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RESOLUTION 2018 - /

FEB 28 2018

DECLARATION RESOLUTION FOR THE DESIGNATION
OF AN ECONOMIC REVITALIZATION AREA

Kim Minkler
CLERK COUNTY ASSESSOR

WHEREAS, The Town Council of Fort Branch, Indiana (the "Council") has been requested by **CWK INVESTMENTS-FORT BRANCH, LLC**, (the Applicant) to find pursuant to IC 6-1.1-12-1 that the area described in Exhibit "A" (the "Area") is an economic Revitalization Area;

WHEREAS, the Council has prepared a simplified description of the Area or maps and plats or legal description that identify the Area, attached as Exhibit "B";

WHEREAS, the Area is located within the jurisdiction of the Council for the purposes set forth in IC 6-1.1-12-1.

WHEREAS, the Applicant is planning to construct a unit apartment building as further described in the application and Statement of Benefits (the "Statement of Benefits", submitted by the Applicant to the Council (the "Project"));

WHEREAS, the Project consists of the construction of a new structure in the Area on unimproved real estate (the "Redevelopment");

WHEREAS, on the date of the filing of the Statement of Benefits with the Council, the Redevelopment had not been initiated;

WHEREAS, the Council has considered the following factors under IC 6-1.1-12-1-17 in connection with the Project; (i) the total amount of the Applicant's investment in real property as a part of the Project; (ii) the number of new full-time equivalent jobs to be created as a result of the Project; (iii) the average wage of the new employees resulting from the Project compared to the state minimum wage; and (iv) the infrastructure requirements for the Applicant's investment under the Project (collectively, the "Deduction Schedule Factors"), and

WHEREAS, the Council has reviewed the Statement of Benefits and hereby finds that the Project as described in the Statement of Benefits will be of public utility and will be to the benefit and welfare of all citizens and taxpayers of the Town.

NOW, THEREFORE, BE IT RESOLVED, by the Council as follows:

SECTION 1: The Council hereby finds that (i) the Area is within the Town and (ii) the Area has become undesirable for, or

impossible of, the normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard building, or other factors which have impaired values and prevented a normal development of property and use of property.

SECTION 2: The Area is hereby declared to be an "economic revitalization area" pursuant to IC 6-1.1-12-1. The period for real property tax deductions under IC 6-1.1-12.1-3 redevelopment or rehabilitation in the Area shall be ten (10) years.

SECTION 3: Based on the information in the Statement of Benefits described the Project, the Council makes the following findings:

- (a) The estimate of the value of the Redevelopment is reasonable for projects of that nature.
- (b) The estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed Redevelopment.
- (c) The estimate of the annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed Redevelopment.
- (d) The other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed Redevelopment.
- (e) The totality of benefits is sufficient to justify the granting of real property tax deductions to the Applicant pursuant to IC 6-1.1-2-3, subject to the limitations set forth in this Resolution.

SECTION 4: Based on the information in the Statement of Benefits and the foregoing findings, the Council, pursuant to IC 6-1.1-12-1-3, hereby approves and allows real property tax deductions for the Redevelopment by the Applicant with respect to the Project, based on the Statement of Benefits, the foregoing findings, and the Deduction Schedule Factors, the Council hereby establishes, pursuant to IC 6-1.1-12-1-17, that such real property deductions shall be provided in accordance with the following scheduled:

YEAR OF DEDUCTION	AMOUNT OF DEDUCTION
1st	100%
2nd	100%
3rd	100%
4th	100%
5th	100%


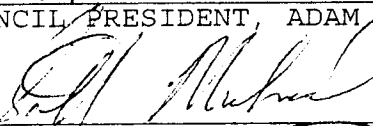

6th	95%
7th	95%
8th	95%
9th	95%
10th	95%

SECTION 5: Pursuant to IC 6-1.1-12.1-3, there shall be published notice (the "Notice") of the adoption and substance of this Resolution in accordance with IC 5-3-1, which Notice shall name a date for the public hearing on the matter (the "Public Hearing") and that at the conclusion of the Public Hearing, the Council may take final action on the proposed designation, and a copy of this Resolution shall be filed with and shall be available for inspection in the office of the Gibson County Assessor and the Town Clerk-Treasurer.


SECTION 6: Pursuant to IC 6-1.1-12.1-2-5 the County Auditor shall file a copy of the Notice and the Statement of Benefits with each taxing unit that has authority to levy property taxes in the geographic area where the Area is located. Such information shall be filed with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days prior to the date of the Public Hearing.

SECTION 7: Pursuant to IC 6-1.1-12.1-2-5, the County Auditor shall file a copy of this Resolution with the County Assessor.

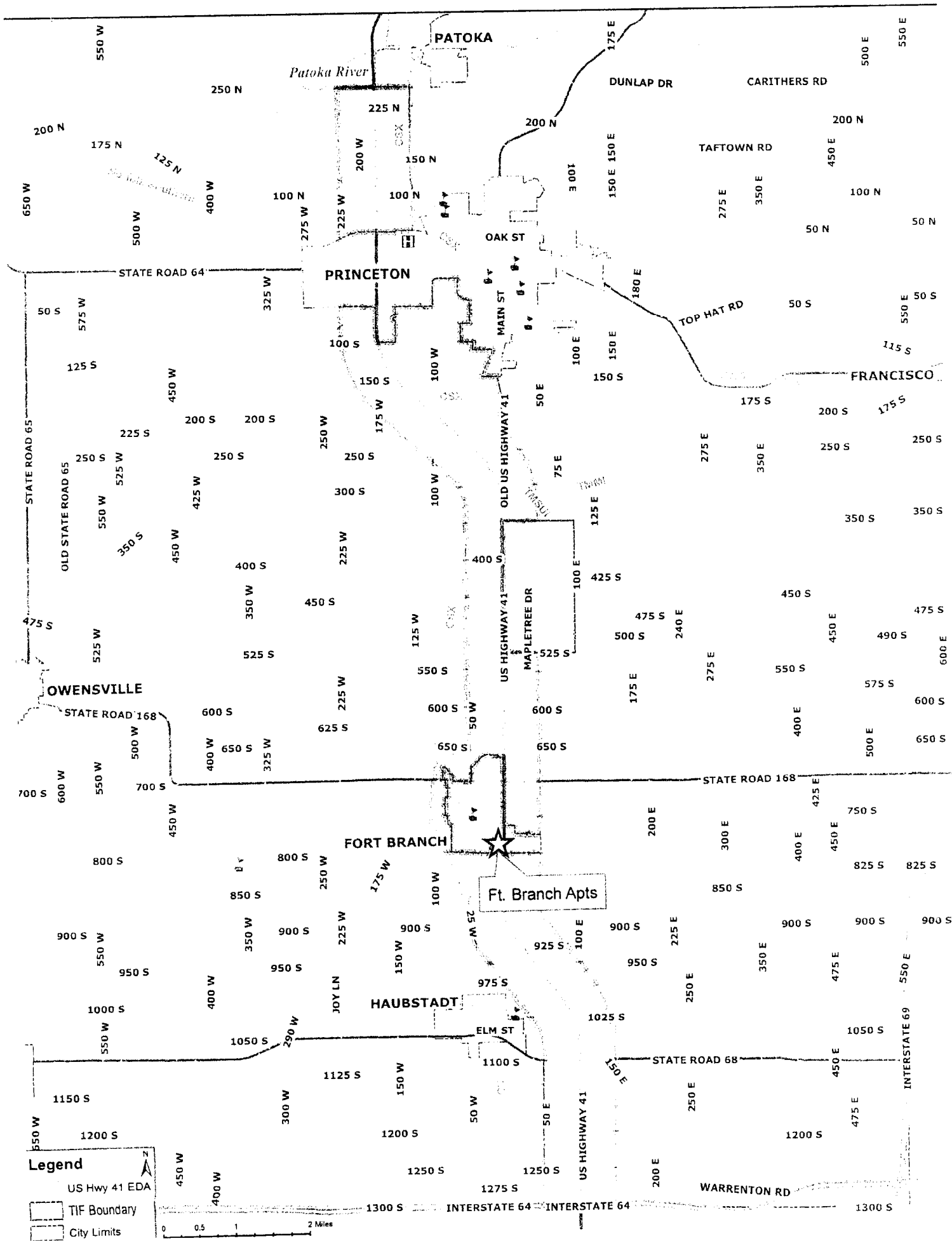
PASSES AND ADOPTED BY THE TOWN COUNCIL OF FORT BRANCH, INDIANA, THIS 21ST DAY OF FEBRUARY, 2018.

 _____ COUNCIL PRESIDENT, ADAM BLEDSOE	<input checked="" type="radio"/> yea	<input type="radio"/> nay	<input type="radio"/> abstain
 _____ COUNCILMEMBER, SCOTT MICHAEL	<input checked="" type="radio"/> yea	<input type="radio"/> nay	<input type="radio"/> abstain
 _____ COUNCILMEMBER, TOM HAUSCHILD	<input checked="" type="radio"/> yea	<input type="radio"/> nay	<input type="radio"/> abstain

ATTEST: (SEAL)



STACY ELPERS, CLERK-TREASURER



PATOKA

Patoka River

PRINCETON

OWENSVILLE

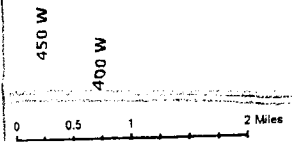
FORT BRANCH

HAUBSTADT

Ft. Branch Apts

Legend

- US Hwy 41 EDA
- TIF Boundary
- City Limits



#2.



8 0 0 5 2 0 7
Tx:4002169

DULY ENTERED FOR TAXATION

Subject to final acceptance for transfer
16 day of Oct 2017

Sherie Smith Auditor
Gibson County

Parcel # _____

201700004340
FILED FOR RECORD IN
GIBSON COUNTY, INDIANA
TONYA THOMPSON, RECORDER
10/16/2017 AT 1:58 PM
25.00
PAGES: 3

WARRANTY DEED

THIS INDENTURE WITNESSETH that FORT BRANCH DG PROPERTIES, LLC, an Indiana limited liability company ("Grantor"), CONVEYS AND WARRANTS to CWK INVESTMENTS-FORT BRANCH, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the sufficiency of which is hereby acknowledged, the following real estate located in Gibson County, in the State of Indiana, to-wit:

A part of the South Half of the Northwest Quarter of Section 19, Township 3 South, Range 10 West, situated in the Town of Fort Branch in Gibson County, Indiana, and being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 19; thence along the South line of said Northwest Quarter, North 89 degrees 04 minutes 20 seconds West, 289.58 feet to the POINT OF BEGINNING (witnessed by a 5/8 inch iron pin bearing a plastic cap inscribed "Resenbeck 29800018" set flush with the ground and hereon called an "iron monument", North 00 degrees 54 minutes 51 seconds East, 30.01 feet); thence continuing along said South line, North 89 degrees 04 minutes 20 seconds West, 208.42 feet to a mag nail through washer inscribed "Resenbeck 29800018" set flush with the pavement; thence parallel with the East line of aforesaid Northwest Quarter, North 01 degree 34 minutes 40 seconds East, 1332.82 feet to an "iron monument"; thence South 88 degrees 32 minutes 01 second East, 289.26 feet to an "iron monument"; thence parallel with the East line of aforesaid Northwest Quarter, South 01 degree 34 minutes 40 seconds West, 208.71 feet to an "iron monument"; thence South 88 degrees 32 minutes 01 second East, 208.71 feet to the East line of aforesaid Northwest Quarter (witnessed by an "iron monument", North 88 degrees 32 minutes 01 second West, 78.62 feet); thence along said East line, South 01 degree 34 minutes 40 seconds West, 799.46 feet (witnessed by an "iron monument", North 89 degrees 14 minutes 09 seconds West, 56.50 feet); thence North 89 degrees 14 minutes 09 seconds West, 293.29 feet to an "iron monument"; thence South 00 degrees 54 minutes 51 seconds West, 319.11 feet to the point of beginning, said to contain, 12.07 acres, more or less.

This conveyance is hereby made subject to all existing and recorded restrictions, exceptions, reservations, easements, rights-of-way, conditions, and covenants of whatever nature, if any, and is expressly subject to all municipal, city, county, and state zoning laws and other ordinances, regulations, and restrictions, including statutes and other laws of municipal, county or other governmental authorities applicable to and enforceable against the real estate described herein.

Grantee covenants and agrees not to lease, rent, occupy, or allow to be leased, rented or occupied, any part of the above described real estate for the purpose of conducting business as or for use as a Family Dollar Store, Bill's Dollar Store, Fred's, Dollar Express, Dollar Tree, Ninety-Nine Cents Only, Deals, Big Lots, Walgreens, CVS, Rite Aid, Wal-Mart, Wal-Mart Supercenter, Wal-Mart Neighborhood Market or any other Wal-Mart concept. Notwithstanding the foregoing, Grantee may be granted a partial or complete release from the above described covenant by securing an express written release from

Dolgencorp, LLC, or its successors and assigns, without any further release or action by the Grantor, or its successors.

Grantee further covenants and agrees not to lease, rent, occupy, or allow to be leased, rented or occupied, any part of the above described real estate to be used or operated for any of the following: (a) for any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owner or occupant; (b) as a discotheque, dance hall or night club; (c) as a massage parlor; (d) funeral parlor; (e) bingo parlor; (f) car wash; (g) any use which emits a strong, unusual, offensive or obnoxious odor, fumes, dust or vapors; (h) any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation; (i) any "second hand" store or liquidation outlet; (j) any mobile home park, trailer court, labor camp, junk yard, recycling facility or stock yard; (k) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building); (l) any dry cleaners performing on-site cleaning services; (m) any automobile, truck, trailer or recreational vehicles sales, leasing, storage, display or body shop repair operation; (n) any veterinary hospital or animal raising facilities (except this provision shall not prohibit pet shops and shall not prohibit the provision of veterinary services in connection with pet shops or pet supplies business); (o) any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult bookstore, adult video store or adult movie theater; (p) any bar or tavern; provided, however, a bar within a restaurant shall be permitted; (q) any pool or billiard hall, gun range or shooting gallery, or amusement or video arcade; and (r) any use which creates fire, explosives or other hazards.

The covenants, rights and obligations established herein shall run with the land and be binding upon the above described real estate.

This conveyance is hereby made subject to the first installment of real estate taxes and assessments for 2017 due and payable in May 2018, and all real estate taxes and assessments thereafter.

The undersigned person who has executed this Deed in the name of Fort Branch DG Properties, LLC, an Indiana limited liability company, represents and certifies that he has full power and authority to execute and deliver this Deed on behalf of said limited liability company.

IN WITNESS WHEREOF, the said Grantor has hereunto caused this Deed to be executed by its duly authorized officer this 3rd day of October, 2017.

FORT BRANCH DG PROPERTIES, LLC, an
Indiana limited liability company

By: 
Scott Foster, Sole Member

