



Common Council

Agenda Item

Cover Sheet

MEETING DATE: February 27, 2024

- ☐ Previously Discussed Ordinance
- ☐ Proposed Development Presentation
- ☐ New Ordinance for Discussion
- ☒ Miscellaneous
- ☐ Transfer

ITEM or ORDINANCE: #2

PRESENTED BY: Andrew Murray

- ☒ Information Attached
- ☐ Bring Paperwork from Previous Meeting
- ☐ Verbal
- ☐ No Paperwork at Time of Packets

RESOLUTION NO. RC-7-24

A DECLARATORY RESOLUTION DESIGNATING AN ECONOMIC
REVITALIZATION AREA AND ESTABLISHING A PUBLIC HEARING

WHEREAS, Indiana Code 6-1.1-12.1 (the “Act”) allows the abatement of property taxes attributable to the improvement of real property in “economic revitalization areas”; and,

WHEREAS, the Act provides that an economic revitalization area must be a geographic area which is within the corporate limits of a city and which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard building or other factors which have impaired values or prevent a normal development of property or use of property; and,

WHEREAS, the Act authorizes the Common Council of the City of Noblesville, Indiana (“the Council”) to designate economic revitalization areas by following a procedure involving adoption of a declaratory resolution, publication of a notice of a public hearing, conducting a public hearing and adoption of a confirmatory resolution confirming the declaratory resolution; and,

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Noblesville to create an economic revitalization area designation in a manner whereby citizens of the City of Noblesville will benefit from the creation of permanent jobs, expansion of the property tax base, and protection of private investment; and,

WHEREAS, Justus at Promenade, LLC, an Indiana limited liability company and Justus Rental Property, Inc., an Indiana corporation (“the Company”), has filed a Statement of Benefits - Real Estate Improvements (each a “Form SB-1”) with the City of Noblesville;

WHEREAS, the Company is requesting that the real estate located at Little Chicago Road and Promenade of Noblesville Parkway (the “Project Site”) be designated as an Economic

Revitalization Area for the purpose of achieving real property tax savings in connection with the construction of a two story professional office building with approximately 19,850 square feet (“the Project”) at the Project Site; and,

WHEREAS, the Project Site is shown on Exhibit A, and is presently part of Hamilton County Tax Parcel 10-06-34-00-00-025.001; and,

WHEREAS, the Company anticipates investing not less than Five Million Dollars (\$5,000,000) to construct the Project (the “Real Property Improvements”); and,

WHEREAS, the Company anticipates relocating twenty three (23) existing employees and creating five (5) new employment positions compensated at an average annual wage of Seventy Two (\$72,000) per year as a result of the Project.

BASED UPON THE ABOVE, IT IS THEREFORE RESOLVED, by the Common Council of the City of Noblesville as follows:

1. The application for economic revitalization area designation relative to the Project was filed in proper form and the Statement of Benefits – Real Estate Improvements, which were filed as of February 13, 2024, are hereby approved by the Council.

2. The Project Site is located in an existing TIF allocation area and in an area of the City where municipal services are provided and no additional infrastructure will be necessitated by the Project.

3. There is evidence provided which establishes that the subject real estate meets with “undesirable for normal development” criterion of Indiana Code 6-1.1-12.1-1 due to the following conditions:

- a. a lack of development, cessation of growth, or other factors that have impaired values or prevented normal development of the Project Site; and

- b. the proposed use of the Project Site as speculative industrial development is consistent with the site's existing zoning and represents a superior use for the Project Site.

4. Evidence has been submitted and considered which tends to establish that the Project will further and promote municipal development objectives by expansion of the property tax base through the construction of the Real Property Improvements.

5. The Council hereby designates the Project Site as an Economic Revitalization Area for purposes of establishing a deduction to the assessed value of the Real Property Improvements, in each case located upon the Project Site, subject to the adoption of a confirmatory resolution by the Council.

6. Based on the information in the Statement of Benefits - Real Estate Improvements, other information available to the Council, the foregoing findings and the factors listed in I.C. 6-1.1-12.1-17, the Council hereby approves and allows the Company real property tax abatement deductions pursuant to I.C. 6-1.1-12.1-4. Pursuant to I.C. 6-1.1-12.1-17, the Council hereby approves and establishes that the percentage deduction for each year of the ten (10) year period shall be 80% annual assessed value deduction, respectively. As provided by I.C. 6-1.1-12.1-14, the Company shall pay or cause tenants at the Project Site to pay, to the Hamilton County Auditor an annual fee of five percent (5%) of annual tax savings realized during the term of the abatement as a result of the abatement pursuant to the Economic Development Agreement approved by the Council on February 27, 2024.

7. In support of the deductions contained in this Resolution, the Council finds as follows:-

- a. The estimated costs of the Real Property Improvements investment presented

by the Company are reasonable for projects of this nature.

- b. The estimate of the number of individuals who will be employed or whose employment will be retained by the Company can be reasonably expected to result from the proposed Project.
- c. The annual salaries for the individuals who will be employed can reasonably be expected to result from the proposed Project.
- d. Based on the increased assessed valuation and the expansion of the employment base within the City of Noblesville, the benefits to the City are sufficient to justify the granting of the deduction described in the Sections above.

8. The terms of this Resolution are subject to the adoption of a Confirmatory Resolution confirming the terms and conditions herein after a public hearing to be held on **March 26, 2024, at 7:00 p.m.**, in the Council Chamber Room located at 16 S. 10th Street, Noblesville, Indiana 46060.

9. The deductions provided by this Resolution are subject to the Company's compliance with the terms of Indiana Code 6-1.1-12.1 and may only be modified or terminated by the City by following the procedures contained in Indiana Code 6-1.1-12.1-5.9.

10. A copy of this Resolution shall be filed with the Hamilton County Assessor as required by I.C. 6-1.1-12.1-2.5.

Approved on this _____ day of _____, 202_ by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Mark Boice		
	Michael J. Davis		
	Evan Elliott		
	David M. Johnson		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Todd Thurston		
	Megan G. Wiles		

ATTEST: _____
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this _____ day of _____, 202_ at _____ .M.

Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen, Mayor

Date

MAYOR'S VETO

Chris Jensen, Mayor

Date

ATTEST: _____
Evelyn L. Lees, City Clerk

EXHIBIT A

Parcel No: 10-06-34-00-00-025.001

Location: Little Chicago Road & Promenade of Noblesville Parkway

City: Noblesville



EXHIBIT B

SB-1 Form



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- 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.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Justus at Promenade, LLC or its assigns and Justus Rental Properties, Inc.					
Address of taxpayer (number and street, city, state, and ZIP code) 1398 N Shadeland Ave					
Name of contact person Christopher Egan		Telephone number (317) 353-8311		E-mail address cegan@justus.net	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of Noblesville		Resolution number			
Location of property 0 Little Chicago Road/5965 Promenade of Noblesville Pkwy		County Hamilton		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (<i>use additional sheets if necessary</i>) A 2-story professional office building spanning 19,850 square feet. The building will facilitate 23 members of the Justus corporate staff.				Estimated start date (month, day, year) 07/01/2024	
				Estimated completion date (month, day, year) 03/31/2025	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 23.00	Salaries \$1,863,000.00	Number Retained 23.00	Salaries \$1,863,000.00	Number Additional 5.00	Salaries \$360,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST	ASSESSED VALUE		
Current values		1,400,000.00	1,490,600.00		
Plus estimated values of proposed project		5,000,000.00	0.00		
Less values of any property being replaced		0.00	0.00		
Net estimated values upon completion of project		6,400,000.00	1,490,600.00		
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative				Date signed (month, day, year)	
Printed name of authorized representative Walter E Justus				Title Manager	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- 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 _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- 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 the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also 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.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.