes of including taxes imposed under IC 6-1.1 on the depreciable personal property of a designated taxpayer and all other depreciable property located and taxable on the designated taxpayer's site of operations within the allocation provision included in a declaratory resolution;

WHEREAS, IC 36-7-14-17.5 authorizes the Commission to amend the Area Resolution, after conducting a public hearing, if it finds that:

- i. The amendments are reasonable and appropriate when considered in relation to the Area Resolution, the Original Plan and the purposes of IC 36-7-14; and
- ii. The Area Resolution and the Original Plan, with the proposed amendment, conform to the comprehensive plan for the City; and

WHEREAS, the Commission has caused to be prepared:

- i. A list of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the amendment of the Area Resolution or the Original Plan for the Area as set forth on Exhibit A; and
- ii. An estimate of the costs to be incurred for the financing, construction and equipping of the 2017 Project;

NOW, THEREFORE, BE IT RESOLVED BY THE TERRE HAUTE REDEVELOPMENT COMMISSION THAT:

Section 1. The Area Resolution and the Original Plan are hereby amended to include the financing, construction and equipping of the 2017 Project in, serving or benefitting the Area.

Section 2. The Area Resolution is hereby further amended to designate Pyrolyx USA, Inc. and all subsidiaries, designees, successors and assigns on its site of operations as a "designated taxpayer" for purposes of capturing increases in depreciable personal property assessed value in the Allocation Area.

Section 3. The Commission hereby modifies the definition of property taxes in IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the designated taxpayer's (designated below) site of

operations within the Allocation Area in accordance with the procedures and limitations set forth in IC 36-7-14-39 and -39.3.

Section 4. (a) The Commission designates as a "designated taxpayer" Pyrolyx USA, Inc. and all subsidiaries, designees, successors and assigns on its site of operations.

(b) The Commission finds that:

- (i) The taxes to be derived from the taxpayer's depreciable personal property in the Allocation Area and all other depreciable personal property located and taxable on the designated taxpayer's site of operations within the Allocation Area, in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service on bonds issued under IC 36-7-14-25.1, or to make payments or to provide security on leases payable under IC 36-7-14-25.2, in order to provide local public improvements for a particular allocation area;
- (ii) The taxpayer's property in the Allocation Area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects or regulated amusement devices (as defined in IC 22-12-19.1) and related improvements; and
- (iii) The taxpayer's property in the Allocation Area does not consist primarily of retail, commercial or residential projects.

Section 5. It will be of public utility and benefit to amend the Area Resolution and the Original Plan to include the 2017 Project and designate Pyrolyx USA, Inc. as a designated taxpayer.

Section 6. The Commission finds, after consideration of the evidence presented, that the public health and welfare will be benefited by the amendments to the Area Resolution and Original Plan and the implementation of the 2017 Plan.

Section 7. The Commission now finds and determines, after consideration of the evidence presented, that the proposed amendments above are reasonable and appropriate when considered in relation to the Area Resolution, the Original Plan and the economic development purposes set forth in IC 36-7-14 *et seq.*; the 2017 Project constitutes a local public improvement; and that the Area Resolution and the Original Plan, with the amendments, conform to the comprehensive plan for the City.

Section 8. The Commission hereby finds that the designation of Pyrolyx USA, Inc. as a designated taxpayer will result in new property taxes that would not have been generated without this new allocation provision because Pyrolyx USA, Inc. has requested the 2017 Project as an incentive in order to construct its operations in the Area and the only way the Commission can provide the incentive to encourage the investment by Pyrolyx USA, Inc. resulting in new property taxes is through the capture of increases in depreciable personal property taxes to be generated by the proposed investment.

Section 9. The Commission hereby finds that the estimated cost of the 2017 Project is approximately \$1,715,000.

Section 10. The Commission hereby finds that no property within the Area is expected to be negatively affected by the accomplishment of the 2017 Plan.

Section 11. The presiding officer of the Commission is hereby authorized and directed to submit this resolution to the Vigo County Area Plan Commission ("Plan Commission") for its approval. The Commission further directs the presiding officer to submit this resolution and the approving order of the Plan Commission to the Common Council for its approval of the amendments to the Area Resolution and the Original Plan.

Section 12. The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Common Council, to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the building commissioner and any other departments or agencies of the City concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed Projects and will determine the public utility and benefit of the proposed amendments.

Section 13. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the designation of Pyrolyx USA, Inc. as a designated taxpayer, including the following:

(a) The estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

(b) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Allocation Area.

A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in Section 12 of this

Section 14. In all other respects, the Area Resolution, the Original Plan and actions of the Commission consistent with this resolution are hereby ratified and confirmed.

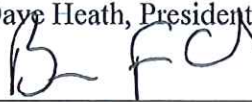
Section 15. This resolution shall be effective upon passage.

Adopted at a meeting of the Commission held on October 25, 2017, in Terre Haute, Indiana.

TERRE HAUTE REDEVELOPMENT
COMMISSION



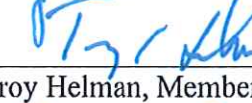
Daye Heath, President



Brian Conley, Vice President



Jim Nichols, Secretary

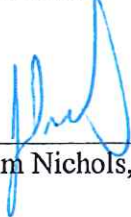


Troy Helman, Member



Brian Dyer, Member

ATTEST:



Jim Nichols, Secretary-Treasurer

EXHIBIT A

List of Owners of Real Property
Proposed to be Acquired

Acquired Property:

None

Affected Property

All parcels of property in the Area are reasonably expected to be positively affected by accomplishment of the 2017 Plan due to an expected increase in property values if the 2017 Plan is implemented.

ORDER OF THE VIGO COUNTY AREA PLAN COMMISSION
DETERMINING THAT A RESOLUTION AMENDING THE
DECLARATORY RESOLUTION APPROVED AND ADOPTED
BY THE TERRE HAUTE REDEVELOPMENT COMMISSION
CONFORMS TO THE COMPREHENSIVE PLAN
AND APPROVING THAT AMENDING RESOLUTION

WHEREAS, the City of Terre Haute ("City") Redevelopment Commission ("Commission") did on August 20, 2003 adopt a declaratory resolution ("Declaratory Resolution") establishing the Fort Harrison Business Park Economic Development Area ("Area") and declaring that the Area is an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25, and all acts supplemental and amendatory thereto ("Act") and the Declaratory Resolution was confirmed by a confirmatory resolution adopted on November 11, 2003 ("Confirmatory Resolution");

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Plan") for the Area which Plan contained specific recommendations for economic development in the Area;

WHEREAS, on October 25, 2017, the Commission adopted a resolution amending the Declaratory Resolution ("Amending Declaratory Resolution") and Plan to: (i) add the construction of rail improvements, together with all necessary appurtenances, related improvements and equipment to the Plan ("2017 Project"), in, serving or benefiting the Area, to the list of projects in the Plan ("2017 Plan"); and (ii) designate Pyrolyx USA, Inc. as a designated taxpayer; and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution and 2017 Plan by the Vigo County Area Plan Commission ("Plan Commission");

NOW, THEREFORE, BE IT ORDERED BY THE VIGO COUNTY AREA PLAN COMMISSION, AS FOLLOWS:

1. The Amending Declaratory Resolution and 2017 Plan conform to the Comprehensive Plan of the City.
2. The Amending Declaratory Resolution and 2017 Plan are in all respects approved, ratified and confirmed.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Amending Declaratory Resolution with the permanent minutes of this meeting.


Passed by the Vigo County Area Plan Commission, this 1st day of November, 2017.

VIGO COUNTY AREA PLAN
COMMISSION



President

ATTEST:



Secretary