

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 5-97

**AN ORDINANCE TO AMEND AND REPLACE
GENERAL ORDINANCE NO. 19-92 ALSO KNOWN
AS AN ORDINANCE OF THE TOWN OF PLAINFIELD,
INDIANA, ADOPTING TAX ABATEMENT PROCEDURES**

WHEREAS, the Plainfield Town Council has determined that economic development and the attraction of capital investment and the attraction and/or retention of good paying jobs is beneficial to the public welfare of its citizens; and

WHEREAS, in order to stabilize local property tax rates and shift the property tax burden away from private homeowners to industrial enterprises, the Plainfield Town Council has determined that it is in the best interest of its citizens to offer financial incentives to attract new capital investment; and

WHEREAS, the Town of Plainfield is permitted and has the power pursuant to the provisions of Indiana Law to promote economic development by offering certain financial incentives for the purpose of attracting new capital investment and attracting and/or retaining good paying jobs; and

WHEREAS, this ordinance provides for the procedures to be used in the Town of Plainfield and such procedures are set forth to provide a mechanism to promote and assist economic development within the Town of Plainfield; and

WHEREAS, it is believed that this ordinance is in the best interest of the Town of Plainfield, Hendricks County, Indiana.

NOW, THEREFORE, by the powers vested in the Town Council of the Town of Plainfield, Hendricks County, Indiana, it is hereby ORDERED AND ORDAINED that:

SECTION I

Tax Abatement Procedures: General Provisions.

Legislative Findings, in accordance with Indiana Code Section 6-1.1-12.1-2 are hereby made by the Town Council as follows:

(a) The Council hereby finds that there is a need to develop tax abatement procedures which set forth the philosophy, regulations, procedures, and general standards, which the Town of Plainfield, Indiana, believes are necessary to encourage economic development within the Town limits.

(b) The Council therefore declares that the following tax abatement procedures and general standards shall govern tax abatement requests filed for consideration with the Town.

(c) The following tax abatement procedures and general standards are promulgated pursuant to the "Home Rule" powers vested in the Town pursuant to I.C. 36-1-3-1, et seq., and the property tax abatement statutes as set forth in I.C. 6-1.1-12.1 et seq. All persons who desire to seek real or personal property tax abatement consideration, have the duty to comply with the applicable provisions set forth in this Ordinance, as well as all state law requirements. However, those persons who petition pursuant to Section XIII, must only comply with the applicable state law provisions, and the requirements of Annual Review provided for herein in Section XIX.

SECTION II

(a) As used in this Ordinance, the terms and phrases shall have the following meanings:

(1) "Designating body" shall mean the Town Council of the Town of Plainfield, Indiana.

(2) "Economic Revitalization Area (ERA)" shall mean an area which is within the corporate limits of the Town which has become undesirable or impossible for, 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 (ERA)" shall also include: 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.

(3) "Hard dollar costs" shall mean expenses directly related to the "proposed new construction or rehabilitation excluding costs of financing, architect, engineering, and attorney fees.

(4) "Industrial Development" shall mean and include those definitions set forth in major groups 20 through 39 of the Standards Industrial Classification Manual (SIC), published by the United States Office of Management and Budget, which manual is hereby incorporated by reference, with copies being maintained in the Office of the Town Manager.

(5) "Institutional Development" shall mean the development of any day care or educational facilities.

(6) "Mixed Use" shall mean any mix of two (2) or more of the following uses only: office, retail, institutional or industrial.

(7) "New manufacturing equipment" shall mean tangible personal property which was:

(I) installed during the period beginning March 1, 1983, and ending December 31, 1993, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(II) is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property; and

(III) was acquired by its owner for use as described in subdivision II and was never before used by its owner for any purpose in Indiana.

(8) "Property" shall mean a building or structure, but shall not include land.

(9) "Redevelopment" shall mean the construction of new structures, in economic revitalization areas, either:

(I) on unimproved real estate; or

(II) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(10) "Rehabilitation" shall mean the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.

(11) "Tax Abatement Committee" shall mean the Committee established pursuant to this Ordinance to review petitions for tax abatement consisting of three members as follows: (1) the Town Manager; (2) a member of the Plainfield Plan Commission designated by the Plan Commission; and (3) a member of the Plainfield Redevelopment Commission designated by the Plainfield Plan Commission. The two members designated by the Plan Commission shall serve on such Committee until they resign or are replaced with a successor designated by the Plan Commission.

(12) "Warehouse Development" shall mean and include those definitions set forth in major groups 42, 50, and 51 of the Standard Industrial Classification Manual (SIC), published by the United States Office of Management and Budget, which manual is hereby incorporated by reference with copies being maintained in the Office of the Town Manager.

(b) Any terms not specifically defined in this Section shall have the meanings ascribed to them in I.C. 6-1.1-12.1-1 et seq.

SECTION III

Financial Incentives

It is the policy of the Town of Plainfield not to offer financial incentives for economic development projects that involve the relocation of a business from another Indiana jurisdiction to the Town of Plainfield. The Town of Plainfield's decision to offer financial incentives to relocate an economic development project from another Indiana jurisdiction to Plainfield will be based on the following:

(1) A letter or other written documentation from the jurisdiction where the business is currently located that it has exhausted all resources available to keep the business in such jurisdiction.

(2) The business has exhausted its efforts to reach an agreement with the jurisdiction in which it is located.

(3) The business has provided the Town with a written financial incentive package from another state to relocate to another state and such relocation of said business would be detrimental to the Indianapolis Metropolitan Region and State of Indiana in terms of the lost of capital investment and/or jobs.

SECTION IV

Office Development

Real Property Tax Abatement

(a) The Town Council believes that the following tax abatement general standards have a reasonable relationship to the development objectives of office developments within the Town of Plainfield, and would warrant tax abatement consideration as set forth herein.

(b) Three-Year General Standards:

(1) New Construction: Proposed office developments which incorporate new construction of not less than 15,000 square feet may be considered for three-year real property tax abatement.

(2) Rehabilitation: Proposed rehabilitation of existing structures located within the Town for office development, and which propose not less than 5,000 square feet to be rehabilitated, may be considered for three-year real property tax abatement.

(c) Six-Year General Standards.

(1) New Construction: Proposed office developments which incorporate new construction of not less than 30,000 square feet may be considered for six-year real property tax abatement.

(2) Rehabilitation: Proposed rehabilitation of existing structures located within the Town for office development, and which propose that not less than 10,000 square feet to be rehabilitated, may be considered for six-year real property tax abatement.

(d) Ten-Year General Standards:

(1) New construction: Proposed office developments which incorporate new construction of not less than 50,000 square feet may be considered for ten-year real property tax abatement.

(2) Rehabilitation: Proposed rehabilitation of existing structures located within the Town and which propose not less than 20,000 square feet to be rehabilitated, may be considered for ten-year real property tax abatement.

SECTION V

Mixed Use Development

Real Property Tax Abatement

(a) The Town Council believes that the following tax abatement general standards have a reasonable relationship to the development objectives of mixed use developments within the Town of Plainfield, and would warrant tax abatement consideration as set forth herein.

(b) Three-Year General Standards:

(1) New Construction: Proposed mixed use developments which incorporate new construction of not less than 15,000 square feet may be considered for three-year real property tax abatement.

(2) Rehabilitation: Proposed rehabilitation of existing structures located within the Town and which propose not less than 5,000 square feet to be rehabilitated, may be considered for six-year real property tax abatement.

(c) Six-Year General Standards:

(1) New construction: Proposed mixed use developments which incorporate new construction of not less than 30,000 square feet may be considered for six-year real property tax abatements.

(2) Rehabilitation: Proposed rehabilitation of existing structures located within the Town for mixed use development, and which propose that not less than 10,000 square feet to be rehabilitated, may be considered for six-year real property tax abatement.

(d) Ten-Year General Standards:

(1) New Construction: Proposed mixed use developments which incorporate new construction of not less than 50,000 square feet may be considered for ten-year real property tax abatement.

(2) Rehabilitation: Proposed rehabilitation of existing structures located within the Town, and which propose rehabilitation of not less than 20,000 square feet, may be considered for a ten-year real property tax abatement.

(e) Compliance With State Law: All applicants seeking real property tax abatement consideration under this Section must also comply with all applicable regulations set forth in I.C. 6-1.1-12.1-1 et seq.

SECTION VI

Institutional Development

Real Property Tax Abatement

(a) The Town Council believes that the following general standards have a reasonable relationship to the development objectives for institutional development within the Town, and would warrant tax abatement consideration as set forth herein.

(b) Three-Year General Standards:

New Construction Only: Proposed new construction of institutional developments which are to be located within the Town may be considered for three-year real property tax abatement.

(c) Compliance With State Law: All applicants seeking real property tax abatement consideration under this Section must also comply with all applicable regulations set forth in I.C. 6-1.1-12.1-2 et seq.

SECTION VII

Industrial Development

Real Property Tax Abatement

(a) The Town Council believes that the following general standards have a reasonable relationship to the development objectives for industrial development town-wide, and would warrant tax abatement consideration as set forth herein.

(b) Three-Year General Standards:

New Construction: Proposed industrial developments which incorporate new construction of not less than 10,000 square feet, may be considered for three-year real property tax abatement.

(c) Six-Year General Standards:

New Construction: Proposed industrial developments which incorporate new construction of not less than 20,000 square feet, may be considered for six-year real property tax abatement.

(d) Ten-Year General Standards:

New Construction: Proposed industrial developments which incorporate new construction of not less than 30,000 square feet, may be considered for ten-year real

property tax abatement.

(e) Compliance With State Law: All applicants seeking real property tax abatement consideration under this Section must also comply with all applicable regulations set forth in I.C. 6-1.1-12.1-1 et seq.

(f) Compliance With State Law: All applicants seeking real property tax abatement consideration under this Section must also comply with all applicable regulations set forth in I.C. 6-1.1-12.1-1 et seq.

SECTION VIII

Warehouse Development

Real Property Tax Abatement

(a) The Town Council believes that the following general standards have a reasonable relationship to the development objectives for warehouse development within the Town, and would warrant tax abatement consideration as set forth herein.

(b) Three-Year General Standards:

New Construction and Rehabilitation:

Proposed warehouse development of new construction or rehabilitation of not less than 25,000 square feet per project may be considered for three-year real property tax abatement.

(c) Six-Year General Standards

New Construction and Rehabilitation:

Proposed warehouse development of new construction or rehabilitation of not less than 50,000 square feet per project may be considered for six-year real property tax abatement.

(d) Ten-Year General Standards:

New Construction: Proposed warehouse development of new construction or rehabilitation of not less than 100,000 square feet per project shall be considered for six-year real property tax abatement.

(e) Compliance with State Law:

All applicants seeking real property tax abatement consideration under this Section must also comply with all applicable regulations set forth in I.C. 6-1.1-12.1-1 et seq.

SECTION IX

Council's Authority to Enlarge Real Property Tax Abatement General Standards.

(a) The Town Council believes that pursuant to its Home Rule authority set forth in I.C. 36-1-3-1, et seq., and the authority granted to it under I.C. 6-1.1-12.1-1 et seq., and it has the authority to declare areas within the Town, "Economic Revitalization Areas (ERA)" which do not meet the general standards for real property tax abatement set forth in Sections IV through VIII.

(b) The Council therefore declares that individuals who desire to petition for real property tax abatement which do not meet the general Standards set forth herein but nevertheless have a business or business development that is unique in the total number of jobs created, salary levels of jobs, total investment in building and equipment or similar characteristics, may do so by filing proper petitions and forms of declaratory and confirmatory resolutions with the Office of the Town Manager. Such forms shall set forth in detail the reasons why they believe their circumstances create a unique opportunity for the Town of Plainfield and that they should be granted such abatement and declared an ERA.

(c) The Tax Abatement Committee, as the preliminary review body shall review such Petitions, and Declaratory and Confirmatory Resolutions on a project by project basis and make its Report to the Town Council which shall have the sole and absolute authority as the designating body to declare the area to be an Economic Revitalization Area for tax abatement purposes.

(d) The Tax Abatement Committee in its Report and the Council in its decision shall make specific findings supporting their conclusion that there is or is not a rational basis for the determination that the area should be declared an Economic Revitalization Area.

(e) Real property tax abatement granted under this Section shall be limited to the specific amount of years determined by the Council to be appropriate under the circumstances. The Town Council shall have the sole and absolute discretion to determine the specific amount of years of tax abatement.

SECTION X

Personal Property Tax Abatement

(a) The Town Council believes that the following general standards have a reasonable relationship to the development objectives of promoting the installation of new manufacturing equipment within the Town of Plainfield, and would warrant tax abatement consideration as set forth herein.

(b) Five and Ten Year General Standards:

(1) An applicant seeking a five or ten year personal property tax abatement must comply with all provisions of I.C. 6-1.1-12.1-4.5 and the provisions of Sections XI and XIII that are applicable.

(2) The Town Council may grant a five or ten year personal property tax abatement based on but not limited to the following factors:

- a. Useful life of machinery.
- b. Assessed value of machinery being replaced.
- c. Impact of abatement on existing tax increment financing district.
- d. Aggregate capital investment in buildings and machinery.
- e. Number of jobs created.

(c) Applicants seeking personal property tax abatement must verify that the new manufacturing equipment will be used in conjunction with uses within major groups 20 through 39 or 42 of the Standards Industrial Classification Manual, published by the United States Office of Management and Budget.

SECTION XI

Agreement For Tax Abatement

The Town Council shall require that all applicants for Economic Revitalization Area designation enter into an Agreement with the Town following adoption of a declaratory resolution and prior to the public hearing on the Economic Revitalization Area designation request. The Memorandum of Agreement shall contain the investment levels, job creation and/or retention levels and wage rates the applicant has committed to the Town in order to receive consideration for Economic Revitalization Area designation. A final public hearing on the Economic Revitalization Area designation request shall not be held unless the Memorandum of Agreement has been completed.

SECTION XII

Corporate Citizenship

Applicants receiving tax abatements from the Town of Plainfield are encouraged to contribute to the development of the Plainfield Community through participation in professional, volunteer, service and not-for-profit organizations.

SECTION XIII

Information Required of Applicants Seeking Tax Abatement

Designation Application Required

(a) Owners Must File. Owners of real property or new manufacturing equipment located within the Town may petition the Town Council on forms provided by the Town Manager for real or personal property tax abatement consideration. All information and attachments required by the Designation Application must be completed and filed with the Town Manager together with a filing fee of two hundred and fifty dollars (\$250.00) to cover processing and administrative costs.

(b) Petition Information: Property owners petitioning for tax abatement shall provide the following information on the petition to enable the Council to consider their request:

(1) The name(s) and address(es) of the real property owner(s) (and personal property owner(s), in case of the request for personal property tax abatement), and any other person(s) leasing, intending to lease, or having an option to purchase such property, and a brief description of the business.

(2) If the business organization is publicly held, the name of the corporate parent and the name under which the corporation is filed with the Securities Exchange Commission.

(3) The legal description and commonly known address of the real property for which real property tax abatement is being petitioned; or the legal description and commonly known address of the facility at which the new manufacturing equipment for which tangible personal property tax abatement is being petitioned will be located.

(4) A map and/or plat describing the area where tax abatement is being requested.

(5) The current assessed valuation of the real property improvement before rehabilitation, redevelopment, economic revitalization, or improvement; or the current assessed valuation of the tangible personal property to be replaced by new manufacturing equipment.

(6) A description of the proposed project (whether rehabilitation, new construction, or installation of new manufacturing equipment), including information about physical improvements to be made or the new manufacturing equipment to be installed,

an estimate of the cost of the project, the amount of land to be used, the proposed use of the improvements, and a general statement as to the value of the project to the business.

(7) An estimate of the number of new permanent jobs to be created by the project within one (1) year, a statement of the current number of permanent and part-time jobs at the location and the impact on those current jobs to be caused by the project, and the projected annual salaries for each such position to be created.

(8) Verification that no building permit has been issued for construction on the property for the improvement proposed or verification that the new manufacturing equipment has not been installed.

(9) The Standard Industrial classification Manual major group within which the proposed project would be classified, by number and description.

(10) The Internal Revenue Service Code of principal business activity by which the proposed project would be classified, by number and description.

(11) A description of actual or anticipated public financing for the project.

(12) For real property tax abatement, a description of how the property in question 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 buildings or other factors which have impaired values and prevent a normal development of the property or property use.

(13) For personal property tax abatement, a description of why the facility or group of facilities to be replaced are technologically, economically or energy obsolete, whereby the obsolescence may lead to a decline in employment and tax revenues; together with a verification that the new manufacturing equipment will be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining or refinishing of other tangible personal property and that the new manufacturing equipment was never before used by its owner for any purpose in Indiana.

(14) The name, address and telephone number of the person to contact regarding notice of Council meetings and public hearings concerning the petition.

(15) The real and personal property taxes paid at the location during the previous five (5) years, whether paid by the current owner or a previous owner.

(16) An estimate of the after-rehabilitation market value of the real property or an estimate of the market value of the new manufacturing equipment after installation.

SECTION XIV

Statement of Benefits, Declaratory and Confirmatory Resolutions Required.

(a) In addition to the completed petition, filing fee, and related documents required by Section XIV, the owners of real property or new manufacturing equipment must file a completed Statement of Benefits form at the time of filing the petition.

(b) Proposed forms of Declaratory and Confirmatory Resolutions are also required of the owner at time of filing said petition.

(c) The provisions of I.C. 6-1.1-12.1-3 shall be followed by the designating body when reviewing such documents required by this Section.

SECTION XV

Review by the Tax Abatement Committee

(a) Upon the filing of a completed Tax Abatement Petition, including all attachments, filing fee, Statement of Benefits Form, and the Declaratory and Confirmatory Resolutions by the owner, the Town Manager shall review said documents and make a determination that the application is complete or not complete. If the application or information is incomplete, the Town Manager shall contact the applicant and advise the applicant of the deficiencies in the application. If the application and information is complete, the application shall be submitted to the Plainfield Tax Abatement Committee for review. Said review shall be for informational purposes only, and shall not be binding on the designating body.

(b) The Plainfield Tax Abatement Committee shall review the Petition, Statement of Benefits, and all attachments thereto. It shall also have the authority to request additional information from the petitioner which is relevant to the Petition and Statement of Benefits.

(c) No later than fifteen (15) working days from the receipt of said documents from the Town Manager, the Tax Abatement Committee shall prepare a written report setting forth its advisory findings. Said report shall be provided to the Town Council's members, Redevelopment Commission, the Town Manager, and the Petitioner.

(d) Said report shall address, but not be limited to addressing, the following:

(1) Whether all required information was originally submitted by the petitioner. In the event that additional information was requested of the petitioner, the report shall address such requests and the response received from the petitioner.

(2) Whether the information contained in the Petition and Statement of Benefits indicates that the requirements of this Ordinance are met by the project as described in the petition.

(3) Whether zoning requirements have been met, and, if not, the zoning issues to be resolved.

(4) Whether the project is located in a tax allocation area, as defined in I.C. 36-7-14-39, and if so, whether the Plainfield Redevelopment Commission has adopted a resolution approving that application. A copy of such a resolution if required shall be attached to the report.

(5) If additional terms of tax abatement have been proposed a copy of the proposed agreement shall be attached to the report.

(6) Whether, in the Tax Abatement Committee's opinion, a deduction should be allowed based on the following:

(I) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.

(II) Whether 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 or rehabilitation.

(III) Whether 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 or rehabilitation.

(IV) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(e) The Committee's report shall also have attached to it a copy of the Petition and Statement of Benefits form and all attachments thereto.

SECTION XVI

Design Review Committee

Prior to the issuance of an improvement location permit, projects receiving Economic Revitalization Area Designation shall meet and confer with the Design Review Committee. Projects shall receive a positive recommendation from the Design Review Committee before an improvement location permit is issued by the Town of Plainfield. Full compliance with recommendations of the Design Review Committee is required before a project will be issued a certificate of occupancy by the Town of Plainfield.

SECTION XVII

Town Council's Review of Declaratory Resolution

(a) The Town Council shall hold a public hearing on the petitioner's Declaratory Resolution pursuant to I.C. 6-1.1-12.1-2.5.

(b) The Petitioner and/or, its representative shall be required to attend the public hearing and present evidence to the Council as to why it believes it qualifies for the requested abatement.

(c) If it finds that the property qualifies as an economic revitalization area under the terms of this Ordinance and I.C. 6-1.1-12.1-1(1), the Town Council may adopt a resolution declaring the property as an economic revitalization area for purposes of tax abatement. Said Resolution shall specify whether the abatement is for real property tax deduction or for personal property tax deduction, the length of time during which the area shall be so designated, and the general boundaries of the area by describing its location in relation to public ways. If the abatement is for real property taxes, the Council shall specify whether the abatement is for three (3), six (6), or ten (10) years. Upon the adoption of the declaratory resolution, the Town Clerk-Treasurer shall file the resolution with the County Assessor, together with supporting data required by I.C. 6-1.1-12.1-2.5.

(d) If the area is located within an allocation area as defined in I.C. 36-7-14-39, as declared by the Plainfield Redevelopment Commission, the Council shall not adopt a declaratory resolution declaring an area to be an economic revitalization area for purposes of either real property tax deduction or personal property tax deduction if the Commission has not adopted a resolution approving the petition.

(e) Upon adoption of the declaratory resolution, the Town Manager shall cause notice of the adoption to be published pursuant to I.C. 5-3-1, and shall include in the notice information about the adoption of the declaratory resolution, the substance of the resolution, that a description of the affected area is available and can be inspected in the County Assessor's Office, the date when the Town Council will receive and hear all remonstrances and objections from interested persons; and any other information required by I.C. 6-1.1-12.1-2.5.

SECTION XVIII

Confirmatory Resolutions

(a) Following the legal publication and on the date published in the legal notice, a public hearing on the confirmatory resolution shall be held by the Town Council. The petitioner and/or its representative shall be present and shall be required to present evidence why it believes the tax abatement requested should be granted. At which time the Council shall receive and hear all remonstrances and objections from interested persons pertaining to the petition. At the public hearing, the Council shall determine whether the petition complies with this Ordinance and with I.C. 6-1.1-12.1 et seq., and shall consider all pertinent requirements for economic revitalization areas prior to taking final action determining whether the petition meets qualifications for an economic revitalization area and confirming, modifying and confirming or rescinding the declaratory resolution. The determination of the Town Council is final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5(d) and (e).

(b) The Town Council must make a determination as to whether the deductions shall be allowed and make specific findings pursuant to I.C. 6-1.1-12.1-3. The Council must further comply with I.C. 6-1.1-12.1-4.5 and make specific finding thereto when considering personal property tax abatement requests.

(c) In declaring an area an economic revitalization area, (ERA), the designating body may:

(1) Limit the time period to a certain number of calendar years during which the area shall be so designated;

(2) Limit the type of deductions that will be allowed within the economic revitalization area to either the deduction allowed under I.C. 6-1.1-12.1-3, or the deduction allowed under I.C. 6-1.1-12.1-4.5;

(3) Limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment if a deduction had not been filed before July 1, 1987, for that equipment;

(4) Limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988; or

(5) Impose reasonable conditions related to the purpose of state law or to the general standards adopted herein for allowing the deduction for the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment.

To exercise one (1) or more of the above described powers, the Town Council must include this fact in the Resolutions adopted.

SECTION XIX

Annual Review of Petitions by the Council

(a) All property owners who receive approval of their real and/or personal property tax abatement requests as a result of the Town Council's action under this Section, shall be required to appear before the Town Council. Such appearances shall take place at a Council meeting following the petitioner's filing of the first Certified Declaration Application with the County Auditor, required by the State Board of Tax Commissioners pursuant to I.C. 6-1.1-12.1-5.

(b) Additionally, the petitioner shall file with the Town Council an annual report that shall include, but not be limited to the following information:

(1) Completed compliance with Statement of Benefits Form.

(2) The name and address of the person(s) filing the report.

(3) The amount of real and/or personal property taxes paid for the property during the year before the property was declared as an economic revitalization area and during the most recent tax year.

(4) The current number of part-time and full-time jobs, specifying whether permanent or temporary, and the number of such jobs as of the end of the year immediately prior to receiving tax abatement.

(c) A property owner who fails to file an annual report on or before March 1st may be subject to revocation of their tax abatement pursuant to Section XXI.

(d) The Town Council shall review the material presented by the Petitioner in comparison to the information published by the County Auditor as required by I.C. 6-1.1-12.1-8.

(e) The Town Council shall specifically advise each property owner in writing as to whether subsequent appearances before the Town Council shall be necessary. If such additional appearances are not required, the property owner shall be duly advised that their future Annual Reports may be mailed. Failure to mail such completed reports may result in revocation of the tax abatement by the Town Council.

SECTION XX

Failure of Petitioner to Comply May Result in revocation of Tax Abatement by Town Council

(a) The Town of Plainfield believes that the granting of a request for real and/or personal property tax abatement under the terms and conditions of this Ordinance results in a contractual arrangement between the Town and the property owner granted abatement.

(b) Therefore a Petitioner who fails to achieve the estimates set forth in its original Petition for Tax Abatement Consideration and its Statement of Benefits may have its tax abatement revoked by the Town Council.

(c) A Petitioner who fails to file its Annual Report and meet with the Town Council as required herein may have the tax abatement revoked by the Town Council.

(d) Petitioners who comply with the Annual Report and meeting requirements, but fail to provide evidence as to why they have not achieved the estimates set forth in their documents used by the Council when granting the abatement, may have the tax abatement revoked by the Town Council.

SECTION XXI

Annual Summary To Be Prepared by Tax Abatement Committee

(a) On or before March 31st of each year, the Tax Abatement Committee shall file an annual report with the Town Council summarizing all tax abatement activity for the past calendar year. Said report shall include, but not be limited to, the following information: the number of tax abatement petitions filed, number and type of abatement granted, names and addresses of all petitioners who failed to comply with report and meeting requirements, and other relevant information. Said report shall include a copy of the County Auditor's information published by the Auditor as required by I.C. 6-1.1-12.1-8.

(b) Said report shall be used as one of the items of evidence when considering

revocation of the tax abatement approved, but thereafter failing to comply with the requirements of this ordinance.

SECTION XXII

Review of Tax Abatement Procedures by the Town Council.

(a) In calendar years ending with an odd number, the Town Council shall be required to review its tax abatement procedures set forth in this Ordinance.

(b) Nothing in this Section, prohibits a more frequent review of such procedures.

Severability of Article.

(a) The terms and conditions set forth in this Ordinance are determined to be in the best interests of the Town of Plainfield in the tax abatement area.

(b) All procedures are believed to be consistent with Home Rule and I.C. 6-1.1-12.1-1 et seq.

(c) If however any provisions in said Ordinance are found to be inconsistent by a competent Court of law, the remaining provisions herein shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED this 24th day of March, 1997.

TOWN COUNCIL, TOWN OF PLAINFIELD

Robin G. Brandgard
Robin G. Brandgard

Robert M. Ward
Robert M. Ward

John W. Himmelheber
John W. Himmelheber

Judith W. Underwood
Judith W. Underwood

Dan P. Young
Dan P. Young

ATTEST:

Juliana M. Mitchell
Juliana M. Mitchell, Clerk-Treasurer
Town of Plainfield

Publish Weekend Flyer
March 27, 1997
April 03, 1997