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Joetta Mitchell
Kosciusko County Recorder IN
Recorded as Presented


RESOLUTION NO. 16-06-09-001

AMENDED RESOLUTION NO. 13-08-08-001

**AMENDED 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, the Kosciusko County Council adopted Resolution 13-08-08-001 on August 8, 2013, which Resolution was recorded August 9, 2013 as Instrument Number 2013080441 in the Office of the Recorder of Kosciusko County, Indiana;

WHEREAS, Resolution 13-08-08-001 contained an error in the ending date for the installation of improvements, citing the ending date to be December 31, 2014 when the appropriate date was December 31, 2015;

WHEREAS, significant improvements have been installed by the Company in 2015 which qualify for the exemptions granted and the County Council desires to make such exemptions available by amendment of Resolution 13-08-08-001;

THEREFORE, Resolution 13-08-08-001 is hereby amended to read as follows, effective as of the original date of adoption:

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 May 25, 2013, 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 Real Estate has been designated an economic revitalization area by the County Council;

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 June 13, 2013, the County Council did adopt a Declaratory Resolution for the approval of the statements of benefits pursuant to Resolution No. 13-06-13-001 of the County Council;

WHEREAS, notice of adoption and substance of said Declaratory Resolution and the scheduling of a public hearing on August 8, 2013, 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 August 8, 2013, 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. 13-06-13-001 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, new manufacturing equipment, new information technology equipment and new logistical distribution equipment installed in the economic revitalization area between January 1, 2009 and December 31, 2015, shall be allowed over a ten (10) year deduction period.
3. The attached statements of benefits submitted by the Company on May 25, 2013, 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 May 25, 2013, 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, 2009 and December 31, 2015, approved by this Resolution shall be allowed over a ten (10) 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, 2009 and December 31, 2015, approved by this Resolution shall be allowed over a ten (10) 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, 2009 and December 31, 2015, approved by this Resolution shall be allowed over a ten (10) 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, 2009 and December 31, 2015, approved by this Resolution shall be allowed over a ten (10) year deduction period; and

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 9th day of June, 2016, by the County Council of Kosciusko County, Indiana.

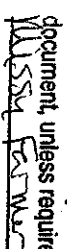


Robert G. Sanders, Presiding Officer
County Council of Kosciusko County, Indiana

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.


Michelle Puckett