

RESOLUTION NO. 2009-44

RESOLUTION OF THE MARTIN COUNTY REDEVELOPMENT
COMMISSION REGARDING APPROVAL OF TAX ABATEMENT IN
THE WESTGATE 2006 ALLOCATION AREA FOR THE SO-CALLED
WESTGATE V BUILDING FOR 30,000 SQUARE FEET OF BUILDING
SEPTEMBER 2009

WHEREAS, the Martin County Redevelopment Commission (the "Commission"), the governing body of the Department of Redevelopment and the Redevelopment District of Martin County, Indiana (the "County"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission, pursuant to the Act and prior resolutions adopted by the Commission, approved and designated an economic development area known as the Westgate 2006 Economic Development Area (the "Area"), and also approved and designated an allocation area pursuant to Section 39 of the Act within the Area known as the Westgate 2006 Allocation Area (the "Allocation Area"); and

WHEREAS, WestGate @ Crane Development Co., LLC, an Indiana limited liability corporation (the "Applicant"), has heretofore submitted to The Martin County Council (the "Council") for its approval, an Application and related Statement of Benefits (together, the "Application") for the deduction of certain real property taxes of the Applicant pursuant to Indiana Code 6-1.1-12.1; and

WHEREAS, the Council has previously adopted Resolution 2007-07 designating an area that is coterminous with, or at least overlaps in part, the Allocation Area as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1; and

WHEREAS, because the Application relates to property located in the Allocation Area, Indiana Code 6-1.1-12.1-2(l) requires that the Commission, as the body that designated the Allocation Area, must adopt a resolution approving such Application; and

WHEREAS, the Commission now desires to approve the Application in accordance with Indiana Code 6-1.1-12.1-2(l);

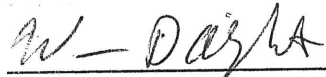
NOW, THEREFORE, BE IT RESOLVED by the Martin County Redevelopment Commission as follows:

1. The Commission hereby approves the Application, in the form heretofore submitted to the County and attached hereto as Exhibit A and within the property as described in the attached Legal Description.

2. This Resolution shall be in full force and effect from and after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Martin County Redevelopment Commission held on the 15th day of September, 2009.

MARTIN COUNTY
REDEVELOPMENT COMMISSION



Warren Albright, President

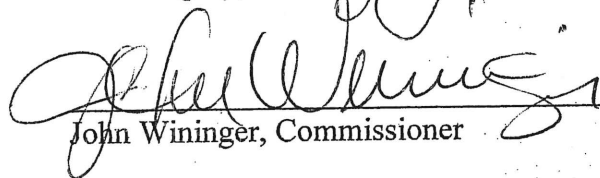
Randy Wininger, Member



Paul R. George, Secretary



Dan Gregory, Commissioner



John Wininger, Commissioner

ATTEST:

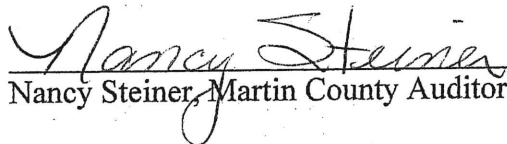

Nancy Steiner, Martin County Auditor

EXHIBIT "A"
Legal Description
WestGate V Building

Part of the Northwest Quarter of Section Six (06), Township Five (05) North, Range Four (04) West, situated in Perry Township, Martin County, Indiana, more particularly described as follows:

Commencing at a cast iron monument stamped "Quarter Corner" in a monument box marking the West Quarter corner of said section; thence along the South line of the Northwest Quarter of said section, South 89 degrees 31 minutes 01 second East, 797.71 feet to a 5/8" rebar with cap inscribed "Sanders L.S. 20300052" on the existing East right-of-way line of Westgate Court, marking the POINT OF BEGINNING; thence along said East line, North 00 degrees 12 minutes 31 seconds West, 212.56 feet to a 5/8" rebar with cap inscribed "Sanders L.S. 20300052"; thence along the proposed right-of-way line of Westgate Court, the following two (02) calls: along a non-tangent curve to the left, having a radius of 70.00 feet, an arc length of 138.21 feet, a chord bearing of North 12 degrees 18 minutes 16 seconds East, and a chord distance of 116.83 feet to a 5/8" rebar with cap inscribed "Sanders L.S. 20300052"; along a non-tangent curve to the right, having a radius of 90.00 feet, an arc length of 37.93 feet, a chord bearing of North 32 degrees 10 minutes 59 seconds West, and a chord distance of 37.65 feet to a 5/8" rebar with cap inscribed "Sanders L.S. 20300052"; thence leaving said right-of-way line, North 89 degrees 47 minutes 29 seconds East, 314.19 feet to a 5/8" rebar with cap inscribed "Sanders L.S. 20300052" on the East line of Deed Record 139, page 443; thence along said East line, South 00 degrees 00 minutes 39 seconds East, 362.40 feet to a 5/8" rebar with cap inscribed "Sanders L.S. 20300052" on the South line of the Northwest Quarter of said section; thence along said South line, North 89 degrees 31 minutes 01 second West, 318.34 feet to the point of beginning, containing 2.54 acres, more or less.

Subject to all that part of the following described public utility and drainage easement, that affects the above described tract, being more particularly described as follows:

Commencing at a cast iron monument stamped "Quarter Corner" in a monument box marking the West Quarter corner of said section; thence along the South line of the Northwest Quarter of said section, South 89 degrees 31 minutes 01 second East, 727.71 feet to the POINT OF BEGINNING; thence North 00 degrees 12 minutes 31 seconds West, 72.01 feet; thence North 89 degrees 47 minutes 15 seconds West, 650.71 feet to the East line of a public utility and drainage easement in favor of the Martin County Board of Commissioners as contained in Instrument #2007002028; thence along said East line, North 00 degrees 07 minutes 15 seconds West, 20.00 feet; thence leaving said East line, South 89 degrees 47 minutes 15 seconds East, 650.68 feet; thence North 00 degrees 12 minutes 31 seconds West, 798.48 feet; thence along a curve to the left, having a radius of 105.00 feet, an arc length of 164.34 feet, a chord bearing of North 45 degrees 02 minutes 44 seconds West and a chord distance of 148.07 feet; thence North 89 degrees 52 minutes 56 seconds West, 110.48 feet to the East line of a tract of land owned by Martin County Two, LLC as contained in Instrument #2008001250; thence along said East line, also being an extension of the East line of a tract of land owned by Westgate @ Crane

Development Co., LLC, as contained in Instrument #2007002028, North 00 degrees 07 minutes 04 seconds East, 90.14 feet; thence leaving the East line of said Instrument #2007002028, South 89 degrees 52 minutes 56 seconds East, 110.48 feet; thence along a curve to the right, having a radius of 195.00 feet, an arc length of 305.19 feet, a chord bearing of South 45 degrees 02 minutes 44 seconds East and a chord distance of 274.98 feet; thence South 00 degrees 12 minutes 31 seconds East, 891.72 feet to the South line of the Northwest Quarter of said section; thence along said South line, North 89 degrees 31 minutes 01 second West, 90.01 feet to the point of beginning.

Subject to all other easements, covenants, restrictions and right-of-ways of record.