**RESOLUTION 00-17**

**TO RESCIND RESOLUTION 91-24 AND RESOLUTION 92-12**
**AND TERMINATE TAX DEDUCTION**
**Re: 239 West Grimes Lane**
**(K & W Products, Property Owner)**

WHEREAS, in 1991 the Common Council adopted Resolution 91-24 - which affirmed Resolution 91-23 by designating the property at 239 West Grimes Lane as an Economic Revitalization Area (ERA) and granting a 5-year tax abatement for the installation of new manufacturing equipment; and

WHEREAS, in 1992 the Common Council adopted Resolution 92-12 - which confirmed Resolution 92-11 by redesignating the ERA and granting a ten-year tax abatement for the addition of a 22,500 square foot warehouse at the above address; and

WHEREAS, the decision to grant the tax abatement in 1992 was based upon the application for tax abatement and the statement of benefits form submitted to the Council by the petitioner, which indicated that petitioner was relocating their corporate offices from California and would use the tax abatement to retain 13 employees and hire an additional 11 over the next 5 years; and

WHEREAS, according to Indiana Code 6-1.1-12.1-5.1 the property owner wishing to keep the abatement on real estate must file a statement of benefits form annually before March 1st indicating what progress has been made in meeting the commitments set forth in that form; and

WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with its terms and if the Council determines that the property owner has failed to make reasonable efforts to comply with the terms of the abatement and has not been prevented by factors beyond his control, the Council may rescind the tax abatement and terminate the tax deduction; and

WHEREAS, on April 5, 2000, the Executive Assistant for Economic Development gave an Annual Tax Abatement Report, which included a letter from John Goode, formerly of K&W Products, indicating that he wanted to voluntarily rescind the tax abatements for the property located at 239 West Grimes Lane; and

WHEREAS, the letter briefly explained this decision by indicating that on November 16, 1999, K & W Acquisition Group, LLC sold a majority of its assets, including the name K & W Products to CRC Industries, Inc.; and

WHEREAS, the letter also indicated that John Goode still owned the property under the name Goode Group, LLC and still employed several of the old employees; and

WHEREAS, given these circumstances, the Council adopted the following motion at that meeting:

Pursuant to Indiana Code 6-1.1-12.1-5.9, the Common Council determines that the owner of 239 West Grimes Lane has not substantially complied with the Statement of Benefits and that the failure to do so was not caused by factors beyond their control.

Therefore, the Common Council will hold a hearing at the Regular Session on May 17th to further consider the property owner's compliance with the Statement of Benefits. At the conclusion of the hearing the Council may adopt a resolution terminating the tax abatement.

The Council Attorney is directed to mail the statutorily required written notice of this hearing to the property owner; and

WHEREAS, the Council Attorney mailed notice of the hearing to the property owner and on May 17th the Common Council held a hearing and determined that the property owner does not intend to pursue the tax abatement and, by selling the assets of K & W acquisition Group, LLC, has chosen not to make reasonable efforts to substantially comply with the statement of benefits and that the decision was not caused by factors beyond the control of the property owner;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

1. Resolution 91-24 and Resolution 92-12 shall be rescinded and the tax deduction for 239 West Grimes Lane granted under Indiana Code 6-1.1-12.1-3 shall be terminated.

2. The Clerk of the City is directed to mail a certified copy of this resolution to the property owner and the county auditor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of May, 2000.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of May, 2000.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 18th day of May, 2000.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This resolution terminates the remainder of the ten-year tax abatement for improvements on real estate at 239 West Grimes Lane that were granted to K&W Products.