

RESOLUTION NO. CC-2018-04

DECLARATORY RESOLUTION DESIGNATING ECONOMIC REVITALIZATION AREA AND QUALIFYING CERTAIN REAL ESTATE IMPROVEMENTS AND CERTAIN PERSONAL PROPERTY FOR PROPERTY TAX PHASE-IN

WHEREAS the Elkhart County Council of the County of Elkhart, Indiana adopted a Resolution Establishing Standards and Criteria for the Review of Applications for Economic Revitalization Area Designations, being Resolution No. CC-2013-12 on August 10, 2013;

WHEREAS pursuant to said Resolution, Winnebago Industries (hereinafter "Winnebago"), a manufacturer of travel trailers, located at 201 14th Street, Middlebury, Indiana, 46540, in Middlebury Township, filed with the Elkhart County Council a request for designation of an Economic Revitalization Area on or about December 5, 2017 (the "Application");

WHEREAS said Application has been reviewed by the Elkhart County Council at a duly held public meeting of said County Council of even date herewith, and the Elkhart County Council has permitted all persons desiring to do so to speak at said public meeting with respect to the Application;

WHEREAS the Elkhart County Council, based upon its review of the Application, and based upon the statements made by persons at the public meeting, now makes the following findings:

1. The estimate of the value of the redevelopment or rehabilitation of the real estate in the amount of Seven Million Four Hundred Thousand Dollars (\$7,400,000.00) as set forth in said Application is reasonable for projects of this nature and type.

2. The estimate of the value of the personal property consisting of new manufacturing equipment in the amount of One Million Two Hundred Thousand Dollars (\$1,200,000.00) as set forth in said Application, is reasonable for projects of this nature and type.

3. The estimate of two hundred ninety (290) as the number of full-time workers whose employment will be retained and the estimate of the creation of two hundred twenty-five (225) new full-time positions, can be reasonably expected to result from the proposed project.

4. The estimate of annual salaries for the twenty-five (225) new full-time jobs that will be created in the amount of Sixteen Million Eight Hundred Forty-eight Thousand Dollars (\$16,848,000.00) can be reasonably expected to result from the proposed project.

5. The proposed project can reasonably be expected to produce other benefits, to-wit: the prevention and elimination of a possible further decline in employment and tax revenues and the improvement of the Winnebago facilities described in the Application.

6. The totality of benefits is sufficient to justify the designation of the area as an Economic Revitalization Area and to justify the deduction and tax phase-in.

7. The area applied for is an Economic Revitalization Area and the Elkhart County Council has caused to be obtained a legal description of this area, which legal description is attached to this Resolution as Exhibit A and made a part hereof, and the Elkhart County Council has caused to be prepared a map and plat identifying this area, which map and plat is attached to this Resolution as Exhibit B and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE ELKHART COUNTY COUNCIL OF THE COUNTY OF ELKHART, INDIANA AS FOLLOWS:

1. Declaration of Economic Revitalization Area. It is hereby declared by the Elkhart County Council of the County of Elkhart, Indiana that the real estate described on Exhibit A, attached hereto and made a part hereof, is, and shall hereafter be, deemed an "Economic Revitalization Area" as that phrase is used and intended under the provisions of I.C. 6-1.1-12.1 et. seq.

2. Redevelopment Deduction. The Elkhart County Council of the County of Elkhart, Indiana hereby further declares that any and all redevelopment or rehabilitation improvements placed on the real estate described in Exhibit A attached hereto shall be eligible for a property tax phase-in pursuant to the provisions of I.C. 6-1.1-12.1-3.

3. Personal Property Deduction. The Elkhart County Council of the County of Elkhart, Indiana hereby further declares that all new manufacturing equipment placed on the real estate described in Exhibit A attached hereto shall be eligible for a property tax phase-in pursuant to the provisions of I.C. 6-1.1-12.1-4.5.

4. Maps and Plat Showing Location of Economic Revitalization Area. Attached hereto and made a part hereof as Exhibit B is a map and plat showing the real estate described in Exhibit A herein declared to be an "Economic Revitalization Area."

5. Compliance with Applicable Resolution and Statutes. It is hereby declared by the Elkhart County Council of the County of Elkhart, Indiana that the Application of Winnebago heretofore filed will comply with the Resolution of the Elkhart County Council and all governing Indiana statutes upon completion of all necessary procedures, and that said Application should be granted and approved as to the real estate.

6. Limitations and Restrictions. It is hereby declared by the Elkhart County Council of the County of Elkhart, Indiana that the Economic Revitalization Area designation shall remain in place only until December 31, 2019.

7. Time Period for Deductions. The Elkhart County Council hereby determines that the deduction for redevelopment or rehabilitation improvements shall be allowed for ten (10) years in accordance with the schedule attached hereto as Exhibit C. The Elkhart County Council hereby further determines that the deduction for new manufacturing equipment shall be allowed for seven (7) years in accordance with the schedule attached hereto as Exhibit D.

8. Effective Date. This Resolution shall be effective immediately upon its passage, subject to the notice and hearing provisions of I.C. 6-1.1-12.1-2.5. The hearing contemplated by said statute shall be held by the Elkhart County Council of the County of Elkhart, Indiana on February 10, 2018 at 8:00 a.m. at the Elkhart County Administration Building, 117 N. Second Street, Room 104, Goshen, IN 46526. At such meeting, the Elkhart County Council shall take final action determining whether the qualifications for an Economic Revitalization Area have been met and shall confirm, modify and confirm, or rescind this Resolution. Such determination and final action by the Elkhart County Council shall be binding upon all affected parties subject to the appeal procedures contemplated by I.C. 6-1.1-12.1-2.5(d) and (e).

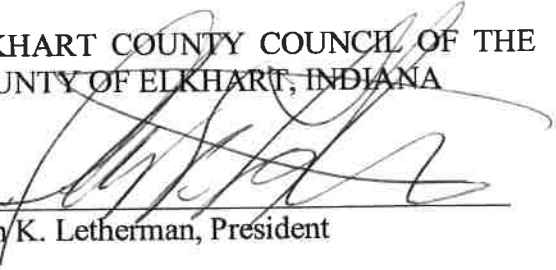
9. Company Obligations. Prior to this Resolution being finalized and confirmed, the declaration of the Economic Revitalization Area shall be subject to the condition that Winnebago executes an agreement in form and substance as is satisfactory to the Elkhart County Council of the County of Elkhart, Indiana agreeing that Winnebago will fulfill the commitments it has made in its Application and will stay in operation at its proposed location in Elkhart County, Indiana

for a term of no less than twelve (12) years. The agreement shall further provide that upon any failure to meet these obligations and commitments that Winnebago shall repay to the Elkhart County Council of the County of Elkhart, Indiana a prorated portion of the total real estate and personal property taxes saved by Winnebago as a result of the property tax phase-in established by this Resolution.

10. Filing with Elkhart County Assessor. Upon the adoption of this Resolution, the Elkhart County Auditor of the County of Elkhart, Indiana shall cause a copy of this Resolution, including the attached legal description of the real estate and attached map and plat to be filed with the Elkhart County Assessor. If any additional filings are necessary to make Winnebago eligible to file for the real estate property tax deductions and personal property tax deductions contemplated by the Application, such filings shall be the responsibility of Winnebago.

Adopted by the Elkhart County Council of the County of Elkhart, Indiana, this 13th day of January, 2018.

ELKHART COUNTY COUNCIL OF THE
COUNTY OF ELKHART, INDIANA

By: 
John K. Letherman, President

ATTEST:

By: 
Pauline E. Graff, Elkhart County Auditor

EXHIBIT A
LEGAL DESCRIPTION

The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Two (2), Township Thirty-seven (37) North, Range Seven (7) East, EXCEPTING that portion used by the New York Central Railroad Company as a right-of-way. Subject to legal highways.

More particularly described as follows: Commencing at the northwest corner of the Southeast Quarter of the Southwest Quarter of said Section Two (2); thence South twenty (20) chains; thence East 7.50 chains; thence North 20 chains; thence West 7.50 chains to beginning, containing fifteen (15) acres, more or less, (having been known as Lot or Tract No. 10 in the Partition Suit of Knapp vs. Knapp, Elkhart Court of Common Pleas, 1869).

Also commencing at the southeast corner of the Southwest Quarter of said Section; thence North twenty (20) chains; thence West 12.60 chains; thence South twenty (20) chains; thence East 12.72 chains to the place of beginning, containing 25.27 acres, more or less, (formerly designated as Tract or Lot No. 11 in the Partition Suit of Knapp vs. Knapp, Elkhart Common Pleas Court, 1869).

LESS AND EXCEPTING from the last described tract the following: A strip of land sixteen and one-half (16 ½) feet wide off of the east side of Lot No. 11 as numbered on a plat contained in a Deed of Partition by and between the heirs of Solomon M. Knapp, recorded on pages 293 through 297, in Deed Record 37 in the Office of the Recorder of Elkhart County, Indiana, being in Section 2, Township 37 North, Range 7 East.

ALSO LESS AND EXCEPTING:

A part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana and more particularly described as follows:

Commencing at an iron pipe marking the northeast corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 56 minutes 37 seconds West, 494.22 feet along the north line of said Quarter Quarter Section and County Road 14, to the point of beginning of this description; thence continuing along the last described line and bearing, 295.0 feet; thence South 00 degrees 03 minutes 23 seconds West, 442.98 feet to a rebar; thence South 89 degrees 56 minutes 37 seconds East, 295.0 feet to a rebar; thence North 00 degrees 03 minutes 23 seconds East, 442.98 feet to the point of beginning containing 3.00 acres.

ALSO LESS AND EXCEPTING:

A part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at an iron pipe marking the northeast corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 56 minutes 37 seconds West 16.5 feet along the north line of the Southeast Quarter of said Southwest Quarter and County Road 14 to a P.K. nail at the point of beginning of this description; thence continuing along the last described line and bearing 231.63 feet to a P.K. nail; thence South 00 degrees 03 minutes 23 seconds West, 531.02 feet to a rebar; thence South 89 degrees 56 minutes 37 seconds East, 260.56 feet to a rebar on the west line of lands described in Deed Record 231, pages 597-598; thence North 03 degrees 03 minutes 45 seconds West, 531.81 feet along the last described line to the point of beginning, containing 3.00 acres.

ALSO LESS AND EXCEPTING:

A part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at an iron pipe marking the northeast corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 56 minutes 37 seconds West, 248.13 feet along the north line of the Southeast Quarter of said Southwest Quarter and County Road 14 to a P.K. nail at the point of beginning of this description; thence continuing along the last described line and bearing, 246.09 feet to a P.K. nail; thence South 00 degrees 03 minutes 23 seconds West, 531.02 feet to a rebar; thence South 89 degrees 56 minutes 37 seconds East, 246.09 feet to a rebar; thence North 00 degrees 03 minutes 23 seconds East, 531.02 feet to the point of beginning, containing 3.00 acres.

ALSO LESS AND EXCEPTING:

Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 37 North, Range 7 East, situate in Middlebury Township, Elkhart County, State of Indiana and being more particularly described as follows:

Beginning at the intersection of the west line of land conveyed to Darryl and Maxine K. Zook in Deed Record 416, page 666 in the records of the Recorder of Elkhart County, Indiana with the north line of land conveyed to the Friends of the Pumpkinvine Nature Trail, Inc. in Document Number 94-000031 in the records of the Recorder of Elkhart County, Indiana; thence Northwardly along the said west line, 70.00 feet; thence Southeastwardly to a point on the said north line, said point being 35.00 feet east of the place of beginning of this description; thence West along said north line a distance of 35.00 feet to the place of beginning of this description.

ALSO LESS AND EXCEPTING:

A part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 37 North, Range 7 East, situate in Middlebury Township, Elkhart County, State of Indiana, being more particularly described as follows:

Commencing at the northeast corner of said Quarter Section; thence South 00 degrees 59 minutes East along the east line of said Quarter Section, 1328 feet to the southerly edge of County Road #14; thence North 88 degrees 40 minutes West along said County Road, 692.68 feet; thence North 88 degrees 26 minutes West along said County Road, 646.65 feet to the place of beginning of this description; said point being the northeast corner of land conveyed to FFT Land Management, Inc. in Instrument Number 93022890; thence South 88 degrees 26 minutes East along the southerly edge of said County Road, a distance of 60 feet; thence South parallel with the east line of said FFT Land Management, Inc. land and said line extended to a point on the north line of land conveyed to the Friends of the Pumpkinvine Nature Trail, Inc. in Instrument Number 94001728; thence West along the north line of said Pumpkinvine Nature Trail, Inc. land a distance of 25.00 feet to a point that is 35 feet East of the southeast corner of land conveyed to FFT Land Management, Inc. in Instrument Number 99005391; thence northwestwardly to a point on the east line of said FFT Land Management, Inc. land; said point being 70 feet north of the southeast corner of said FFT Land Management, Inc. land; thence North along the east line of said FFT Land Management, Inc. land and said line extended to the place of beginning of this description. Containing 1.7 acres of land, more or less.

ALSO LESS AND EXCEPTING:

A part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at an iron pipe marking the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 2, Township 37 North, Range 7 East; thence North $89^{\circ}56'37''$ West, along the north line of the Southeast Quarter of said Southwest Quarter, and County Road 14, a distance of 494.22 feet to the northeast corner of land described in Deed Record 92-028689 in the Office of the Recorder of Elkhart County, Indiana; thence South $00^{\circ}03'23''$ West, along the east line of said land a distance of 442.98 feet to a rebar at the southeast corner of said land being the point of beginning of this description; thence continuing South $00^{\circ}03'23''$ West, a distance of 88.04 feet; thence North $89^{\circ}56'37''$ West, a distance of 295.00 feet to a rebar with cap (Justice 900004); thence North $00^{\circ}03'23''$ East, a distance of 88.04 feet to the southwest corner of land described in Deed Record 92-028689 in the Office of the Recorder of Elkhart County, Indiana; thence South $89^{\circ}56'37''$ East, a distance of 295.00 feet to the point of beginning of this description, containing 0.60 acres, more or less.

Being tax code number: 20-08-02-300-042.000-034.

EXHIBIT B
MAP AND PLAT OF REAL ESTATE

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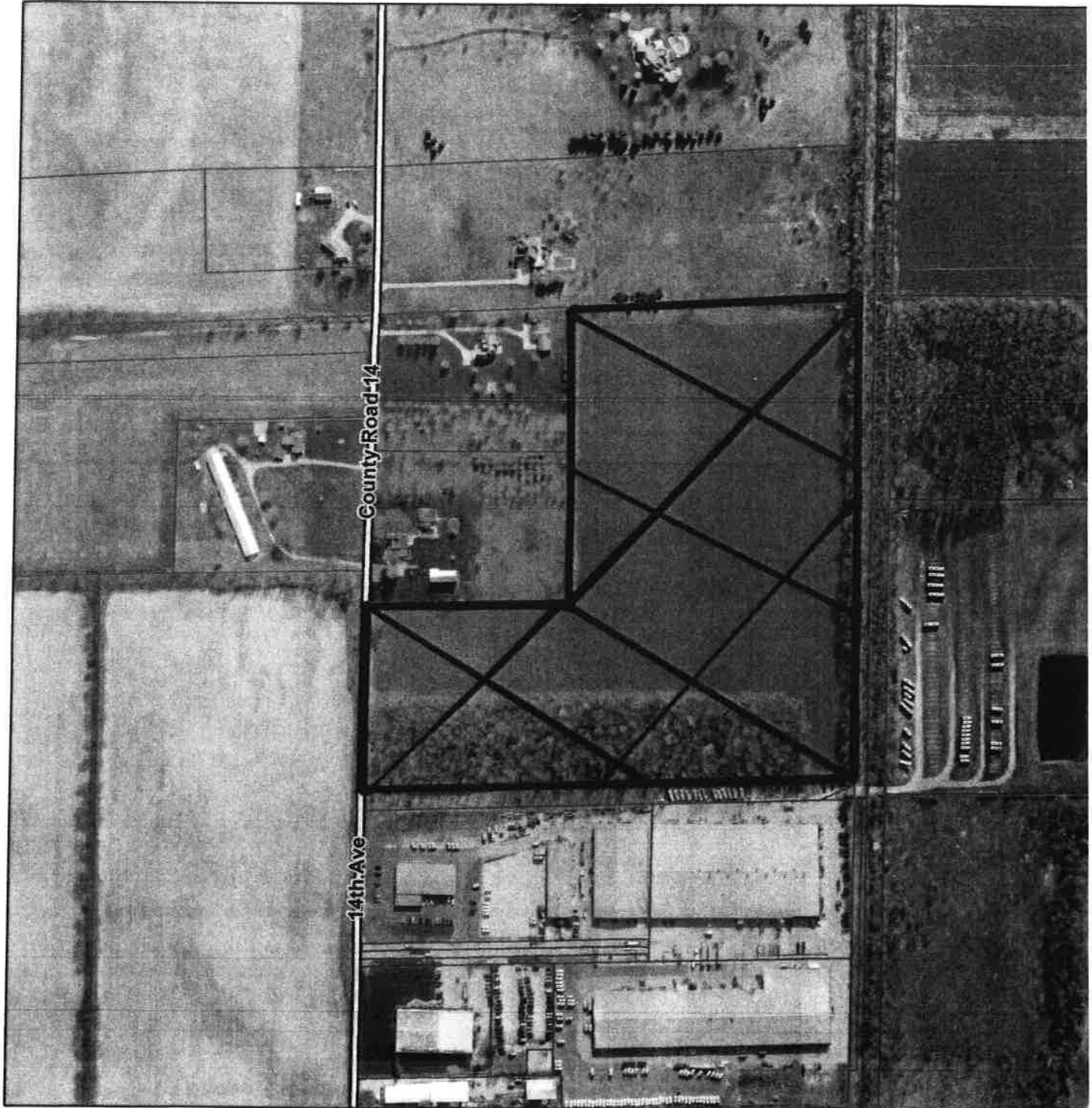


EXHIBIT C
REAL ESTATE DEDUCTION SCHEDULE

REAL ESTATE DEDUCTION SCHEDULE

(1) Deductions allowed over a one (1) year period:

Year of Deduction	Percentage
1st	100%
2nd and thereafter	0%

(2) Deductions allowed over a two (2) year period:

Year of Deduction	Percentage
1st	100%
2nd	50%
3rd and thereafter	0%

(3) Deductions allowed over a three (3) year period:

Year of Deduction	Percentage
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) Deductions allowed over a four (4) year period:

Year of Deduction	Percentage
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) Deductions allowed over a five (5) year period:

Year of Deduction	Percentage
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) Deductions allowed over a six (6) year period:

Year of Deduction	Percentage
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%
7th and thereafter	0%

(7) Deductions allowed over a seven (7) year period:

Year of Deduction	Percentage
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) Deductions allowed over an eight (8) year period:

Year of Deduction	Percentage
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) Deductions allowed over a nine (9) year period:

Year of Deduction	Percentage
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) Deductions allowed over a ten (10) year period:

Year of Deduction	Percentage
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%
11th and thereafter	0%

EXHIBIT D
PERSONAL PROPERTY DEDUCTION SCHEDULE

PERSONAL PROPERTY DEDUCTION SCHEDULE

(1) Deductions allowed over a one (1) year period:

Year of Deduction	Percentage
1st	100%
2nd and thereafter	0%

(2) Deductions allowed over a two (2) year period:

Year of Deduction	Percentage
1st	100%
2nd	50%
3rd and thereafter	0%

(3) Deductions allowed over a three (3) year period:

Year of Deduction	Percentage
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) Deductions allowed over a four (4) year period:

Year of Deduction	Percentage
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) Deductions allowed over a five (5) year period:

Year of Deduction	Percentage
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) Deductions allowed over a six (6) year period:

Year of Deduction	Percentage
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%
7th and thereafter	0%

(7) Deductions allowed over a seven (7) year period:

Year of Deduction	Percentage
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) Deductions allowed over an eight (8) year period:

Year of Deduction	Percentage
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) Deductions allowed over a nine (9) year period:

Year of Deduction	Percentage
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) Deductions allowed over a ten (10) year period:

Year of Deduction	Percentage
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

