

**RESOLUTION NO. 2021-24**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
WHITESTOWN, INDIANA CONCERNING A WAIVER REQUEST WITH  
RESPECT TO AN APPLICATION FOR DEDUCTION FROM ASSESSED  
VALUATION**

WHEREAS, the Town Council of the Town of Whitestown, Indiana (respectively, the “Council” and the “Town”) has, pursuant to Indiana Code 6-1.1-12.1, as amended (the “Act”), previously established an economic revitalization area on certain real property located within the Town designated in Resolution No. 2018-12 as the “GreenParke Economic Revitalization Area” (the “Area”); and

WHEREAS, pursuant to Resolution No. 2018-13, the Council further approved a real property deduction for Zeller-401 LRH Restructured TIC, L.L.C., Zeller-401 Lord TIC, L.L.C., Lord Realty Holdings, LLC, BGP Partners, LLC and AJN, LLC (collectively, the “Company”) for the construction of two commercial “flex” style buildings in the Area (the “Project”); and

WHEREAS, the Town has been advised that the Company has filed an Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) pursuant to the Act for the Project (the “Deduction Application”); and

WHEREAS, the Town has been advised that the Deduction Application was not timely filed as to the first of the two tranches of the Project (the first tranche, herein “Tranche 1”, and the second tranche, herein “Tranche 2”) for the first building constructed on the site (parcel # 020-02130-0, herein “Parcel 1”), and the Company therefore did not receive an abatement of real property taxes for Tranche 1 in the first year of the Tranche 1’s property tax assessment, and such taxes were fully paid; and

WHEREAS, the Town has held a public hearing on the terms and provisions of this Resolution, notice of which hearing was duly advertised and posted in accordance with the provisions of Indiana Code 5-3-1, and has considered whether a waiver should be granted to the Company for Tranche 1 pursuant to the provisions of Indiana Code 6-1.1-12.1-11.3; and

WHEREAS, the Council having reviewed the information brought to its attention, including the information received at the public hearing, hereby determines that it is in the best interest of the Town to grant the waiver to the Company pursuant to Indiana Code 6-1.1-12.1-11.3 such that the abatement schedule for the Property is amended as set forth herein and in accordance with Indiana Code 6-1.1-12.1-17.

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

Section 1. The Company is hereby granted a waiver pursuant to Indiana Code 6-1.1-12.1-11.3(a)(5) and (c) with respect to timely filing of the Deduction Application for the Project, such that the abatement set forth in Section 6 of Resolution No. 2018-13 is amended and restated as follows with respect to Tranche 1 and Tranche 2 of Parcel 1 of the Project:

*Tranche 1*

<u>Year</u>	<u>% of Assessed Value Exempt From Real Property Taxes</u>
1	0%
2	95%
3	100%
4	80%
5	65%
6	50%
7	40%
8	30%
9	20%
10	10%
11	5%


*Tranche 2*

<u>Year</u>	<u>% of Assessed Value Exempt From Real Property Taxes</u>
1	NA
2	100%
3	95%
4	80%
5	65%
6	50%
7	40%
8	30%
9	20%
10	10%
11	5%

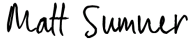
Section 2. This Resolution shall be in full force and effect upon its adoption.

0 PASSED AND ADOPTED this 9<sup>th</sup> day of June, 2021, by a vote of A in favor and  
against.

THE TOWN COUNCIL OF THE TOWN  
OF WHITESTOWN, INDIANA

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Clinton Bohm, President

ATTEST:

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Matthew Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana

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