

**DECLARATORY RESOLUTION OF THE
COUNTY COUNCIL OF KOSCIUSKO COUNTY, INDIANA
DESIGNATING AN ECONOMIC REVITALIZATION AREA AND REQUEST
FOR ADOPTION OF 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 redevelopment or rehabilitation of real property and the installation of 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;

WHEREAS, the County Council has reviewed and informed itself about the status of the real estate located at 510 East Main Street, Atwood, 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, the declaration and designation of the Real Estate as an economic revitalization area and the allowance of deductions from the assessed value of new manufacturing

equipment, new logistical distribution equipment, and new information technology equipment, and the redevelopment or rehabilitation of real property installed, constructed, or improved thereon, will encourage the development and improvement of the Real Estate;

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 redevelopment or rehabilitation of real property or the installation of new manufacturing equipment, new logistical distribution equipment, and new information technology equipment in an economic revitalization area;

WHEREAS, NATURE'S FUEL ATWOOD LLC (the "Company") has filed with the County Council on December 6, 2006, a statement 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 an economic revitalization area be designated before the initiation of the installation of new manufacturing equipment, new logistical distribution equipment, or new information technology equipment (the "Waiver").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL THAT:

1. The Real Estate should be and is hereby found, 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 manufacturing equipment installed in the economic revitalization area established by this Resolution shall be allowed over a ~~ten (10)~~ ^{five (5)} year deduction period.

3. The Statements of Benefits submitted by the Company on December 6, 2006, and attached hereto should be and is hereby approved.

4. For the statement of benefits submitted by the Company on December 6, 2006, for the installation of new manufacturing 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 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 the new manufacturing 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;

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; and

e. 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 approved by this resolution shall be
Five (5)
allowed over a ~~ten (10)~~ year deduction period;

6. 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 an economic revitalization area be designated before the initiation the installation of new manufacturing equipment for which a person desires to claim a deduction under Ind. Code § 6-1.1-12.1 should be considered by the County Council at a public hearing.

BE IT ALSO RESOLVED by the County Council, that there shall be published notice of the adoption and substance of this Resolution in accordance with Ind. Code § 5-3-1, which notice shall name a date for the public hearing on the designation of the Real Estate as an economic revitalization area, the approval of the Statements of Benefits, and the request for adoption of the Waiver, and that at the conclusion of said public hearing the County Council may take final action on said matters.

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.

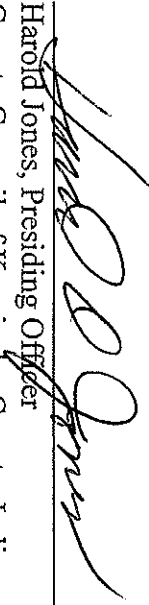
EXHIBIT "A"

Lots Numbered 5 and 6 in Green's Addition to Atwood; Lot Numbered 7 in Green's Addition to Atwood except the West 37.5 feet of the North 60 feet; Lots 9, 10, 11, and 12 in Green's Addition to Atwood North of the railway; Lot 8 in Green's Addition to Atwood except the North 60 feet.

Also, a tract of land in the Northwest Quarter of Section 5, Township 32 North, Range 5 East, commencing at a point 81 rods and 22 links West of the Northeast corner of the Northwest Quarter of said Section; thence East 163 feet to a point for a principal place of beginning; thence East 371.1 feet to a point; thence South to a point on the North line of the right of way of the Pittsburgh, Fort Wayne and Chicago Railway, also known as the Pennsylvania Railway; thence North 70 degrees West and along the North line of said railway right of way 568.4 feet to a point on said right of way; thence North 281 feet to a point; thence East 163 feet to a point; thence North 160 feet, more or less to the South right of way line of the East-West public highway known as U.S. Highway 30, and continuing North an unknown distance to the principal place of beginning.

Adopted this 14th day of December, 2006, by the County Council of Kosciusko

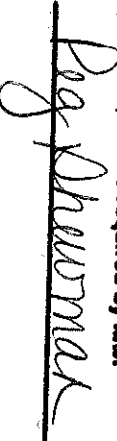
County, Indiana.


Harold Jones, Presiding Officer
County Council of Kosciusko County, Indiana

ATTEST:


Sue Ann Mitchell, 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.**


Peg Shumaker