

**ORIGINAL**

**RESOLUTION NO. 2017-30**

**A CONFIRMATORY RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA  
FOR THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA  
AND APPROVAL OF TAX ABATEMENT APPLICATION**

**Walter Payton Power Equipment, LLC**

WHEREAS, the Town Council of the Town of Whitestown, Indiana (respectively, the "Town Council" and the "Town") has thoroughly studied and been advised by Walter Payton Power Equipment, LLC ("WP Equipment") of a proposed revitalization program which includes (i) construction of an 18,000 square foot office/facility shop at Heritage Drive in the Town (the "Site") to allow for sale and service of crane and heavy equipment by WP Equipment and (ii) installing new manufacturing equipment at the Site including two 20 ton overhead cranes to enable crane boom tear downs and reassembly (collectively, the "Project"); and

WHEREAS, on September 13, 2017, the Town Council adopted its Resolution No. 2017-28 attached hereto as Exhibit A and incorporated herein by reference (the "Declaratory Resolution") which (i) designated the Site as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1, as amended (the "Act") to be known as the "Whitestown WP Equipment ERA #1" (the "WP Equipment ERA") and (ii) approved a ten (10) year real property and personal property tax abatement for WP Equipment in connection with its proposed Project, all as more particularly described in the WP Equipment Application (as defined in and attached to the Declaratory Resolution); and

WHEREAS, on October 2, 2017, the Whitestown Redevelopment Commission adopted a resolution approving the establishment of the WP Equipment ERA and the WP Equipment Application; and

WHEREAS, the Town Council, following the adoption of the Declaratory Resolution, set a public hearing on the Declaratory Resolution for 7:00 p.m., on October 11, 2017, at the Whitestown Municipal Complex-Public Hall, Whitestown, Indiana; and

WHEREAS, notice of the adoption and substance of the Declaratory Resolution and public hearing thereon was published pursuant to the Act and Indiana Code 5-3-1, such publication being at least ten (10) days prior to the date set for the public hearing on such Declaratory Resolution; and

WHEREAS, notice of the public hearing and information required by the Act concerning the WP Equipment Application and the Declaratory Resolution was filed with the appropriate taxing units at least ten (10) days prior to the public hearing; and

WHEREAS, the application for designation, a description of the WP Equipment ERA, a map of the WP Equipment ERA, and all pertinent supporting data were available for public inspection in the offices of the Clerk-Treasurer of the Town and the Boone County Assessor; and

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WHEREAS, at the public hearing, the Town Council afforded an opportunity to all persons and organizations, including representatives of organizations, to express their views with respect to the proposed designation of the WP Equipment ERA as an economic revitalization area in accordance with the Act and the approval of the WP Equipment Application; and

WHEREAS, no remonstrances, written or oral, have been filed with regard to the Declaratory Resolution stating opposition, of any type or character, to said Declaratory Resolution, the designation of the WP Equipment ERA as an economic revitalization area or the approval of the WP Equipment Application; and

WHEREAS, the Town Council, after conducting the public hearing, and giving careful consideration to all comments and views expressed and any evidence presented regarding the designation of such WP Equipment ERA as an economic revitalization area and the approval of the WP Equipment Application, has determined that it is in the best interests of the Town to designate said WP Equipment ERA an economic revitalization area for the purpose of real and personal property tax abatement pursuant to the Act and to confirm the approval of the WP Equipment Application for a ten (10) year real property and personal property tax abatement as herein provided;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA AS FOLLOWS:

1. After legally required public notice, and after a public hearing pursuant to such notice, the Town Council has considered the evidence presented and hereby takes "final action," as that phrase is defined in the Act with regard to the adoption of the Declaratory Resolution and the establishment of the WP Equipment ERA as an economic revitalization area, as defined in the Act.

2. The approval of the WP Equipment Application pursuant to the Declaratory Resolution is ratified and confirmed in all respects. WP Equipment shall be entitled to a real property tax deduction and personal property tax deduction for the Project to be provided pursuant to Sections 3 and 4.5 of the Act, respectively, for a period of ten (10) years with respect to real property which is constructed and improved and new manufacturing equipment which is installed as contemplated by and reflected in the WP Equipment Application as filed with the Town Council, with such abatements to be in accordance with the following schedules:

*Real Property*

<u>Year</u>	<u>% of Assessed Value Exempt From Real Property Taxes</u>
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%

7	30%
8	20%
9	10%
10	5%

*Personal Property*

<u>Year</u>	<u>% of Assessed Value Exempt From Real Property Taxes</u>
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

3. The Declaratory Resolution, adopted on September 13, 2017, is hereby ratified and confirmed as set forth herein, and it is hereby stated that the qualifications for an economic revitalization area have been met as to the WP Equipment ERA.

4. WP Equipment shall (i) annually file the required Form CF-1/Real Property and Form CF-1/Personal Property demonstrating its substantial compliance with the investment, wage, and employment estimates set forth in the Form SB-1/Real Property and Form SB-1/Personal Property, respectively, as presented to and approved by the Town Council in the Declaratory Resolution, hereby ratified and confirmed, and (ii) provide the Town Council, upon written request, with an update regarding the timing of the proposed Project as described in the WP Equipment Application.

5. The provisions of Indiana Code 6-1.1-12.1-12 are expressly incorporated into this Resolution with respect to the ratification and confirmation of the Declaratory Resolution and the approval of the WP Equipment Application.

6. This Resolution shall be effective immediately upon its adoption.

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ADOPTED this 11<sup>th</sup> day of October, 2017.

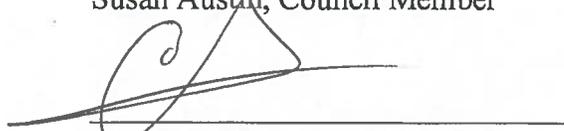
TOWN COUNCIL OF  
TOWN OF WHITESTOWN, INDIANA



Eric Miller, President



Susan Austin, Council Member



Clinton Bohm, Council Member

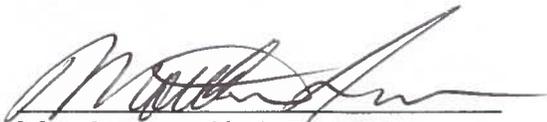


Jeff Wishek, Council Member



Kevin Russell, Council Member

ATTEST:



Matt Sumner, Clerk-Treasurer

EXHIBIT A

*Declaratory Resolution*

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RESOLUTION NO. 2017-28

**A RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA  
DECLARING AN ECONOMIC REVITALIZATION AREA  
FOR REAL AND PERSONAL PROPERTY TAX ABATEMENT**

**Walter Payton Power Equipment, LLC**

WHEREAS, the Town Council of the Town of Whitestown, Indiana (the "Town Council" and "Town", respectively) has thoroughly studied and been advised by Walter Payton Power Equipment, LLC ("WP Equipment") of a proposed revitalization program which includes (i) construction of an 18,000 square foot office/facility shop at Heritage Drive in the Town (the "Site") to allow for sale and service of crane and heavy equipment by WP Equipment and (ii) installing new manufacturing equipment at the Site including two 20 ton overhead cranes to enable crane boom tear downs and reassembly (collectively, the "Project"); and

WHEREAS, the Site is located in the Town and is more particularly described in Exhibit A attached hereto (such Site, hereinafter, the "Area"); and

WHEREAS, the Town Council has received from WP Equipment for the Area (i) a Statement of Benefits Real Estate Improvements and Statement of Benefits Personal Property, each attached hereto as Exhibit B, and other supporting application documentation in connection therewith and incorporated herein by reference (collectively, the "WP Equipment Application") and (ii) a request that the Town designate the Area as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1, as amended (the "Act"); and

WHEREAS, the Act has been enacted to permit the creation of "economic revitalization areas" and to provide all of the rights, powers, privileges and immunities that may be exercised by this Town Council in an economic revitalization area, subject to the conditions set forth in the Act; and

WHEREAS, WP Equipment anticipates increases in the assessed value of such real property and personal property in the Area from the proposed redevelopment or rehabilitation of real property and installation of new manufacturing equipment, as described in the WP Equipment Application, and has submitted the WP Equipment Application to the Town Council in connection therewith; and

WHEREAS, the Town Council finds, based upon the WP Equipment Application, that the Area is an area that has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented normal development and use of the property and that the designation of the area as an economic revitalization area would enhance the opportunity for the creation of new jobs and the protection of the current employment; and

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WHEREAS, the Town Council has reviewed the information brought to its attention, including the WP Equipment Application, and hereby determines that it is in the best interest of the Town to designate the Area as an economic revitalization area pursuant to the Act; and

WHEREAS, the Town Council finds that the purposes of the Act are served by allowing WP Equipment a real property tax deduction and personal property tax deduction for the Project for a period of ten (10) years pursuant to the Act and the schedules herein set forth; and

WHEREAS, this resolution shall be subject in all respects to adoption by the Town Council of a confirming resolution, following a public hearing thereon, all in accordance with the Act (the "Confirmatory Resolution");

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, as follows:

1. The Area is hereby declared an "economic revitalization area" under Section 2.5 of the Act and designated the "Whitestown WP Equipment ERA #1", subject to a public hearing, the adoption of the Confirmatory Resolution by the Town Council and other requirements of the Act.

2. In accordance with Section 2.5(b) of the Act, the Town Council hereby determines that (i) WP Equipment shall be entitled to a real property tax deduction for the Project, to be provided pursuant to Section 3 of the Act, and (ii) WP Equipment shall be entitled to a personal property tax deduction for the Project, to be provided pursuant to Section 4.5 of the Act, for a period of ten (10) years with respect to real property which is constructed and improved and new manufacturing equipment which is installed as contemplated by and reflected in the WP Equipment Application as filed with the Town Council, with such abatements to be in accordance with the following schedules:

*Real Property*

<u>Year</u>	<u>% of Assessed Value Exempt From Real Property Taxes</u>
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

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*Personal Property*

<u>Year</u>	<u>% of Assessed Value Exempt From Personal Property Taxes</u>
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

3. The Clerk-Treasurer of the Town is hereby authorized and directed to make all filings necessary or desirable with the Boone County Assessor, to publish all notices required by the Act, and to take all other necessary actions to carry out the purposes and intent of this Resolution and the creation of the economic revitalization area.

4. The Clerk-Treasurer of the Town is further authorized and directed to file this Declaratory Resolution, together with any supporting data, to each of the officers of each taxing unit that has authority to levy property taxes in the geographic area where the Area is located, as provided in the Act.

5. This Declaratory Resolution shall be submitted to a public hearing to be convened by the Town Council, where the Town Council will receive and hear all remonstrances and objections as provided by the Act.

6. The Area shall cease to be designated an economic revitalization area on January 1, 2030.

7. The Town Council hereby makes the following affirmative findings pursuant to Section 3 of the Act in regards to the WP Equipment Application:

- a. the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature;
- 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 proposed described redevelopment or rehabilitation;
- c. the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- d. the totality of benefits is sufficient to justify the deduction.

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8. The Town Council hereby makes the following affirmative findings pursuant to Section 4.5 of the Act in regards to the WP Equipment Application:

- a. the estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type;
- 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 installation of the new manufacturing equipment;
- c. the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of the new manufacturing equipment; and
- d. the totality of benefits is sufficient to justify the deduction

9. As an inducement for WP Equipment to invest in the Area, the WP Equipment Application is hereby approved effective upon confirmation of this Declaratory Resolution as required by the Act.

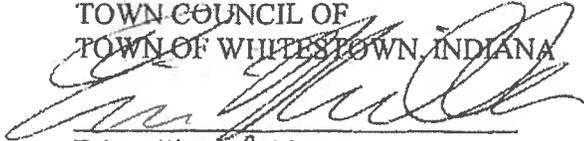
10. The provisions of this Declaratory Resolution shall be subject in all respects to the Act and any amendments thereto.

11. This Declaratory Resolution shall take effect upon its adoption.

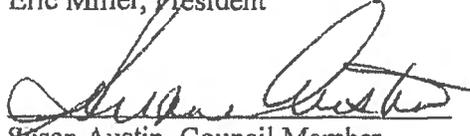
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ADOPTED this 13<sup>th</sup> day of September, 2017.

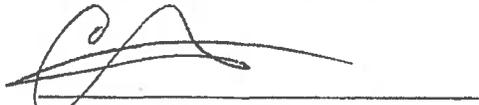
TOWN COUNCIL OF  
TOWN OF WHITESTOWN, INDIANA



Eric Miller, President



Susan Austin, Council Member



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Jeff Wishek, Council Member



Kevin Russell, Council Member

ATTEST:



Matt Sumner, Clerk-Treasurer

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Clerical 1 Average hourly wage rate for clerical positions \$19.00

Salaried 0 Average salary (per hour) for salaried positions \_\_\_\_\_

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time)  
6

f) Number of created part-time hourly employees by skill level (include average hourly wage rate excluding benefits and overtime)

Skilled 0 Average hourly wage rate for skilled positions \_\_\_\_\_

Semi-skilled 0 Average hourly wage rate for semi-skilled positions \_\_\_\_\_

Clerical 0 Average hourly wage rate for clerical positions \_\_\_\_\_

Salaried 0 Average salary (per hour) for salaried positions \_\_\_\_\_

TOTAL NUMBER OF NEW EMPLOYEES (part-time)  
0

g) What is the total dollar amount to be spent on new salaries? 289,120

h) Provide schedule for when new employee positions are expected to be filled.

Exhibit 4

17. On a separate page, please give a detailed description of what the impact on your business will be if the new equipment is not installed (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.). Exhibit 5

18. What is the term of the tax abatement requested (maximum 10 years). 10 yrs

19. Attach a schedule of the proposed tax abatement percentages in each year (note, if the proposed tax abatement schedule is other than a traditional tax abatement schedule the Town may impose additional fees for consideration). Exhibit 6

Example (note this is a traditional 10 year abatement schedule)

Year	% of Assessed Value Exempt From Personal Property Taxes
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%

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7	30%
8	20%
9	10%
10	5%

20. Complete the following schedule concerning the proposed personal property taxes to be abated and include on a separate page the worksheets for calculating the figures provided below:

I. Projected Current Conditions Without Abatement

A. Current Annual Personal Property Taxes: 0  
B. Projected 10-Year Total: 0

II. Projected Conditions With Abatement

A. Projected 10-Year Personal Property Taxes: 34,345.35  
B. Projected 10-Year Abatement: 20,950.66

III. Projected Total (Assumes Abatement Granted)

A. Total Amount Abated: 20,950.66  
B. Total Taxes to be Paid: 13,394.69

Note: Attach Worksheets Exhibit 7

21. Which approvals or permits will be required for the project?

- |                      |                       |
|----------------------|-----------------------|
| (a) zoning change    | (e) variance          |
| (b) annexation       | (f) special exception |
| (c) plat approval    | (g) building permit   |
| (d) development plan | (h) other _____       |

22. Will additional public infrastructure/facilities be required? If so, please explain in detail costs/funding source and schedule for construction.

No

23. For the proposed project, is the applicant requesting other incentives from the Town (e.g., tax increment financing, economic development revenue bond financing)? If so, please explain. Real Property Tax Abatement

24. Please describe any community involvement/contributions the applicant has provided in the past and/or expects to provide in the future.

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Exhibit 8

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25. Will local suppliers and contractors be used in the construction/operation of the proposed project? If so, please explain. Yes, we plan to use local contractor and suppliers

26. Has the applicant previously been approved for economic development incentives from the Town (e.g., tax abatement, tax increment financing, economic development revenue bond financing)? If so, please explain and include information with respect to applicant's compliance with project representations made to the Town at the time the incentives were approved. It has not applied for anything prior with the Town.

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27. Is the applicant current on all of its payment obligations to the Town and the County (e.g., property taxes, utility (gas, water, sewer, electric) fees (such as capacity fees, monthly services charges), guaranties on any debt obligations, etc.)?  
Yes

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28. Does the proposed project take advantage of any "green" technology to reduce adverse environmental impact? If so, please explain.

Exhibit 9

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CHECKLIST OF ATTACHMENTS:

\_\_\_\_\_ Application Fee (\$2,000)  
\_\_\_\_\_ Completed Memorandum of Understanding  
\_\_\_\_\_ Completed Form SB-1/PP  
\_\_\_\_\_ Legal Description of Project Site  
\_\_\_\_\_ Area Map of Project Site  
\_\_\_\_\_ Description of (i) Product(s) Manufactured, (ii) Research and Development, (iii) Product Distribution and/or (iv) Information Technology Conducted, at Site  
\_\_\_\_\_ Description of Equipment to be Installed at Site  
\_\_\_\_\_ Description of Impact on Business if Equipment not Installed  
\_\_\_\_\_ Worksheets for Abatement Calculation

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I hereby certify that the information and representations on and included with this application for Personal Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to annually provide information to the Town with respect to compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in this application, including the Form SB-1/PP. I also acknowledge that failure to provide such information may result in a loss of tax abatement deductions.

Richard A. Johnson  
Signature of Owner or Authorized Representative

Regional Manager  
Title

4/7/2017  
Date

STATE OF \_\_\_\_\_ )  
  )  
COUNTY OF \_\_\_\_\_ )

SS:

Before me, the undersigned Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing application for personal property tax abatement for the Town of Whitestown, Indiana. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Jacqueline S. Francescon  
Jacqueline S. Francescon, Notary Public  
Residing in Marion County, Indiana

My commission expires:  
June 20, 2020

JACQUELINE S FRANCESCON  
NOTARY PUBLIC  
SEAL  
STATE OF INDIANA  
My Commission Expires June 20, 2020

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Town of Whitestown, Indiana  
Application for Personal Property Tax Abatement

**Exhibit 1**

Legal Description

**An approximate 4.00 acre parcel, the real estate description of which is to be provided by an Indiana Registered Land Surveyor, lying within the following described real estate:**

Block "I" in The Crossing at Whitestown, Phase III, as per plat thereof recorded November 3, 2014 in Plat Book 23 Pages 17-19 as Instrument No. 201400009617, as amended by The Crossing at Whitestown Phase III, Amended Block "I", recorded July 11, 2016 in Plat Book 24, pages 40-41 as Instrument No. 201600006337, in the Office of the Recorder of Boone County, Indiana.

Note: 4 acres to be platted off of Block "I" to be the future Lot #5 in the Crossing at Whitestown, Phase III

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Town of Whitestown, Indiana  
Application for Personal Property Tax Abatement

**Exhibit 2**

**Products Manufactured, Research & Product Distribution**

Walter Payton Power Equipment (WPPE) is the exclusive factory authorized dealer in the State of Indiana for the Manitowoc, Grove, and National Crane lines. WPPE is also the exclusive dealer for Manitou MRT and MHT telehandlers, along with being the dealer for other crane lines. Being the sole dealer in the State for the Manitowoc, Grove, and National Crane lines, we not only sell and rent cranes, but we are required to repair, rebuild, and service them with factory trained technicians.

Town of Whitestown, Indiana  
Application for Personal Property Tax Abatement

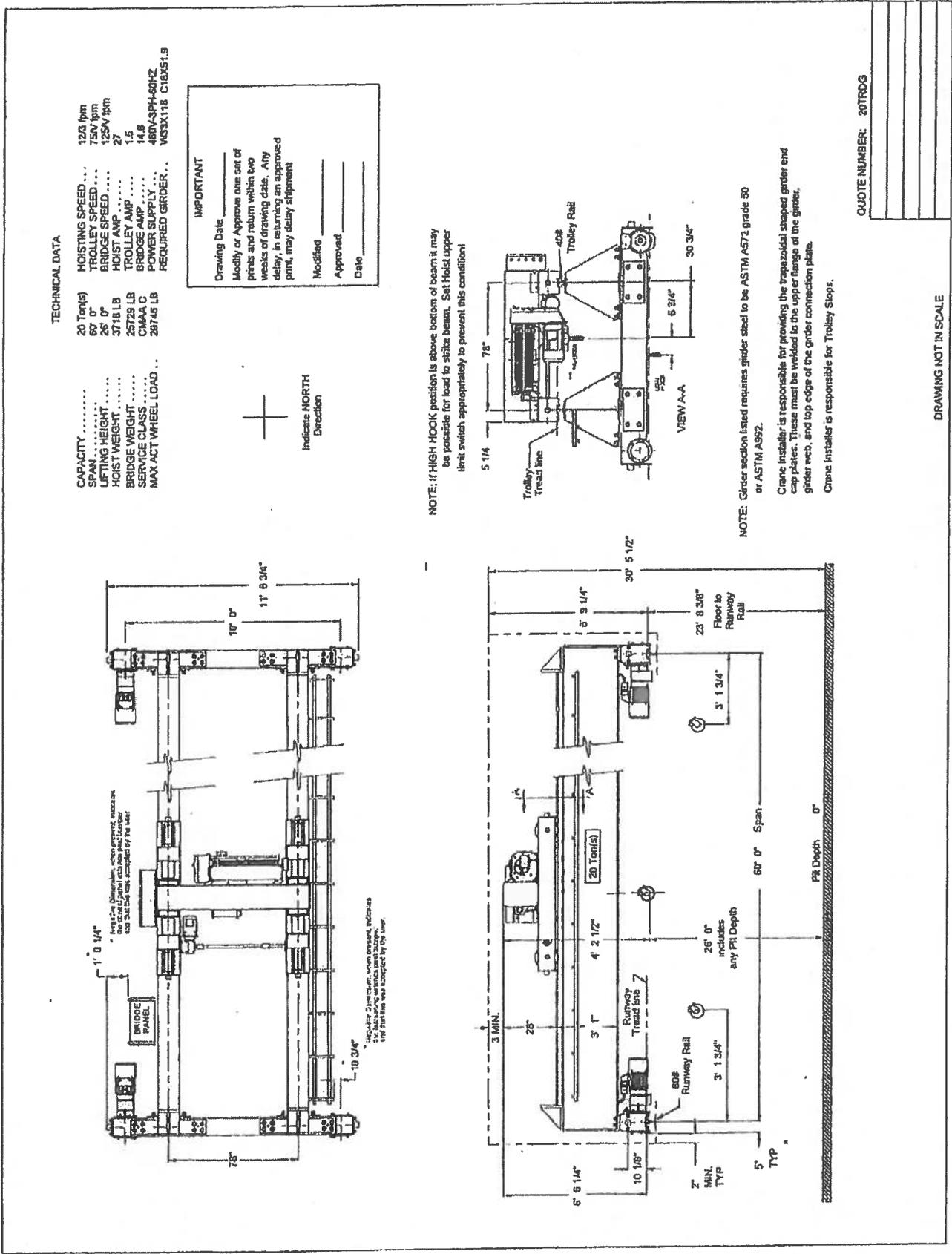
**Exhibit 3**

Equipment to be Installed

Please see attached crane specs (Exhibit 3-1 & Exhibit 3-2)

# #11 Two (2) 20 ton Overhead Cranes for Walter Payton Power Equipment Facility at Whitestown Crossing

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**TECHNICAL DATA**

CAPACITY .....	20 Tons	HOISTING SPEED ...	12.3 fpm
SPAN .....	60' 0"	TROLLEY SPEED ...	7.5V fpm
LIFTING HEIGHT .....	28' 0"	BRIDGE SPEED ...	12.5V fpm
HOIST WEIGHT .....	3718 LB	HOIST AMP .....	27
BRIDGE WEIGHT .....	25728 LB	TROLLEY AMP .....	1.5
SERVICE CLASS .....	CMAA C	BRIDGE AMP .....	14.8
MAX ACT WHEEL LOAD ..	28746 LB	POWER SUPPLY ...	480V-3PH-60HZ
		REQUIRED GIRDER ...	W33X118 C18X51.9

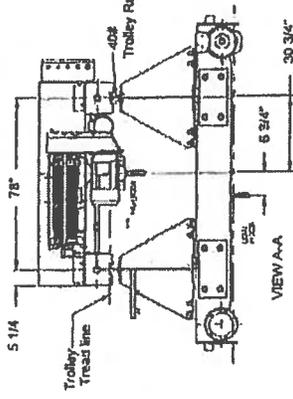
**IMPORTANT**

Drawing Date \_\_\_\_\_  
 Modify or Approve one set of prints and return within two weeks of drawing date. Any delay, in returning an approved print, may delay shipment.

Modified \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Date \_\_\_\_\_



NOTE: If HIGH HOOK position is above bottom of beam it may be possible for load to strike beam. Set hoist upper limit switch appropriately to prevent this condition!



NOTE: Girder section listed requires girder steel to be ASTM A572 grade 50 or ASTM A992.

Crane installer is responsible for providing the trapezoidal stepped girder end cap plates. These must be welded to the upper flange of the girder, girder web, and top edge of the girder connection plate.

Crane installer is responsible for Trolley Stops.

QUOTE NUMBER: 20TRDG

DRAWING NOT IN SCALE

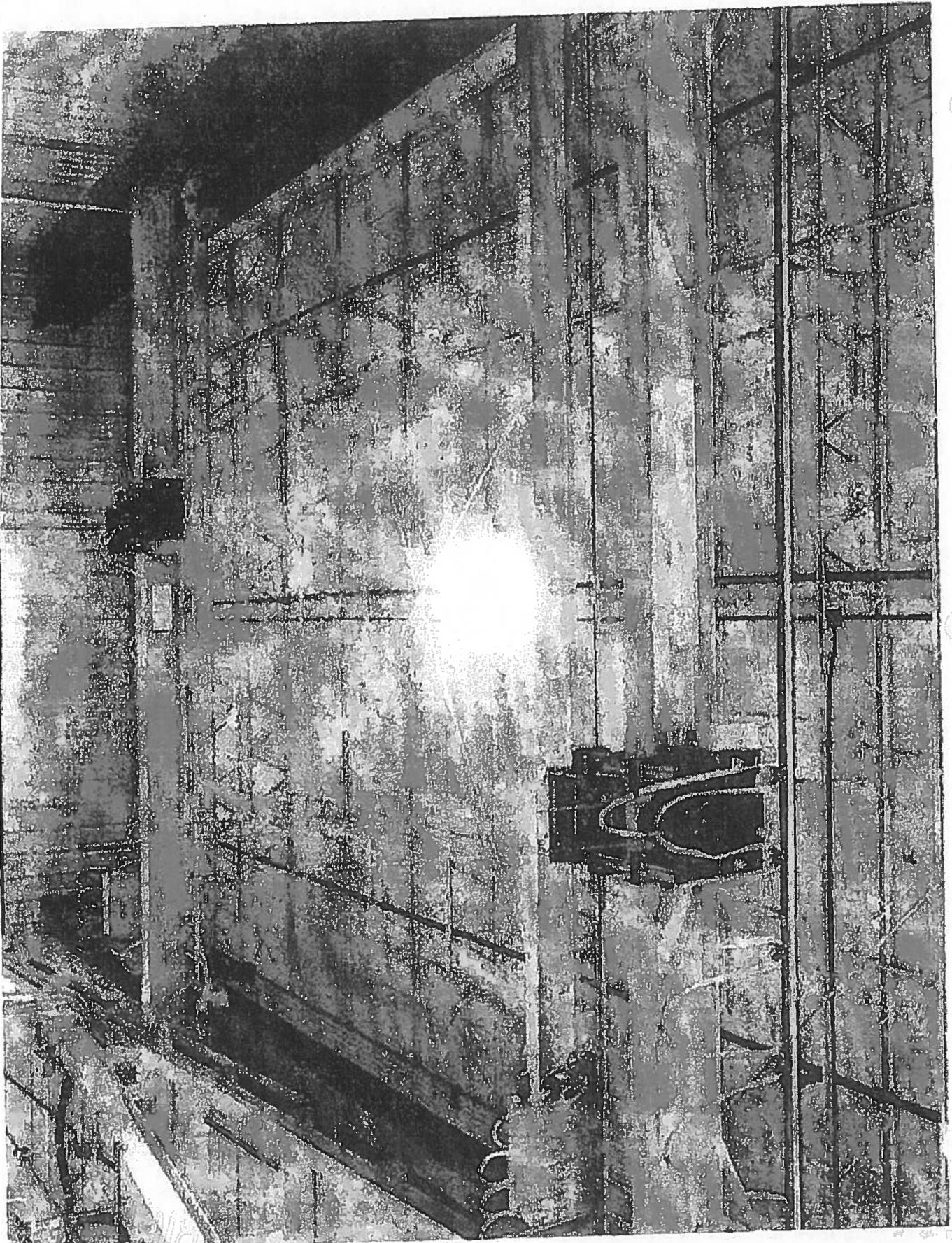


Exhibit 3-2