

RESOLUTION NO. 2009- 45

**A RESOLUTION OF THE MARTIN COUNTY COUNCIL
DETERMINING THAT THE QUALIFICATIONS FOR A TAX
ABATEMENT HAVE BEEN MET FOR THE SO-CALLED WESTGATE V
BUILDING FOR 30,000 SQUARE FEET OF BUILDING
OCTOBER 2009**

WHEREAS, by its Resolution No. 2007-06 (the "Declaratory Resolution"), The Martin County Council (the "Council") heretofore declared the area described in Exhibit "A" attached hereto and made a part hereof to be an economic revitalization area (the "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 tax abatement and deduction from assessed valuation of real property pursuant to Indiana Code 6-1.1-12.1-3 and 4.5, for a period of ten (10) years; and,

WHEREAS, notice of the adoption and substance of the Declaratory Resolution has been published in accordance with Indiana Code 5-3-1 and distributed in accordance with Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, on the 5th October, 2009, the Council received and heard all remonstrance and objections to the requested tax abatement consideration from interested persons and considered the evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN COUNTY COUNCIL AS FOLLOWS:

1. The Council hereby confirms its prior determination that the Area meets the qualifications for designation as an economic revitalization area.

2. The Council specifically finds that:

(a) The estimate of the value of the redevelopment by the Company is reasonable for projects of that nature;

(b) 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 by the Company;

(c) 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 by the Company;

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment by the Company; and

(e) The totality of benefits is sufficient to justify the deduction.

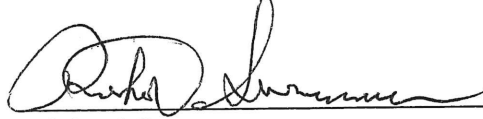
Therefore, the tax abatement and deduction from assessed valuation of real property located within the property as described in Exhibit "B" attached hereto and pursuant to Indiana Code 6-1.1-12.1-3 and 4.5, for a period of ten (10) years is hereby granted to the Company.

2. This Resolution shall be in full force and effect from and after its passage and approval, as required by law.

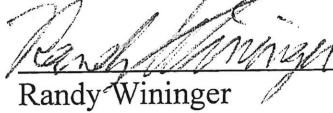
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Duly adopted this 5th day of October, 2009.

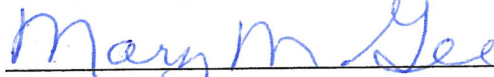
THE MARTIN COUNTY COUNCIL



Richard Summers



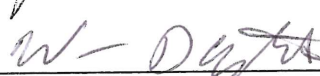
Randy Wininger



Mary Lynn Gee



John D. Stoll



Warren Albright

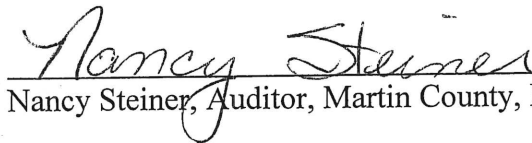


Floyd Lonnie Hawkins



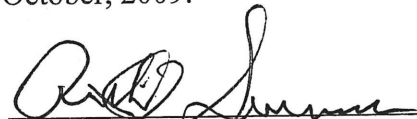
Larry Shaw

The foregoing was adopted by The Martin County Council this 5th day of October, 2009,
and presented by me to the Presiding Officer of The Martin County Council this 5th day of
October, 2009, at Shoals, Indiana.



Nancy Steiner, Auditor, Martin County, Indiana

Approved and signed this 5th day of October, 2009.



Richard Summers, Presiding Officer,
The Martin County Council

EXHIBIT "A"

34.22 Acre Real Estate Legal Description

The South half of the West half of the Northwest Quarter of Section 6, Township 5 North, Range 4 West, and being more particularly described as follows:

Beginning at the Southwest corner of the above said Quarter, Quarter, said point being marked by a cast iron monument stamped Quarter corner; thence N-00°-13'-40"-W a distance of 1327.625 feet along the West line of the above said Quarter, Quarter to a railroad spike; thence N-89°-56'-42"-E a distance of 1121.04 feet along the North line of the above said Quarter, Quarter (passing through a 5/8" rebar with cap stamped Sanders LS # 20300052 at 40.00 feet) to a 5/8" rebar with cap stamped Sanders LS # 20300052; thence S-00°-00'-39"-E a distance of 1338.10 feet along the East line of the above said Quarter, Quarter to a 5/8" rebar with cap stamped Sanders LS # 20300052; thence N-89°-31'-01"-W a distance of 1116.05 feet (passing through a 2" pipe at 1076.17 feet) to the Point of Beginning. The above described tract contains in all 34.22 acres more or less and is subject to all legal rights of way and easements of record.

The above described tract is an updated metes and bounds survey description of the same tract of land as described in Deed Record Book-139, Page-443 as found in the Martin County Records Office.

EXHIBIT "B"

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.