Prepared by the City Attorney

RESOLUTION NO. 01-08

A RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA FOR PROPERTY TAX ABATEMENT FOR TAPAWINGO DRIVE PARTNERS, LLC

WHEREAS, IND. CODE chapter 6-1.1-12.1 allows a partial abatement over a period of not more than ten years of taxes attributable to certain real estate improvements or rehabilitation property taxes; allows a partial abatement of property taxes attributable to manufacturing equipment, research and development equipment; logistical distribution equipment, and new information technology equipment in Economic Revitalization Areas;

WHEREAS, IND. CODE chapter 6-1.1-12.1 empowers the Common Council to designate Economic Revitalization Areas by following a procedure involving the adoption of a preliminary resolution, provision of public notice, conducting of a public hearing and adoption of a final resolution confirming, modifying or rescinding the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the business (called applicant) named above and in the attachment to this resolution, which attachment is incorporated herein by reference, has an ownership interest in the geographic area (called subject real estate) described in such attachment; and

WHEREAS, the applicant has requested that the subject real estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with certain real estate redevelopment and/or or rehabilitation identified in such attachments; and

WHEREAS, during a preliminary hearing on December 3, 2007, the Common Council received evidence about whether the subject real estate should be designated as an Economic Revitalization Area and the Common Council adopted Resolution No. 32-07, (called preliminary resolution) making various findings and designating the subject real estate as an Economic Revitalization Area subject to the adoption of a confirming resolution of the Common Council and subject to the limiting conditions, and it fixed 7:30 p.m. on January 7, 2008, in the West Lafayette Council Chamber for final public hearing for the receiving of remonstrances and objections from persons interested in whether the subject real estate should be designated as an Economic Revitalization Area; and

WHEREAS, a copy of such preliminary resolution was properly filed with the county assessor and proper legal notices were published indicating the adoption and substance of such preliminary resolution and stating when and where such final hearing would be held; and

WHEREAS, at such final public hearing, evidence and testimony (along with any written remonstrances and objections previously filed) were considered by the Common Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

Section 1. The Common Council now confirms its findings that:

The estimate of the cost of the redevelopment and/or rehabilitation is reasonable.

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 and/or rehabilitation.

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 and/or rehabilitation.

Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment and/or rehabilitation.

The totality of benefits is sufficient to justify the deduction.

Section 2. The Common Council now confirms, adopts and approves such preliminary resolution and thereby designates, finds and establishes the subject real estate an Economic Revitalization Area. This designation is subject to the condition that designation allows abatement of property taxes for real property and/or rehabilitation substantially similar to that set forth in the application and Statement of Benefits for a period of 10 years. However, on the written request of the applicant, the Director of the Department of Development is allowed to authorize, in writing, substitutions, modifications and additions to the tax abatement set forth above and in the attachment which are not substantial in nature to the specified redevelopment and/or rehabilitation of real property before March 1st of the year in which the initial certified deduction application for redevelopment and/or rehabilitation of real property is filed with the Tippecanoe County Auditor and the Department of Local Government Finance.

Section 3. The Economic Revitalization Area designation terminates three years after the date of the final resolution. Accordingly, partial abatement of property taxes is allowed, to the extent provided above relative to specified redevelopment or rehabilitation installed on the subject real estate during the period from the date of the submission of the Statement of Benefits, November 15, 2007, until three years after adoption of the final resolution. However, termination of this designation does not limit the period of time to a period of less than the application or successor owner is entitled to receive a partial abatement of property taxes relative to specified redevelopment and/or rehabilitation installed on the subject real estate before the termination of such designation, as provided by IND. CODE chapter 6-1.1-12.1.

Section 4. The partial abatement of taxes attributed to the redevelopment or rehabilitation is subject to limitations contained in the Statement of Benefits that is part of the attachment to this resolution.

This resolution shall be in full force and effect from and after its passage and signing by the Mayor.

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM SB-1 / RE

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1/RE annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b))*
5. *The schedules established under IC 6-1.1-12.1-4(d) effective July 1, 2000, apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to those statement of benefits filed before July 1, 2000.*

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Tapawingo Drive Partners, LLC

Address of taxpayer *(number and street, city, state, and ZIP code)*
c/o Sheehan Development 6930 Atrium Boardwalk S., Suite 100 Indianapolis, IN 46250

Name of contact person	Telephone number
James J. Curtis, Jr.	(317) 579-9255

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body	Resolution number
City of West Lafayette Common Council	

Location of property	County	DLGF taxing district number
E. Wood St.	Tippecanoe	64

Description of real property improvements, redevelopment, or rehabilitation. *(use additional sheets if necessary)*
See Attached

ESTIMATED	
Start Date	Completion Date
9/08	12/09

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	N/A	0	N/A	55 (50-60)	1,300,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	$2,101,250	38,500
Plus estimated values of proposed project	$29,232,752	
Less values of any property being replaced	$0	
Net estimated values upon completion of project	$31,334,002	

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* N/A
Estimated hazardous waste converted *(pounds)* N/A

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
	Manager	11/15/07

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * *(see below)*. The date this designation expires is _____ .

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements; ☐ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of deduction applicable for redevelopment or rehabilitation is limited to $ _____ cost with an assessed value of $ _____.

D. Other limitations or conditions *(specify)*_____

E. The deduction for redevelopment or rehabilitation is allowed for _____ years* *(see below)*.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above. (IC 6-1.1-12-3(b))

Approved: *(signature and title of authorized member)*	Telephone number	Date signed *(month, day, year)*
Attested by:	**Designated body**	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

For residentially distressed areas, the deduction period may not exceed five (5) years. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years. For ERAs after June 30, 2000, the deduction period may not exceed ten (10) years. An area designated as an urban development area pursuant to an application filed after December 31, 1978, and prior to January 1, 1986, are entitled to a ten (10) year deduction.

CITY OF WEST LAFAYETTE
TAX ABATEMENT APPLICATION FORM
WEST LAFAYETTE ECONOMIC DEVELOPMENT COMMISSION

Please complete the following questions prior to applying for tax abatement. Should questions arise please contact the Department of Development, 609 W. Navajo, West Lafayette, Indiana 47906, 765-775-5160. The abatement process is explained in the West Lafayette Tax Abatement Handbook" attached to this document. Please be sure that you also fill out the additional "supplementary" information sheets also attached.

SECTION I – APPLICANT

1. Name of Applicant: Tapawingo Drive Partners, LLC
2. Address: c/o Sheehan Development 6930 Atrium Boardwalk S., Suite 100
   Indianapolis, IN 46250
3. Date Organized or Incorporated: November 15, 2007
4. Chief Executive Officer: James J. Curtis, Jr.
5. Principal Contact or Agent: James J. Curtis, Jr.
6. Principal Office Address: 6930 Atrium Boardwalk S., Suite 100
   Indianapolis, IN 46250 Phone: (317) 579-9255
7. Name of Parent Company (if any): N/A
8. Address of Parent Company (if any): N/A
9. Applicant is applying for Economic Revitalization Area designation for the purpose of :
   X Real Property Tax Abatement
   _____ Personal Property Tax Abatement
   (New Manufacturing Equipment)
   _____ Number of full-time personnel currently employed locally
10. Please Provide:
    a. a brief history of the company and eight (8) copies of the last Annual Report
    b. relevant financial information, e.g. annual report, etc.

SECTION II – LOCATION OF IMPROVEMENT

11. Location of Site: E. Wood St.

12. Assessor's parcel (Key) #: 164-03100-0067 ; 164-03100-0056; 164-03100-0045

13. Owner of Property: Tapawingo Drive Partners, LLC

14. Does the company currently conduct business at the location?:

_____ Yes X No

If yes, describe: _____

SECTION III – NATURE OF THE IMPROVEMENT

15. Nature of the product or service to be performed at the site:

261 Room hotel includes meeting rooms and breakfast area

151 Room Spring hill suites and attached 110 Room Fairfield Inn & Suites by Mariott

16. Description of the proposed physical improvements. What physical changes will be made on the project property?

Real Property or Manufacturing Improvements

Tapawingo Drive Partners, LLC is looking to construct a 6-story building comprised of two hotels, meeting space, and a breakfast area.

See attached site plan.

Personal Property (New Manufacturing Equipment):

N/A

17. Cost of the real property or manufacturing improvements (excluding land costs): $29,232,752

18. Size of the facilities to be constructed (in square feet), if any:

148,139 Square Feet

19. Cost of the new manufacturing equipment to be installed:

N/A

20. What is the timetable for the start and completion of project?:

Start 9/1/08

21. When is completion expected?: 12/1/09

22. How many permanent employees as a result of this project?:

55 (50–60)

23. In what type of employment will they be engaged?: Hospitality

24. Estimate of the additional annual payroll to be produced at the end of:

1 year $ 1,300,000 3 years $ 1,500,000

25. Will the project result in any pollution?: No

_____ air _____ water _____ noise _____ other

Explain: _____

26. Will the project require a rezoning, variance, or zoning approval before construction is initiated? _____ yes X no

If yes, explain: _____

27. Describe additional public utilities and municipal services or facilities necessitated by the project (e.g, enlargement of sewer, street improvements, water supply, upgrading of traffic signals, etc.): TBD

28. With what businesses will you directly compete in the Greater Lafayette Area?:

1. Hilton Garden Inn
2. Holiday Inn Select
3. University Inn
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

What are your products or services sold outside the eight (8) county areas?

N/A

29. The following is a definition of an "economic revitalization area". Please read the definition and answer the following question as it pertains to your project. According to IC 6-1.1.1-12.1-1:

"Economic revitalization area" means an area which is within the corporate limits of a city, town or county which 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 or prevent a normal development of property or use of property. The term "economic revitalization area" also includes any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.

What evidence can be provided that the project property should be designated as an "Economic Revitalization Area" based on this definition?

The soils are so bad that they need to be removed from the site and replaced with a compacted fill. The costs are very expensive and put a huge extraordinary cost on the project. The land has never been developed and needs help to bring the project to the area. It is a great project for the front door/Gateway into West Lafayette. These are special characteristics that require help to make this project succeed.

Additionally, the granting of tax abatement will help assure the site will not remain vacant.

SECTION IV – ADDITIONAL APPLICANT INFORMATION

30. Has the applicant or any predecessor of the applicant defaulted in any material respect the performance of financial obligations by the applicant?
_____ yes ___X___ no If yes, explain:_____

_____

_____

_____

31. Has the applicant ever applied for or benefited from any tax abatement in any other project in the State of Indiana or elsewhere? _____yes ___X___ no

If yes, explain:_____

_____

_____

_____

SECTION V – ANNUAL REPORT & HISTORY OF COMPANY

32. Is there any pending litigation materially affecting the applicant?:
_____ yes ___X___ no If yes, please describe (or have counsel for the applicant describe) giving procedural posture of the case(s):

_____

_____

_____

33. Are there any restriction contained in the applicant's Articles or Certificate of Incorporation, Charter, Bylaws, Code of Regulations or any agreements to which the applicant is a party that could affect the applicant's ability to engage in the project? _____ yes ___X___ no If yes, please explain:

_____

_____

_____

34. Certified Public Accountant: Somerset CPAs

35. Commercial Bankers: John Schilling - HomeFederal

Dan Hatfield - LaSalle Bank

36. Company Counsel: Joseph T. Bumbleburg

I hereby certify that the above information and representations are to the best of my knowledge true and complete.

Signature of Applicant

Manager
Position

November 15, 2007
Date Submitted

James J. Curtis, Jr.
Company Contact Person

6930 Atrium Boardwalk S., Suite 100
Address

(317) 579-9255
Phone

(317) 849-0200
Fax

SUPPLEMENTARY INFORMATION SHEET
TAX ABATEMENT APPLICATION
CITY OF WEST LAFAYETTE
ECONOMIC DEVELOPMENT COMMISSION

To be completed by applicant

MANUFACTURING OR COMMERCIAL

Is this request for:

__X__ improvements to real estate _____ new manufacturing equipment that has not been taxed in Indiana before

Length of abatement requested for equipment and property:

Real Property	_____ 3 years bldg	_____ 6 years bldg	__X__ 10 years bldg
Mfg. Equipment	_____ 5 years equip	_____ 10 years equip	

Number of jobs for residents of the Greater Lafayette area:

Current		Retained		Additional		Construction
Engineering	_____	Engineering	_____	Engineering	_____	140
Sales	_____	Sales	_____	Sales	_____	
Administration	_____	Administration	_____	Administration	_____	
Manufacturing	_____	Manufacturing	_____	Manufacturing	_____	
Maintenance	_____	Maintenance	_____	Maintenance	_____	
Other (Specify)		Other(Specify)		Other (Specify)		
_____	_____	_____	_____	Hotel	55	

Salaries of jobs for residents of the Greater Lafayette area:

Current		Retained		Additional		Construction
Engineering	_____	Engineering	_____	Engineering	_____	5,970,000
Sales	_____	Sales	_____	Sales	_____	
Administration	_____	Administration	_____	Administration	_____	
Manufacturing	_____	Manufacturing	_____	Manufacturing	_____	
Maintenance	_____	Maintenance	_____	Maintenance	_____	
Other (Specify)		Other(Specify)		Other (Specify)		
_____	_____	_____	_____	Hotel	1,300,000	

Payroll Categories:

Retained	Additional
_____up to $20,000	10 up to $20,000
_____$20,000 to $28,000	15 $20,000 to $28,000
_____$28,001 to $35,000	20 $28,001 to $35,000
_____greater than $35,000	10 greater than $35,000

Explanation of how the number of jobs were calculated and the time frame for reaching full employment level:

Comparitive hotel history
Assumed 1st full year of operation

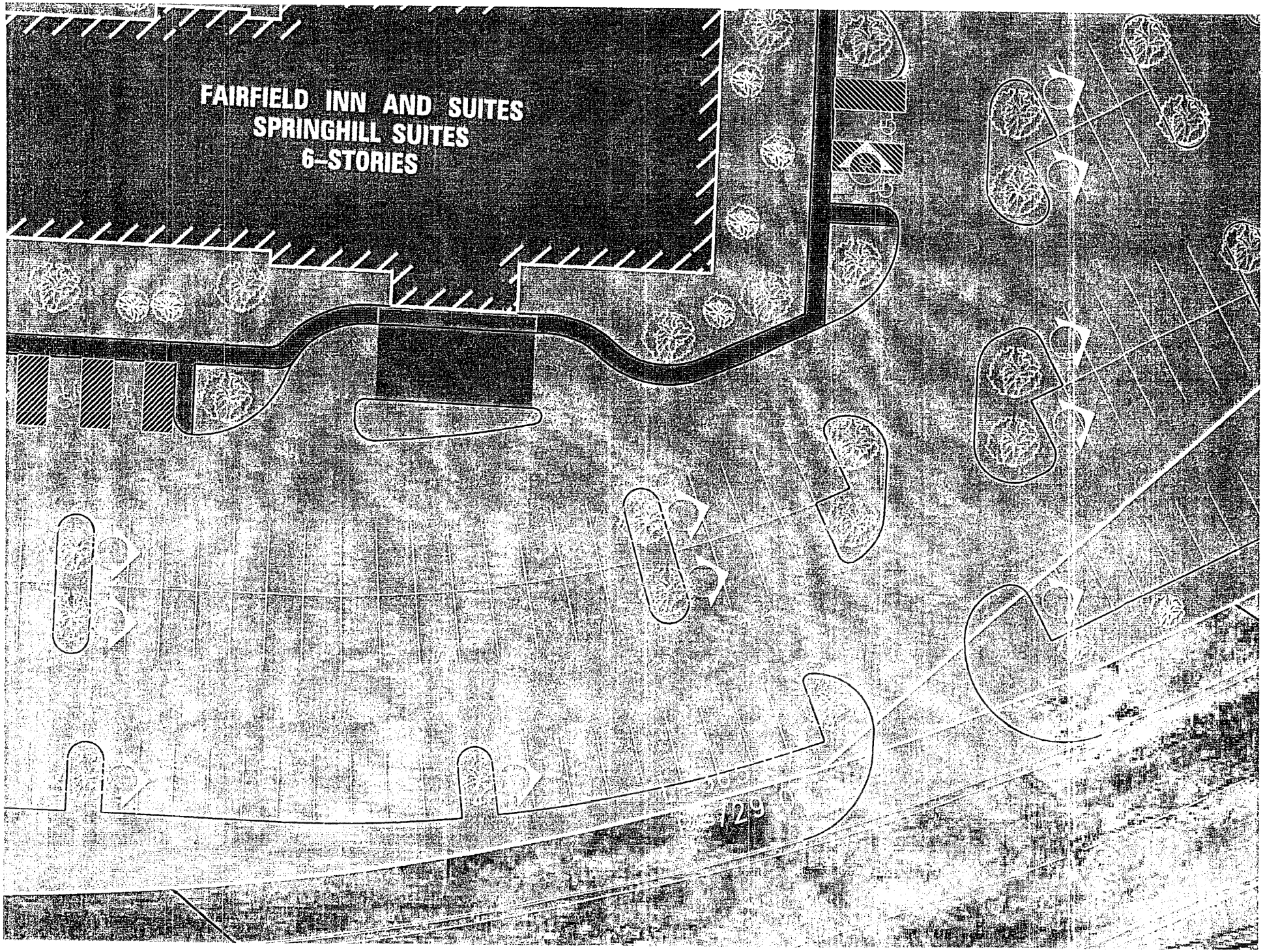
Type(s) of equipment, installation schedule(s), and depreciation pool(s):

N/A

Narrative description of need (attach separate sheet if needed):

The soils are so bad that they need to be removed from the site and replaced with a compacted fill. The costs are very expensive and put a huge extraordinary cost on the project. The land has never been developed and needs help to bring the project to the area. It is a great project for the front door/Gateway into West Lafayette. These are special characteristics that require help to make this project succeed.

Additionally, the granting of tax abatement will help assure the site will not remain vacant.


FAIRFIELD INN AND SUITES
SPRINGHILL SUITES
6-STORIES