

Agenda
Ellettsville Town Council
Monday May 13th, 2024

6:30 P.M. Call to Order

Prayer
Pledge of Allegiance
Roll Call

Approval of the Minutes for the Regular Meeting April 22nd, 2024

Action to pay Accounts Payable Vouchers and Payroll

****Open bids for new construction of DPW building****

Resolutions

Resolution 17-2023 Additional Appropriation General Fund

Resolution 18-2024 to Approve a Purchase Agreement with Macqueen Equipment, LLC for the Purchase of a New Aerial Fire Truck

Resolution 19-2024 Joint Resolution with RBBCSC for land donation

Ordinance on First Reading

Ordinance 2024-13 to Authorize Creation of Fund for the Parks and Recreation Department

Ordinance on Second Reading

New Business

Authorization for Town Manager to Sign Agreement for Community Crossings Matching Grant

Tax Abatement Compliance Recommendations for 2023 Kehe, LLC & Indiana WEH, LLC

Discussion of Formation of Redevelopment Commission

Town Hall Use Listening Session for vote centers

Old Business

Privilege of the Floor

Supervisors Comments

Council Comments

At this time, I know of no other business to come before the Council

Noelle M. Conyer, Clerk-Treasurer

ZOOM MEETING NOTICE

Monday May 13th, 2024

The Town Council of the Town of Ellettsville will conduct its regular scheduled meeting on Monday May 13, 2024 at 6:30 p.m., local time.

The meeting will be conducted at the Town Hall. Town Council members will attend the meeting in person. The public is invited to attend in person or by remote access. The meeting will be available by Zoom.

Topic: Ellettsville Town Council

Time: May 13, 2024 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88171029208?pwd=c2pHdndRR3I1blFpMjZPOVZBYVg0QT09>

Meeting ID: 881 7102 9208

Passcode: 951574

One tap mobile

+13092053325,,88171029208#,,,,*951574# US

+13126266799,,88171029208#,,,,*951574# US (Chicago)

Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)

Meeting ID: 881 7102 9208

Passcode: 951574

Agendas and meeting packets can be obtained by submitting an email request to: clerktreasurer@ellettsville.in.us

**RESOLUTION 17-2024
ADDITIONAL APPROPRIATION**

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Section 1 Be it resolved by the Town Council of the Town of Ellettsville, Monroe County that for the expenses of the taxing unit, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

Fund Name: General Fund	Amount Requested
Major Budget Classification:	
10000 Personal Services	\$71,000.00
40000 Capital Outlays	\$ 4,000.00
Total for General Fund:	\$75,000.00

Adopted this 13th day of May 2024

AYE

NAY

Scott Oldham, President

Scott Oldham, President

Dan Swafford, Vice President

Dan Swafford, Vice President

William Ellis

William Ellis

Trevor Sager

Trevor Sager

Pamela Samples

Pamela Samples

ATTEST:

Noelle M. Conyer, Clerk-Treasurer

RESOLUTION 18-2024

TO APPROVE A PURCHASE AGREEMENT WITH MACQUEEN EQUIPMENT, LLC FOR THE PURCHASE OF A NEW AERIAL FIRE TRUCK

WHEREAS, the Town of Ellettsville maintains a full-time fire department and provides fire protection services to citizens of the Town, the Richland Township area and other local fire departments; and

WHEREAS, the Town is in need of a replacement aerial fire truck that will be used to provide fire protection services; and

WHEREAS, the Westside Tax Increment Financing (“TIF”) District is located within Richland Township; and

WHEREAS, the Town believes that the purchase of said fire truck is necessary in order to ensure the quality of services being provided to the residents of Monroe County, including businesses and residents in the Westside TIF area; and

WHEREAS, the Town has obtained an estimate from MacQueen Emergency Equipment, LLC, for a Pierce Enforcer 100-foot Mid-Mount Tower aerial fire truck for the sum of \$2,172,704.00; and

WHEREAS, the Monroe County Redevelopment Commission (“RDC”) is willing to contribute a total of 100% of the cost, up to an amount not to exceed \$2.2 Million Dollars, toward the purchase of the aerial fire truck, using a stream of income from the TIF.; and

WHEREAS, fire trucks are in short supply and it is imperative that the Town place in order for one as soon as possible so that the RDC can plan the financing; and

WHEREAS, the Ellettsville Town Council deems it in the best interests of the Town to purchase said truck described above.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA, THAT:

1. Ellettsville Fire Chief Kevin Patton is hereby authorized to sign a Buyer’s Order for the purchase of a Pierce Enforcer 100 foot Mid-Mount Tower with MacQueen Emergency Equipment, LLC as soon as reasonably practicable.
2. Kevin Patton shall provide the RDC with a copy of the executed Buyer’s Order.

This Resolution takes effect upon adoption.

This Resolution was passed and adopted by the Ellettsville Town Council of Ellettsville, Indiana, at the Ellettsville Town Hall on the 13th day of May, 2024.

ELLETTSVILLE TOWN COUNCIL

Scott Oldham
President, Ellettsville Town Council

ATTEST:

Noelle Conyer, Clerk/Treasurer

JOINT RESOLUTION # _____

A Joint Resolution of the Richland-Bean Blossom Community School Corporation of Monroe County, Indiana and the Town of Ellettsville of Monroe County, Indiana for the Donation and Acceptance of a Tract of Land for the Construction of a Public Right-of-Way

Whereas, the Richland-Bean Blossom Community School Corporation wishes to donate a tract of land to the Town of Ellettsville for the construction of a 60' wide public right-of-way to connect Sycamore Drive to a proposed subdivision known as Harmon Farms Phase I in Ellettsville, Indiana; and

Whereas, the Town of Ellettsville wishes to accept said donation in order to construct the right-of-way; and

Whereas, Indiana Code § 36-1-4-10 allows governmental units to accept donations of money or other property and execute documents necessary to receive money or other property from the state or federal government or any other source.

Now, therefore, be it resolved by the Richland-Bean Blossom Community School Corporation of Monroe County, Indiana, and the Town of Ellettsville of Monroe County, Indiana, as follows:

1. The Richland-Bean Blossom Community School Corporation agrees to convey and grant to the Town of Ellettsville the following described real estate:

A part of the Southwest quarter of Section 4, Township 9 North, Range 2 West, described as follows:

Commencing at the Southeast corner of said quarter section; thence along the East line of said quarter section, also being the East line of a 20 acre tract of land described in Instrument 2008009419; thence along the said East line North 00 degrees 16 minutes 49 seconds West 131.73 feet to the point of beginning; thence leaving said East line North 89 degrees 06 minutes 21 seconds West 371.41 feet; thence 263.50 feet along an arc concave to the northeast having a radius of 430.00 feet, subtended by a long chord bearing North 71 degrees 33 minutes 02 seconds West a length of 259.40 feet; thence North 53 degrees 59 minutes 43 seconds West 45.07 feet to the West line of said 20 acre tract; thence along said West line North 00 degrees 37 minutes 51 seconds West 74.77 feet; thence leaving said West line South 53 degrees 59 minutes 43 seconds East 89.68 feet; thence 226.73 feet along an arc concave to the northeast having a radius of 370.00 feet, subtended by a long chord having a bearing of South 71 degrees 33 minutes 02 seconds East a length of 223.20 feet; thence South 89 degrees 06 minutes 21 seconds East 370.18 feet to the East line of said 20 acre tract; thence South 00 degrees 16 minutes 49 seconds East 60.01 feet to the point of beginning. Containing 0.94 acres, more or less.

SUBJECT TO all taxes, easements, restrictive covenants, and encumbrances of record.

2. The Town of Ellettsville agrees to accept the donation of real estate.
3. The Town of Ellettsville agrees to responsible for all costs of the transfer.

This Resolution shall be effective upon passage by both the Richland-Bean Blossom Community School Corporation and the Town of Ellettsville.

This Resolution was passed and adopted by the Ellettsville Town Council of Ellettsville, Indiana, at the Ellettsville Town Hall on the 13th day of May, 2024:

Scott Oldham, President

ATTEST:

Noelle Conyer, Clerk/Treasurer

This Resolution was passed and adopted by the Richland Bean Blossom Community School Corporation on the ____ day of May, 2024.

Dana Robert Kerr, President

ATTEST:

, Secretary

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That the RICHLAND BEAN BLOSSOM COMMUNITY SCHOOL CORPORATION, (“Grantor”) of Monroe County, in the State of Indiana (“Grantor”), **RELEASES AND QUITCLAIMS** to TOWN OF ELLETTSVILLE (“Grantee”) of Monroe County, State of Indiana for the sum of \$1.00 and other good and sufficient consideration, the receipt of which is hereby acknowledged, the following Real Estate in Monroe County, in the State of Indiana, To-Wit, to be used as a 60’right-of-way, as depicted on Exhibit A, a copy of which is attached hereto:

A part of the Southwest quarter of Section 4, Township 9 North, Range 2 West, described as follows:

Commencing at the Southeast corner of said quarter section; thence along the East line of said quarter section, also being the East line of a 20 acre tract of land described in Instrument 2008009419; thence along the said East line North 00 degrees 16 minutes 49 seconds West 131.73 feet to the point of beginning; thence leaving said East line North 89 degrees 06 minutes 21 seconds West 371.41 feet; thence 263.50 feet along an arc concave to the northeast having a radius of 430.00 feet, subtended by a long chord bearing North 71 degrees 33 minutes 02 seconds West a length of 259.40 feet; thence North 53 degrees 59 minutes 43 seconds West 45.07 feet to the West line of said 20 acre tract; thence along said West line North 00 degrees 37 minutes 51 seconds West 74.77 feet; thence leaving said West line South 53 degrees 59 minutes 43 seconds East 89.68 feet; thence 226.73 feet along an arc concave to the northeast having a radius of 370.00 feet, subtended by a long chord having a bearing of South 71 degrees 33 minutes 02 seconds East a length of 223.20 feet; thence South 89 degrees 06 minutes 21 seconds East 370.18 feet to the East line of said 20 acre tract; thence South 00 degrees 16 minutes 49 seconds East 60.01 feet to the point of beginning. Containing 0.94 acres, more or less.

SUBJECT TO all taxes, easements, restrictive covenants, and encumbrances of record.

The undersigned states that he is the duly appointed President of the Richland Bean Blossom Community School Corporation School Board, and that he has full power and authority to execute this Quitclaim Deed on behalf of the Grantor.

IN WITNESS WHEREOF, DANA ROBERT KERR, on behalf of the Grantor, has hereunto set his hand and seal this ____ day of May, 2024.

Dana Robert Kerr

STATE OF INDIANA)
)
COUNTY OF MONROE)

Before me, a Notary Public in and for said State and County, personally appeared **DANA ROBERT KERR**, on behalf of the Grantor in the above conveyance, and acknowledged the due execution of the same to be a voluntary act and deed.

WITNESS my hand and notarial seal this ____ day of May, 2024.

Notary Public
Residing in Monroe County, Indiana.

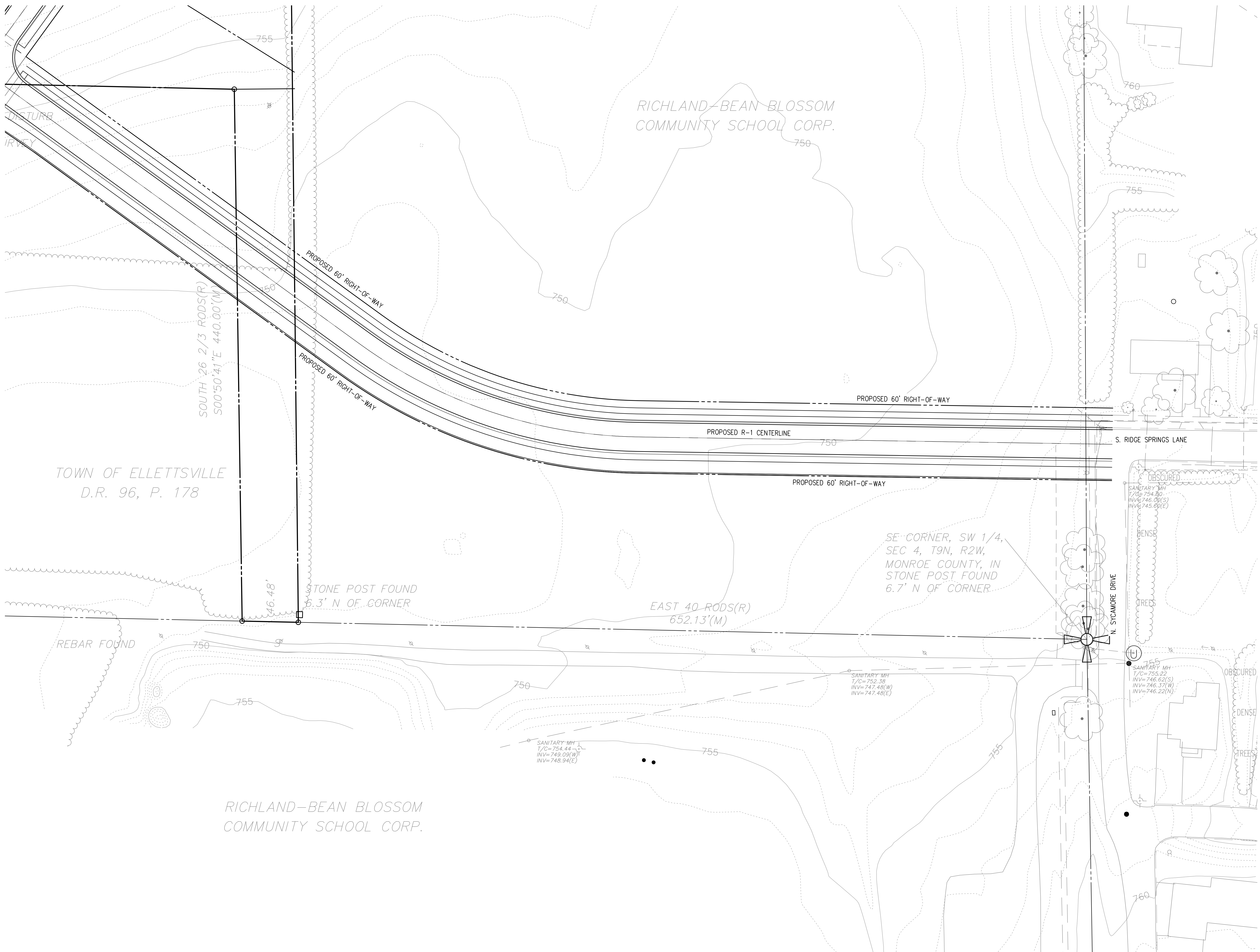
MY COMMISSION EXPIRES: ____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless otherwise required by law. /s/ *Darla S. Brown*

This Instrument Prepared by: Darla S. Brown, DARLA BROWN LAW, P.C., 1451 W. Arlington Road, Bloomington, Indiana 47404.

PROPERTY ADDRESS: 7633 West State Road 46, Ellettsville, Indiana 47429

MAIL DEED AND TAX STATEMENTS TO GRANTEE: Town of Ellettsville Clerk-Treasurer, 1150 W. Guy McCown Drive, Ellettsville, Indiana 47429.



revisions:

SCALE: 1"=30'

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BEBB
BYNUM FANTO & ASSOCIATES, INC.
528 north walnut street
(812) 332-8030

bloomington, Indiana
(812) 339-2990 (Fax)

certified by:

PROPOSED
HARMAN FARM PHASE 1
PRELIMINARY PLAT PRE APPROVAL

7366 W. STATE ROAD 46
ELLETTSVILLE, INDIANA 47429

title: PROPOSED ROAD
EXTENSION
THROUGH SCHOOL
PROPERTY

designed by: AJW
drawn by: AJW
checked by: JSF
sheet no: EXHIBIT
project no.: 402329

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

TOWN OF ELLETTSVILLE
D.R. 96, P. 178

RICHLAND-BEAN BLOSSOM
COMMUNITY SCHOOL CORP.

RICHLAND-BEAN BLOSSOM
COMMUNITY SCHOOL CORP.

SE CORNER, SW 1/4,
SEC 4, T9N, R2W,
MONROE COUNTY, IN
STONE POST FOUND
6.7' N OF CORNER.

SOUTH 26 2/3 RODS(R)
500'50'41"E 440.00'(M)

PROPOSED 60' RIGHT-OF-WAY

PROPOSED 60' RIGHT-OF-WAY

PROPOSED 60' RIGHT-OF-WAY

PROPOSED R-1 CENTERLINE

PROPOSED 60' RIGHT-OF-WAY

EAST 40 RODS(R)
652.13'(M)

STONE POST FOUND
6.3' N OF CORNER

REBAR FOUND

SANITARY MH
T/C=754.44
INV=749.09(W)
INV=748.94(E)

SANITARY MH
T/C=752.38
INV=747.48(W)
INV=747.48(E)

SANITARY MH
T/C=755.22
INV=746.62(S)
INV=746.37(W)
INV=746.22(N)

755

750

755

755

755

750

750

760

755

750

750

750

750

750

750

760

S. RIDGE SPRINGS LANE

N. SYCAMORE DRIVE

OBSCURED

DENSE

PREL

OBSCURED

OBSCURED

DENSE

STREET

ORDINANCE 2024-13

AN ORDINANCE TO CREATE A SEPARATE FUND FOR TOWN OF ELLETTSVILLE PARKS AND RECREATION DEAPRMENT

Whereas, the Ellettsville Town Council has determined that it is in the public interest to create a separate fund for the Parks and Recreation Department to receive, hold, and disburse monies directly connected to the Parks and Recreation Department for programing and events.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED by the Town Council of Ellettsville, Indiana:

Section 1. The Town of Ellettsville hereby creates a separate fund for the Town of Ellettsville Parks and Recreation Department Fund into which all monies and proceeds in the form of program fees, and sponsor contributions to the Town of Ellettsville Parks and Recreation Department shall be deposited.

Section 2. The Town Clerk-Treasurer or her appointee shall be responsible for receiving all funds to be deposited in such account and shall keep records as to the amounts received, the manner of their receipt, any disbursements and a current balance in such fund at all times.

Section 3. Upon receipt of program fees, donations, and corporate sponsor contributions from the Parks Board, or from individuals, the Town Clerk-Treasurer shall deposit said fees, donations and contributions into the Town of Ellettsville Parks and Recreation Department.

Section 4. The Ellettsville Clerk-Treasurer is directed to only disburse funds from the special non-reverting operating fund created hereunder upon receipt of a claim allowed and signed as outlined in the Town’s purchasing Policy. Any funds placed in the special non-reverting operating fund may not be withdrawn except for the purposes for which the fund was created.

This Ordinance was adopted by the Ellettsville Town Council on the 28th day May, 2024 at the Ellettsville Town Hall:

Voted for:

Voted Against:

Scott Oldham, President

Scott Oldham, President

Dan Swafford, Vice President

Dan Swafford, Vice President

William Ellis

William Ellis

Trevor Sager

Trevor Sagor

Pamela Samples

Pamela Samples

Attest: _____
Noelle M. Conyer, Ellettsville Clerk-Treasurer

Ellettsville Town Council

Tax Abatement Compliance Recommendation

The Ellettsville Town Council has reviewed the Compliance with Statement of Benefits 2023 information submitted for the following companies:

KeHE Distributors, LLC
Indiana WEH LLC

Dated this 13rd day of May, 2024

Ellettsville Town Council

Voted for:

Scott Oldham, President

Dan Swafford, Vice President

Trevor Sager

Pamela Samples

William Ellis

Voted Against:

Scott Oldham, President

Dan Swafford, Vice President

Trevor Sager

Pamela Samples

William Ellis

Attest:

Noelle M. Conyer, Ellettsville Clerk-Treasurer



COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R5 / 12-21)
Prescribed by the Department of Local Government Finance

20 ²³ PAY 20 ²⁴
FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

INSTRUCTIONS:

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, 2023, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1 TAXPAYER INFORMATION		
Name of taxpayer Indiana WEH LLC	County Monroe	
Address of taxpayer (number and street, city, state, and ZIP code) 2900 Linden Lane, Suite 300, Silver Spring, Maryland 20910	DLGF taxing district number 013	
Name of contact person Rhonda Brown	Telephone number (301) 495-1533	
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of designating body Town of Ellettsville	Resolution number 07-2020	Estimated start date (month, day, year) 10/15/2019
Location of property 8101 W. State Road 46, Ellettsville, Indiana 47429	Actual start date (month, day, year) 11/19/2019	
Description of real property improvements Food Distribution Facility	Parcel: 53-04-05-100-011.001-013	Estimated completion date (month, day, year) 11/15/2020
		Actual completion date (month, day, year) 2/4/2021
SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	165	238
Salaries	38,000.00	55,563.20
Number of employees retained	165	165
Salaries	38,000.00	55,563.20
Number of additional employees	60	73
Salaries	39,000.00	55,563.20
SECTION 4 COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	1,500,000.00	72,900.00
Plus: Values of proposed project	32,000,000.00	23,000,000.00
Less: Values of any property being replaced		
Net values upon completion of project	32,000,000.00	23,000,000.00
ACTUAL	COST	ASSESSED VALUE
Values before project	1,594,631.25	72,900.00
Plus: Values of proposed project	33,923,696.00	22,328,200.00
Less: Values of any property being replaced		
Net values upon completion of project	35,518,327.25	24,401,100.00
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative 	Title CFO	Date signed (month, day, year) 05/10/2023

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991**

INSTRUCTIONS: (IC 6-1.1-12.1-5.3 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time, and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property), and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:

the property owner **IS** in substantial compliance

the property owner **IS NOT** in substantial compliance

other (specify) _____

Reasons for the determination (attach additional sheets if necessary)

Signature of authorized member

Date signed (month, day, year)

Attested by:

Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing

AM
 PM

Date of hearing (month, day, year)

Location of hearing

HEARING RESULTS (to be completed after the hearing)

Approved

Denied (see instruction 4 above)

Reasons for the determination (attach additional sheets if necessary)

Signature of authorized member

Date signed (month, day, year)

Attested by:

Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

KeHE – 8101 W. State Road 46

Tax Abatement Schedule

Year 1	100% Abated
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

RESOLUTION 07-2020

TO CONFIRM RESOLUTION 05-2020, WHICH DESIGNATED AN ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENT OF BENEFITS FORM, AND AUTHORIZED PERIODS OF ABATEMENT FOR REAL PROPERTY IMPROVEMENTS FOR SCANNELL PROPERTIES #399, LLC

WHEREAS, Scannell Properties #399, LLC (“Scannell”) has filed its application for designation of real property situated located at 8101 W. State road 46, Ellettsville, Monroe County, Indiana (the “Real Estate”) as an “Economic Revitalization Area,” and

WHEREAS, the Ellettsville Town Council has investigated the area depicted and described on Exhibit A and made a part hereof; and

WHEREAS, the area depicted and described on Exhibit A has become undesirable for normal development and occupancy because of a lack of development, cessation of growth, and obsolescence; and

WHEREAS, Scannell submitted a Statement of Benefits Form (Form SB-1/Real Property) with the said application for designation of an Economic Revitalization Area; and

WHEREAS, according to this material, Scannell intends to invest Thirty Two Million Dollars (\$32,000,000.00) in a food distribution warehouse that will be operated by KeHE Distributors, LLC create approximately 225 new jobs; and

WHEREAS, Indiana Code § 6-1.1-12.1-17 authorizes the Town Council to set an abatement schedule for real property tax abatements; and

WHEREAS, the Town Council has reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project is reasonable;
- B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, during a preliminary hearing at 6:30 p.m., on March 9, 2020, the Ellettsville Town Council received evidence concerning whether the Real Estate should be designated as an Economic Revitalization Area and the Ellettsville Town Council adopted a Preliminary Economic Revitalization Resolution designating the Real Estate as an Economic Revitalization Area and

fixed 6:30 p.m., the 10th day of August, 2010, as the final public hearing for receiving and hearing any remonstrance or objections from any persons interested in or affected by the Real Estate or its designation as an Economic Revitalization Area, and

WHEREAS, proper legal notice was published indicating the adoption of such preliminary resolution and stating when and where such final public hearing would be held; and

WHEREAS, at such final public hearing any and all additional evidence and testimony (along with any and all remonstrance and objections presented) were considered and such additional evidence and testimony either confirmed the Ellettsville Town Council's determination that the Real Estate is an Economic Revitalization Area or did not refute that determination; and

WHEREAS, Indiana Code §6-1.1-12.1-2.5 empowers the Ellettsville Town Council, after considering the evidence, to take final action confirming, modifying and confirming, or rescinding the resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Ellettsville Town Council, as follows:

1. The area designated as the "Real Estate," more fully described in prior filings by Scannell Properties #399, LLC with the Ellettsville Town Council, a legal description of which is attached hereto as "Exhibit A," is hereby designated, found, and established to be an Economic Revitalization Area.

2. Pursuant to Indiana Code § 6-1.1-12.1-17, the Town Council hereby sets the following abatement schedule for the Project for real property:

Year 1	100% Abated
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

3. In granting this designation and deductions the Town Council incorporates Indiana Code § 6-1.1-12.1-12 and also expressly exercises the power set forth in Indiana Code § 6-1.1-12.1-2(i)(6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. The capital investment of at least \$32 million for real estate improvements; and
- b. The land and improvements shall be developed and used in a manner that complies with local code; and
- c. The Project shall be completed before or within twelve months of the completion date as listed on the application; and

d. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, and the Town of Ellettsville Code of Ordinances; and

4. The provisions of Indiana Code § 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Town Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code § 6-1.1-12.1-12(e) to the county treasurer.

5. The preliminary resolution adopted in this matter on the 10th day of August, 2020, as it relates to real property is hereby confirmed as set forth above.

BE IT SO RESOLVED this ²⁴10th day of August, 2020:

ELLETTSVILLE TOWN COUNCIL

FOR



Dan Swafford, President

Scott Oldham, Vice President

Pamela Samples



William Ellis



Trevor Sager

AGAINST

Dan Swafford, President

Scott Oldham, Vice President

Pam Samples

William Ellis

Trevor Sager

ATTEST:



Sandra C. Hash, Clerk-Treasurer

EXHIBIT "A"

DULY ENTERED
FOR TAXATION

JAN 03 2020

Catherine Smith

Auditor Monroe County, Indiana

2020000221 WAR \$25.00
01/06/2020 10:06:41A 8 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented



State ID: 53-04-05-100-011.001-013

1/2
967030

WARRANTY DEED

THIS INDENTURE WITNESSETH, That RMJ Partnership LLC, an Indiana limited liability company ("Grantor") CONVEYS AND WARRANTS to Scannell Properties #399, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, the real estate in Monroe County, Indiana, more particularly described on Exhibit A attached hereto:

Grantee's mailing address is 8801 River Crossing Blvd., Suite 300, Indianapolis, IN 46240.

SUBJECT TO the liens of taxes and assessments not yet due and payable, easements, covenants, conditions and restrictions set forth in Exhibit B attached, and incorporated by this reference (the "Permitted Exceptions").

The undersigned person executing this Deed on behalf of Grantor represents and certifies that he has been fully empowered, by proper resolution of the Grantor, to execute and deliver this Deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this Deed this 19 day of Dec, 2019.

ATTACHMENT "A"

RMJ PARTNERSHIP LLC, an Indiana limited liability company.

By: Roy Martin Umbarger
Roy Martin Umbarger, Manager

STATE OF INDIANA)
) SS:
COUNTY OF Johnson)

Before me, a Notary Public in and for said County and State, personally appeared Roy Martin Umbarger, Manager, of RMJ Partnership LLC, an Indiana limited liability company, who acknowledged the execution of the above and foregoing Warranty Deed for and on behalf of said company.

Witness my hand and seal this 19 day of July, 2019.



Julie Douville
Notary Public
Printed: Julie Douville
Residing in Johnson County, IN

SEND TAX BILL TO AND GRANTEE'S ADDRESS IS:

Scannell Properties #399, LLC
8801 River Crossing Blvd., Suite 300
Indianapolis, Indiana 46240

This instrument was prepared by me and I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Marc D. Pflieger, Scannell Properties, 8801 River Crossing Blvd., Suite 300, Indianapolis, Indiana 46240, Telephone: (317) 218-1653

EXHIBIT A

Lot 1 of Umbarger Plat recorded October 21, 2019 in the Office of the Recorder of Monroe County, Indiana as Instrument No. 2019015357.

Exhibit A

GRANTOR TRACT — LEGAL DESCRIPTION

Lot 1 of Umbarger Plat recorded October 21, 2019 in the Office of the Recorder of Monroe County, Indiana as Instrument No. 2019015357.

EXHIBIT B
[Permitted Encumbrances]

1. Real Estate Taxes for the year 2019 (payable 2020) are a lien but not yet due and payable.
2. Right of Way Easement in favor of Bean Blossom-Patricksburg Water Corporation, its successors and assigns, recorded January 8, 1998 in Book 467, Page 245, and the terms and provisions thereof.
3. Rights of the public, the State of Indiana and the municipality in and to that part of the Land, if any, taken or used for road purposes, including utility rights of way.
4. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
5. All those matters as disclosed by that certain Umbarger Plat recorded October 21, 2019 in the office of the Recorder of Monroe County, Indiana as Instrument No. 2019015357.
6. Grant of Access Easement dated ~~November~~ ^{December 19th}, 2019 by and between Scannell Properties #399, LLC and Umbarger Farms recorded ~~October 21~~, 2019 in the Office of the Recorder of Monroe County, Indiana as Instrument No. 2019015357.

Exhibit B

GRANTEE TRACT — LEGAL DESCRIPTION

Parcel A — The Northwest Quarter of the Southeast Quarter of Section 5, Township 9 North, Range 2 West, containing 37 acres, more or less.

Parcel B — The Northeast Quarter of the Southeast Quarter and the South Half of the Southeast Quarter of Section 5, Township 9 North, Range 2 West, containing 111 acres, more or less.

Exhibit "C"
ACCESS EASEMENT

An Access Easement being part of Lot 1 of Umbarger Subdivision as shown by the recorded plat in Instrument number 2019015357 in the office of the Recorder of Monroe County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said Lot 1 and on the south right-of-way as dedicated for State Road 46; Thence along the northeast line of Lot 1 and said right-of-way North 57 degrees 21 minutes 57 seconds West 48.25 feet to the Point of Beginning;

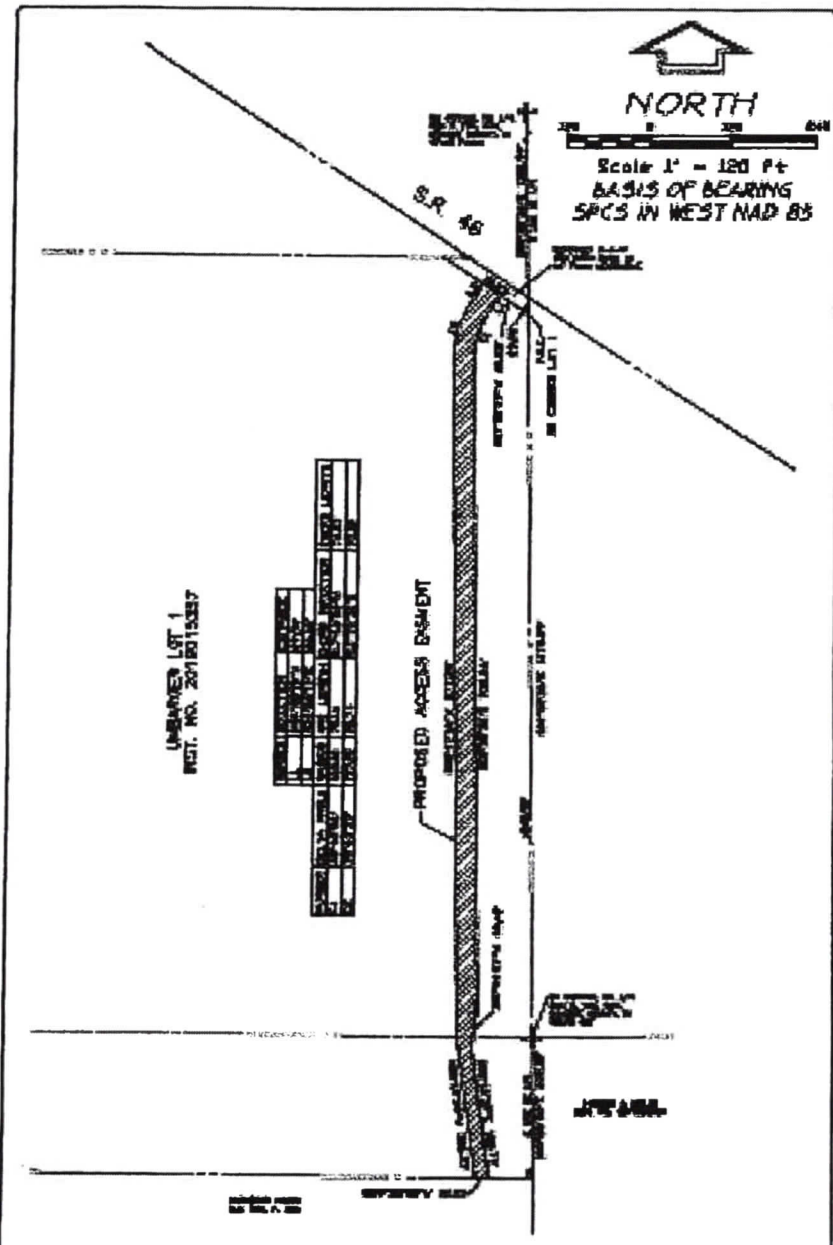
Thence leaving said northeast line of Lot 1 and said right-of-way South 34 degrees 58 minutes 19 seconds West 27.54 feet to the beginning of a curve concave southeasterly having a radius of 125.00 feet; Thence on said curve Southwesterly 78.14 feet through a central angle of 35 degrees 48 minutes 56 seconds; Thence South 00 degrees 50 minutes 36 seconds East 935.66 feet; Thence South 07 degrees 14 minutes 07 seconds West 60.48 feet; Thence South 08 degrees 12 minutes 32 seconds East 188.79 feet to the south line of said Lot 1; Thence on said south line North 89 degrees 32 minutes 03 seconds West 20.23 feet; Thence leaving said south line North 08 degrees 12 minutes 32 seconds West 206.53 feet; Thence North 00 degrees 47 minutes 16 seconds West 977.56 feet to the beginning of a curve concave southeasterly having a radius of 155.00 feet; Thence on said curve Northeasterly 96.74 feet through a central angle of 35 degrees 45 minutes 35 seconds; Thence North 34 degrees 58 minutes 19 seconds East 26.40 feet to the northeast line of Lot 1 and said right-of-way; Thence on said lines South 57 degrees 21 minutes 57 seconds East 30.03 feet and to the Point of Beginning.

Containing 0.857 acres (37,327.92 square feet), more or less.

Charles D. Graham
Indiana L.S. 29500014
Within the State of Indiana
Bynum Fanyo & Associates, Inc.
528 N. Walnut Street
Bloomington, IN 47404



and as depicted on the following page.



1" = 120' Scale
 BASIS OF BEARING
 SPCS IN WEST NAD 83

SEB
 STEVEN E. BROWN & ASSOCIATES, P.C.
 200 WEST WIND STREET
 ELLETTSVILLE, IN 47404
 PHONE 812-833-1111 FAX 812-833-1111

Project No. 2018015357

ATTACHMENT "B"

