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Joetta Mitchell  
Kosciusko County Recorder IN  
Recorded as Presented



**RESOLUTION NO. 19-10-10- 002**

**CONFIRMATORY RESOLUTION OF THE  
COUNTY COUNCIL OF KOSCIUSKO COUNTY, INDIANA  
APPROVING TAX ABATEMENT AND RESOLUTION  
ADOPTING WAIVER PURSUANT TO IND. CODE § 6-1.1-12.1-11.3**

WHEREAS, Ind. Code § 6-1.1-12.1 allows an abatement of property taxes attributable to the installation of new real estate improvements, new manufacturing equipment, new logistical distribution equipment, and new information technology equipment in economic revitalization areas;

WHEREAS, Ind. Code § 6-1.1-12.1-2 empowers the County Council of Kosciusko County, Indiana ("County Council") to designate economic revitalization areas which in regard to the Real Estate described herein was completed by Resolution 06-05-01 Dreyfus;

WHEREAS, the County Council has reviewed and informed itself about the status of the real estate and improvements located at 7344 SR 15 South, Claypool, IN, and specifically described in Exhibit A attached hereto and made a part hereof (the "Real Estate");

WHEREAS, the Real Estate is located within the jurisdiction of the County Council for purposes set forth in Ind. Code § 6-1.1-12.1-2;

WHEREAS, the County Council has determined that the Real Estate has become undesirable for, or impossible of, normal development and occupancy, and otherwise meets the definition of an economic revitalization area as that term is defined at Ind. Code § 6-1.1-12.1-1;

WHEREAS, the development and improvement of the Real Estate would benefit and would promote the welfare of all citizens and taxpayers of Kosciusko County;

WHEREAS, Ind. Code § 6-1.1-12.1-3 and Ind. Code § 6-1.1-12.1-4.5 require that a taxpayer file statements of benefits with the County Council in order to obtain property tax abatement on the installation of new real estate improvements, new manufacturing equipment, new logistical distribution equipment, new information technology equipment and real estate improvements in an economic revitalization area;

WHEREAS, Louis Dreyfus Agricultural Industries, LLC (the "Company") has filed with the County Council on August 8, 2019, as amended October 10, 2019, statements of benefits describing a certain new project (a copy of said statements of benefits is attached hereto), such project being within the Real Estate (sometimes hereinafter referred to as the "Statements of Benefits");

WHEREAS, the County Council has reviewed and considered the Company's Statements of Benefits;

WHEREAS, the Company has initiated or may initiate the project set forth in the Statements of Benefits before the filing of the Statements of Benefits;

WHEREAS, the Company is requesting, pursuant to the provisions of Ind. Code § 6-1.1-12.1-11.3, that the County Council waive the requirement that statements of benefits be filed before the initiation of the installation of new manufacturing equipment, new logistical distribution equipment, new information technology equipment or real estate improvements (the "Waiver").

WHEREAS, on September 12, 2019, the County Council did adopt a Declaratory Resolution for the approval of the statements of benefits pursuant to Resolution No. 19-09-12-004 of the County Council;

WHEREAS, notice of adoption and substance of said Declaratory Resolution and the scheduling of a public hearing on October 10, 2019, regarding said resolution and the Company's request for waiver was published pursuant to Ind. Code § 6-1.1-12.1-2.5;

WHEREAS, all requirements of Ind. Code § 6-1.1-12.1-2.5 have been fulfilled; and

WHEREAS, the County Council, after conducting a public hearing on this matter on October 10, 2019, has given careful consideration to all comments and views expressed regarding the Statements of Benefits and the request for Waiver.

NOW, THEREFORE, BE IT RESOLVED, the County Council hereby confirms its Declaratory Resolution No. 19-09-12-004 for approval of the statements of benefits, and specifically confirms and finds as follows:

1. The Real Estate set forth in Exhibit A has been declared and designated to be an "economic revitalization area" as that term is defined in Ind. Code § 6-1.1-12.1-1.
2. Deductions from the assessed value of new real estate improvements installed in the economic revitalization area between January 1, 2018 and December 31, 2020, shall be allowed over a ten (10) year deduction period.
2. Deductions from the assessed value of new manufacturing equipment, new information technology equipment and new logistical distribution equipment installed in the economic revitalization area between January 1, 2018 and December 31, 2020, shall be allowed over a five (5) year deduction period.

3. The attached statements of benefits submitted by the Company on August 8, 2019, as amended October 10, 2019, and further amended to reflect County Council action, should be and are hereby approved.

4. For the Statement of Benefits submitted by the Company for the installation of new manufacturing equipment, new information technology equipment and new logistical distribution equipment the County Council makes the following findings of fact pursuant to Ind. Code § 6-1.1-12.1-4.5(c):

a. The estimate of the cost of the new manufacturing equipment, new IT equipment and new logistical distribution equipment is reasonable for equipment of that type,

b. 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 installation of new manufacturing equipment, new information technology equipment and new logistical distribution equipment,

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 installation of new manufacturing equipment, new information technology equipment and new logistical distribution,

d. Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new information technology equipment and new logistical distribution equipment, and

The totality of benefits is sufficient to justify the deduction.

8. For the Statement of Benefits submitted by the Company on August 8, 2019, as amended October 10, 2019, for the construction of new real estate improvements, the County Council makes the following findings of act pursuant to Ind. Code § 6-1.1-12.1-4.5(c):

a. The estimate of the cost of the real estate improvements is reasonable for improvements of that type;

b. 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 construction of the new real estate improvements;

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 construction of the new real estate improvements;

d. Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed construction of new real estate improvements.

The totality of benefits is sufficient to justify the deduction.

5. The County Council hereby finds and declares that:

a. Deductions from the assessed value of new manufacturing equipment described in the Statements of Benefits and installed between January 1, 2018 and December 31, 2020, approved by this Resolution shall be allowed over a five (5) year deduction period;

b. Deductions from the assessed value of new information technology equipment described in the Statements of Benefits and installed between January 1, 2018 and

December 31, 2020, approved by this Resolution shall be allowed over a five (5) year deduction period;

c. Deductions from the assessed value of new logistical distribution equipment described in the Statements of Benefits and installed between January 1, 2018 and December 31, 2020, approved by this Resolution shall be allowed over a five (5) year deduction period;

d. Deductions from the assessed value of new real estate improvements described in the Statement of Benefits and constructed between January 1, 2018 and December 31, 2020, approved by this Resolution shall be allowed over a ten (10) year deduction period;

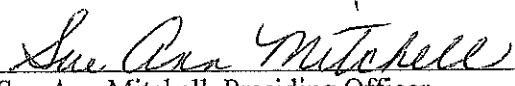
e. Deductions shall be allowed in the percentages described in the attached Abatement Schedules.

BE IT ALSO RESOLVED by the County Council, that the Company's request for the adoption of the Waiver pursuant to Ind. Code § 6-1.1-12.1-11.3 regarding the requirement that statements of benefits must be filed before the initiation the installation of new real estate improvements, new manufacturing equipment, new information technology equipment and new logistical distribution equipment for which a person desires to claim a deduction under Ind. Code § 6-1.1-12.1 should be and is hereby granted and adopted, and any and all noncompliance with such requirement by the Company is hereby waived. This Resolution shall not reduce any taxes previously paid on any type of improvements described herein or in the attached documents and shall operate prospectively only.

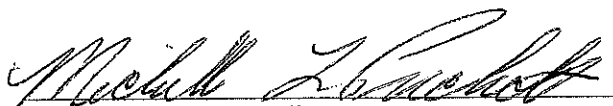
BE IT FINALLY RESOLVED by the County Council, that if any part, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or

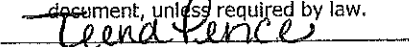
unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

Adopted this 10<sup>th</sup> day of October, 2019, by the County Council of Kosciusko County, Indiana.

  
Sue Ann Mitchell, Presiding Officer  
County Council of Kosciusko County, Indiana

ATTEST:

  
Michelle Puckett, Auditor,  
Kosciusko County, Indiana

I affirm, under the penalties for perjury,  
that I have taken reasonable care to redact  
each Social Security number in this  
document, unless required by law.  


### DESCRIPTION

A tract of land in the Southwest, Northwest, Northeast and Southeast Quarters of Section 20, Township 31 North, Range 6 East, Clay Township, Kosciusko County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 20 marked by a PK nail in the surface of State Road #15; thence North  $00^{\circ}51'10''$  West along the West line of said Southwest Quarter and within the right-of-way of said State Road #15, 437.43 feet to a Mag nail and the Point of Beginning; thence North  $00^{\circ}51'10''$  West along said West line and within said right-of-way, 2184.88 feet to a Mag nail and the Northwest corner of said Southwest Quarter of said Section 20, also being the Southwest corner of the Northwest Quarter of said Section 20; thence North  $00^{\circ}51'30''$  West, along the West line of said Northwest Quarter and within said right-of-way, 2603.49 feet to a Mag nail at the intersection of said West line with the South right-of-way of the Norfolk & Western Railroad (formerly the New York and St. Louis Railroad); thence South  $62^{\circ}22'13''$  East, along said South right-of-way, 837.56 feet (recorded South  $62^{\circ}05'34''$  East, 689.33) to an iron pin; thence Southeasterly, along said South right-of-way, 926.43 feet (recorded 1226.34 feet) along a curve to the left to an iron pin, said curve having Radius of 1908.50 (recorded 2536.32 feet), with a Chord length of 917.36 feet (recorded 1214.50 feet), and Chord Bearing of South  $76^{\circ}16'36''$  East (recorded South  $75^{\circ}56'43''$  East); thence North  $89^{\circ}49'00''$  East, along said South right-of-way, 978.67 feet (recorded South  $89^{\circ}47'52''$  East, 818.21 feet) to an iron pin on the East line of said Northwest Quarter; thence South  $01^{\circ}10'26''$  East, along said East line, 346.00 feet to an iron pin; thence North  $89^{\circ}49'00''$  East, 422.55 feet to an iron pin; thence North  $01^{\circ}14'42''$  West, 65.45 feet to an iron pin on the South line of a 16.5 foot wide alley; thence North  $89^{\circ}59'13''$  East, along said South line, 164.80 feet (recorded 165 feet) to an iron pin on the West right-of-way of the Conrail railroad (formerly the C.C.C. & St. Louis Railroad); thence South  $01^{\circ}14'42''$  East, along said right-of-way, 9.92 feet to an iron pin; thence South  $89^{\circ}59'13''$  West, 90.00 feet to an iron pin; thence South  $01^{\circ}07'17''$  East, 150.08 feet (recorded 150 feet) to an iron pin; thence South  $89^{\circ}58'50''$  East, 90.34 feet (recorded 90 feet) to an iron pin on the West right-of-way of said Conrail railroad; thence South  $01^{\circ}14'42''$  East, along said right-of-way, 103.95 feet to an iron pin; thence North  $89^{\circ}59'13''$  East, 27.48 feet to an iron pin on the West right-of-way of said Conrail railroad; thence South  $01^{\circ}14'42''$  East, along said right-of-way, 1394.03 feet to a concrete post on the South line of the Northeast Quarter of said Section 20; thence South  $89^{\circ}31'07''$  West, along said South line, 616.75 feet to a Railroad Iron Post marking the center of said Section 20; thence South  $88^{\circ}43'10''$  West, along the South line of said Northwest Quarter, 619.48 feet to an iron pin; thence South  $01^{\circ}09'55''$  East, 1495.10 feet to an iron pin; thence North  $88^{\circ}28'28''$  East, 582.16 feet to an iron pin; thence North  $48^{\circ}36'06''$  East, 780.00 feet to an iron pin; thence South  $01^{\circ}13'03''$  East, 51.48 feet to an iron pin; thence Southeasterly, along a curve to the left, 866.90 feet to an iron pin, said curve having a radius of 12640.00 feet, a chord length of 866.73 feet, and chord bearing of South  $03^{\circ}10'56''$  East; thence South  $05^{\circ}08'49''$  East, 722.37 feet to a Mag nail on the South line of the Southeast Quarter of said Section 20 and on the centerline of County Road 800 South; thence South  $89^{\circ}38'41''$  West along said South line and said centerline, 638.71 feet to a Mag nail at the Southwest corner of said Southeast Quarter, also being the Southeast corner of said Southwest Quarter; thence South  $88^{\circ}37'49''$  West along the South line of said Southwest Quarter of said Section 20 and said centerline, 197.28 feet to a Mag nail; thence North  $01^{\circ}04'16''$  West, 440.08 feet to an iron pin; thence South  $88^{\circ}34'04''$  West, 2428.92 feet to the Point of Beginning, containing 279.56 Acres more or less.

Subject to the right-of-way of State Road #15, the right-of-way of County Road 800 South and all covenants, easements, or restrictions of record and all applicable building and zoning laws and ordinances and possible rights of tile and drainage ditches.

