Passed 8-0
Banach absent

RESOLUTION 02-21

TO RESCIND RESOLUTION 97-14, RESOLUTION 97-16, RESOLUTION 00-15, AND RESOLUTION 00-16 AND TERMINATE TAX DEDUCTION FOR CERTAIN MANUFACTURING EQUIPMENT
Re: 311 West Hillside Drive
(Prairie Dog, Property Owner)

WHEREAS, in 1997 the Common Council adopted Resolution 97-16, which affirmed Resolution 97-14, by designating the property at 633 North Morton Street as an Economic Revitalization Area (ERA) and granting a 10-year tax abatement for the installation of new manufacturing equipment; and

WHEREAS, in 2000 the Common Council adopted Resolution 00-16, which affirmed Resolution 00-15, by designating the property located at 311 West Hillside Drive as an Economic Revitalization Area (ERA) and authorizing the continuation of the 10-year tax abatement for the new manufacturing equipment granted with the previous resolutions; and

WHEREAS, both pairs of the foregoing resolutions specifically waived the requirement that the statement of benefits be provided to the Common Council and that the Common Council designate the ERA prior to the installation of the new manufacturing equipment; and

WHEREAS, the decisions to grant the tax abatement in 1997 and continue it in 2000 were based upon the application for tax abatement, the Statement of Benefits forms, and other material submitted to the Council by the petitioner, which indicated that the owner was intending to invest over $700,000 on new manufacturing equipment and make certain improvements to the properties that would result in retaining 28 and adding 60 new jobs; 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 CF-1 form annually before March 1st indicating what progress has been made in meeting the commitments set forth in the Statement of Benefits; and

WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with the terms of the resolution and the Statement of Benefits, 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, over the course of the last few years, the Council has reviewed the annual CF-1 form filed in regard to this property and has found the property owner in substantial compliance with the foregoing commitments; and

WHEREAS, on June 19, 2002, however, the Director of Economic Development, Nathan Hadley, presented a Supplemental Tax Abatement Report to the Common Council and recommended that the tax abatement for this manufacturing equipment be terminated at the request of the Tim Boeglin, who indicated that most of it was sold early this year to a company in Minnesota; and

WHEREAS, at that meeting and based upon that recommendation, the Council adopted the following motion:

Pursuant to Indiana Code 6-1.1-12.1-5.9, the Common Council determines that the owner of the property (manufacturing equipment) located at 311 West Hillside Drive has not substantially complied with the Statement of Benefits and that the failure to do so was not caused by factors beyond his control. Therefore, the Common Council will hold a hearing at the Regular Session on

July 24, 2002, to further consider the property owner's compliance with the Statement of Benefits. At the conclusion of the hearing the Common Council may adopt a resolution terminating the tax abatement. The Council Attorney is directed to mail the statutorily required written notice to the property owner; and

WHEREAS, pursuant to I.C. 6-1.1-12.1-5.9, the Council Attorney mailed notice of the hearing to the property owner and the State Board of Tax Commissioners within 30 days of its occurrence and on June 24, 2002, the Common Council held the hearing and determined that the owner of the manufacturing equipment was not in substantial compliance with the statement of benefits and the failure to comply was not the result of factors beyond the control of the property owner; and

WHEREAS, the Common Council is not persuaded that the property continues to be eligible for designation as an Economic Revitalization Area (ERA);

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

SECTION 1. Resolution 97-14, Resolution 97-16, Resolution 00-15, and Resolution 00-16 shall be rescinded and the tax deduction for the manufacturing equipment formerly located at 311 West Hillside Drive is hereby terminated.

SECTION 2. The Clerk of the City is directed to mail a certified copy of this resolution to the property owner, the Auditor of Monroe County, and the State Board of Tax Commissioners.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 24th day of July, 2002.

Chris Gaal

CHRIS GAAL, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 25th day of July, 2002.

JOHN FERNANDEZ, Mayor
City of Bloomington

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution rescinds Common Council Resolution 97-14, Resolution 97-16, Resolution 00-15, and Resolution 00-16, and terminates the tax abatement for the manufacturing equipment installed at 310 West Hillside Drive.

Signed copies to:
legal (5)
Controller
Econ. Dev.

Certified copies per Section 2
Property owner
Taxing bodies

CA/CA
file