

FILED

AUG 29 2022

Belinda Munson
MUNCIE CITY CLERK

RESOLUTION NO. 20-22

**COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA
PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION
REAL ESTATE TAX ABATEMENT
(ADK Management Inc.)**

WHEREAS, ADK Management Inc.(the "Company") has requested that the Common Council of the City of Muncie, Indiana (the "Council") approve a six (6) year tax deduction from the assessed value of real estate improvements;

WHEREAS the Company has advised the Council that it intends to renovate existing commercial buildings (the "Project") on property located at 612 and 700 South Nichols Avenue, Muncie, in Center Township, Delaware County, Parcel Nos. 18-11-17-256-001.000-003 and 18-11-17-262-002.000-003 ("White River Plaza Area") as further described in Exhibit A and depicted in Exhibit B attached hereto;

WHEREAS, the Company has further requested that White River Plaza Area be designated as an economic revitalization area ("ERA") for purposes of permitting such deductions;

WHEREAS, pursuant to Council Ordinance No. 25-22, White River Plaza Area was designated an economic development target area ("EDTA") for purposes of permitting such deductions;

WHEREAS, the Company submitted to the Council an Application for Tax Abatement and Form SB-1/Real Property (Statement of Benefits, Real Estate Improvements) in connection with the Project, attached hereto, and provided all information and documentation necessary for the Council to make an informed decision (the "Statement");

WHEREAS, the Council is authorized under the provisions of I.C. 6-1.1-12.1-1 *et seq.* to designate areas of the City as an ERA for the purposes described herein; and

WHEREAS, the Council has considered the Statement submitted by the Company and has conducted a complete and proper investigation of White River Plaza Area and determined that the area qualifies as an ERA under Indiana statutes;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Council:

1. That the estimated value of the Project is reasonable for projects of that nature.
2. That the estimate of the number of individuals who will be employed or whose employment will be retained as a result of the Project is what can reasonably be expected to

result.

3. That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the Project.

4. That the number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid to employees, as a result of the Project, create benefits of the type and quality anticipated by the Council within the ERA and can reasonably be expected to result.

6. That the benefits described in the Statement can reasonably be expected to result from the Project.

7. That the totality of benefits from the Project is sufficient to justify a six (6) year real property tax deduction period.

NOW, THEREFORE, based on the foregoing, the Council further RESOLVES, FINDS AND DETERMINES:

8. That all of the conditions for the designation of the ERA and all of the requirements for the tax deductions to be granted hereby have been met, and the foregoing findings are true and all information required to be submitted has been submitted in proper form.

9. That the Statement submitted by the Company is hereby approved.

10. That White River Plaza Area is hereby designated as an ERA pursuant to I.C. 6- 1.1-12.1-1 *et seq.* and the Company is entitled to a six (6) year real property tax deduction period for the Project.

11. With respect to the Project, the percentage of deductions based upon the resulting increase in the assessed value of real estate improvements for each of said six (6) years shall be as follows:

Year 1	100%
Year 2	83%
Year 3	67%
Year 4	50%
Year 5	33%
Year 6	17%

12. That notice hereof should be published according to law stating the following: the adoption and substance hereof, a copy of the description of the affected area is available for inspection in the County Assessor's Office and the date on which the Council will hear and receive remonstrances and objections and take final action, all as required by law.

13. That this Resolution shall be in full force and effect from and after its passage by the Muncie City Council and such publications as may be required by law.

14. It is understood that ADK Management Inc. is responsible for following all annual state and local filing requirements regarding this abatement to assure receipt of the abatement per the applicable six (6) year schedule.

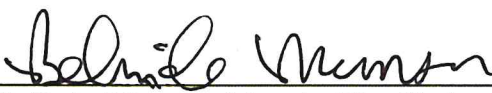
Passed by the Common Council of the City of Muncie, Indiana this 12th day of September, 2022.

	Yeas	Nays	Abstained	Absent
Jeff Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Garrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brad Polk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Dishman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roger Overbey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ro Selvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Troy Ingram	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>




President, Muncie Common Council

Presented by me to the Mayor for his approval, this 12 day of September, 2022.



Belinda Munson, Muncie City Clerk

The above Resolution is approved vetoed by me this 12th day of September, 2022.



Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson
Belinda Munson, Muncie City Clerk

This Resolution is proposed by Council Member

Craig Clark

This Resolution is approved in form by Controller

[Signature]

This Resolution is approved in form by Legal Counsel

Miriam V. Hyman

EXHIBIT A

Tract 1:

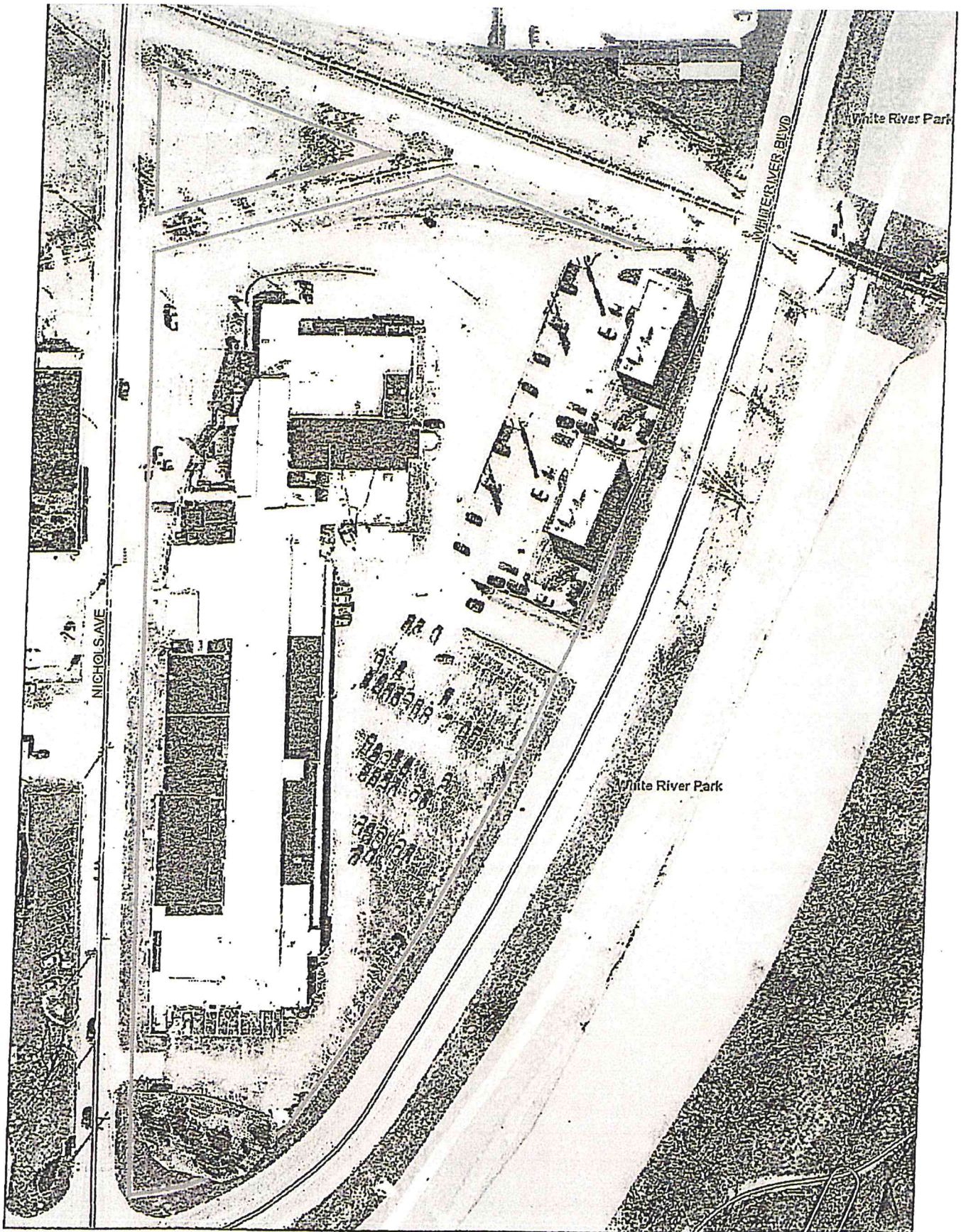
A part of Out Lots Numbered Twenty-five (25), Twenty-seven (27), Thirty-three (33), Forty-four (44), Forty-five (45), Forty-six (46) and Forty-seven (47) in the West Side Addition also vacated streets and alley within said addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows: Beginning at a 5/8 inch iron pin at the point of intersection of the east right-of-way line of Nichols Street with the southerly right-of-way line of a side track of the Norfolk and Southern Railroad; thence north 74 degrees 52 minutes 26 seconds east 192.37 feet (assumed bearing) along the railroad right-of-line to a 5/8 inch rebar at the point of beginning of a curve, said point being north 15 degrees 07 minutes 34 seconds west 479.13 feet from the radius point of said curve; thence 64.75 feet easterly along said curve to a 5/8 inch rebar at the point of intersection of said right-of-way line with the southerly line of the main track of said railroad, said 5/8 inch rebar being north 07 degrees 22 minutes 55 seconds west 479.13 feet from said radius point; thence south 70 degrees 58 minutes 38 seconds east 216.39 feet along said right-of-way line to a 5/8 inch rebar at the curved westerly right-of-way line of the White River Boulevard, said rebar being south 77 degrees 05 minutes 57 seconds east 1899.59 feet from the radius point of said curve; thence southwesterly 760.35 feet along said curve to a 5/8 inch rebar at the point of compound curve which is south 54 degrees 09 minutes 59 seconds east 1899.60 feet and south 46 degrees 46 minutes 17 seconds east 245.39 feet from the respective radius points; thence southwesterly 93.75 feet along said curve to a 5/8 inch rebar at the point of compound curve, said rebar being south 24 degrees 52 minutes 57 seconds east 245.39 feet and south 20 degrees 52 minutes 52 seconds east 63.86 feet from the respective radius points; thence westerly 52.95 feet along said curve to a 5/8 inch rebar on the east right-of-way line of Nicholas Street, said rebar being south 33 degrees 33 minutes 13 seconds west 63.86 feet from the radius point of said curve; thence north 00 degrees 37 minutes 33 seconds west 743.14 feet to the point of beginning, containing 5.60 acres, more or less, and subject to a power line easement and to all easements of record. This property is commonly known as 700 South Nichols Avenue, Muncie, Indiana 47303. Parcel Numbers: 18-11-17-262-002.000-003.

Tract 2:

A part of Out Lot 33 in West Side Addition to the City of Muncie, Indiana, and lying north of the Norfolk and Western Railroad Siding, and more particularly described as follows, to-wit:

Beginning at the point of intersection of the east line of Nichols Avenue with the northerly right-of-way line of said Norfolk and Western Railroad Siding, and running thence north on the east line of said Nicholas Avenue, 113.79 feet to the southerly right-of-way line of the Norfolk and Western Railroad (Main Line); thence running southeasterly on said right-of-way line 204.65 feet to the northerly right-of-way line of said Norfolk and Western Railroad Siding; thence running westerly on said right-of-way line 200 feet, more or less, to the point of beginning. Commonly known as 612 South Nichols Avenue, Muncie, IN 47303. Parcel Number 18-11-17-256-001.000-003

EXHIBIT B



EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The undersigned company agrees to comply with Executive Orders 11246 and 11478, and the rules, regulations and relevant orders of the Secretary of Labor. No segregated facilities will be maintained on said company's premises as required by Title VI of Civil Rights Act of 1964. Furthermore, the undersigned company attests to and agrees to the following policies regarding equal employment opportunity and affirmative action.

There will be no discrimination against any employee or applicant for employment because of race, religion, color, age, sex, handicap, or national origin.

Affirmative action will be taken to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, age sex, handicap, or national origin.

All qualified applicants will receive consideration for employment without regard to race, religion, color, age, sex, handicap, or national origin.

There will be no discrimination against any employee or applicant for employment because he or she is a disabled veteran or a veteran of the Vietnam Era in regard to any position for which the employee or applicant for employment is qualified.

Affirmative action will be taken to treat disabled veterans of the Vietnam Era without discrimination based upon their disability or veteran status.

The company further agrees to post in conspicuous places, available to both employees and applicants for employment, notices to be provided setting forth the provisions of these non-discriminating clauses and policies.

The previous policies will be adhered to in such employment practices as hiring, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Scott R. Mills / MANAGING MEMBER
Name/Title

THE CEDARS OF MUNCIE, LLC.
Company Name

9/12/2022
Date



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

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:

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.
2. 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.
3. 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 March 1 and May 10 of a subsequent year.
4. 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)
5. 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 The Cedars of Muncie, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 2100 W White River Blvd Ste D					
Name of contact person Scott Mick		Telephone number (765) 625-1568		E-mail address scottmick@gmail.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body				Resolution number	
Location of property 700 S Nichols Ave Muncie, In		County Delaware		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) See attached Exhibit				Estimated start date (month, day, year) June 25, 2022	
				Estimated completion date (month, day, year) June 25, 2024	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number na	Salaries na	Number retained na	Salaries na	Number additional na	Salaries na
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			625,000	860,300	
Plus estimated values of proposed project			1,100,000		
Less values of any property being replaced			0	0	
Net estimated values upon completion of project			2,500,000	TBD	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits na					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative				Date signed (month, day, year) Sept 12, 2022	
Printed name of authorized representative Scott R Mick			Title Managing Member		

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 _____.
- 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 (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	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. 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. 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.



APPLICATION FOR TAX ABATEMENT
REAL PROPERTY

This completed application, including a map identifying the general location, should be signed by the owner (or representative) of the new real property improvements and submitted to:

Muncie City Council
c/o Muncie Redevelopment Commission
300 N. High Street
Muncie, IN 47305
Phone: (765) 747-4853

Please type or print.

Date: 9/12/2022 Name of Company: Cedars of Muncie LLC

1. Address of Property: 700 S Nichols Ave Muncie, In 47303
2. Current Zoning: Variety Business
3. Legal Description: SUB WESTSIDE ADD PT LOTS 25-27-33-44-45-46 & 47
4. Property Owner (s):
Name: Scott Mick
Address: 2100 W White River Blvd
Muncie, In 47303 ste D
5. Owner's Representative:
Name: _____
Address: _____

6. Is Property / Facility Served by Utilities? Yes X No _____

7. Are Present Utilities Adequate for New Physical Improvements? Yes X No _____

8. If Not, Please Explain: _____

9. Briefly Describe: The New Physical Improvements. How the Property will be used. The projected costs.
See attached Exhibit

10. Taxes: Amount of last real property assessment: \$ \$860,300
Amount of last real property taxes: \$ 21 pay 22 \$ 9,006
(Please attach a copy of your latest paid tax receipts to this form)

11. Total number of employees currently working for the company: Full Time _____ Part Time _____
If applicable, how long before part-time employees become full-time employees? _____

_____ items 11 through 16 pertain to a single company proforma. My use of the property will be a retail lease environment with multiple Tenants and spaces _____

12. Number of Minorities: _____ Number of Females: _____ Number of Handicapped: _____

13. What percentage of employees are City of Muncie residents? _____%

14. Number of new employees to be added as a result of the abatement: _____ construction

15. Number of jobs retained as result of the project: _____ Actual (+-) jobs _____

16. Please answer the following additional questions regarding the total compensation package:

Fringe Benefits:

Health Insurance (Y or N) _____; %paid by employer: _____% %paid by employee: _____%

Pension (Y or N) _____; %paid by employer: _____% %paid by employee: _____%

Wage Package:

Starting Wage: \$ _____; High Wage: \$ _____; Average Wage: \$ _____

17. Does applicant intend to seek any further additional relief from property taxes on this property? (N)

Applicant agrees that in consideration of the mutual performance of the process associated with the grant of the tax abatement by the Applicant and the city of Muncie, Indiana, and the grant of the abatement sought, the applicant agrees and warrants that the Applicant is aware of, and will comply with any and all procedures and criteria as set forth under State Law or by ordinance of the city of Muncie. It is expressly understood and agreed that such procedures and criteria include, but are not limited to, compliance requirements, wage requirements, and addition and retention of employees.

I swear or affirm under penalties for perjury that the above information and representations on this application and Form SB-1 are true and complete.

Name _____	Title _____	Date _____
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Notary Public

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public

Resident of _____ County, Indiana.

My Commission Expires: _____

Notice: Your signature above indicates that you are aware that you must annually file both Form CF-1 (Compliance with Statement of Benefits), and Form 322 ERA (Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas) by the dates indicated on the respective forms in order to actually receive your deduction.