

RESOLUTION NO. 2020-0831B

**RESOLUTION WAIVING NONCOMPLIANCE WITH ECONOMIC
REVITALIZATION AREA DESIGNATION AND TAX ABATEMENT PROCESS**

WHEREAS, Indiana Code 6-1.1-12.1, et seq., as amended (the “Act”) sets forth the procedures to be followed in order to designate an Economic Revitalization Area and allow a partial abatement of property taxes attributable to “Redevelopment” or “Rehabilitation” activities in “Economic Revitalization Areas” or the installation in such areas of “new manufacturing equipment,” “new research and development equipment,” “new logistic distribution equipment” or “new information technology equipment” as those terms are defined in the Act; and

WHEREAS, Indiana Code 6-1.1-12.1-11.3(a)(2) and (c) provide that a designating body may by resolution waive noncompliance for redevelopment before an area is designated as an Economic Revitalization Area; and

WHEREAS, the Warren County Council passed Declaratory Resolution 2020-0629A preliminarily declaring the real estate located at 954 E. St. Rd. 28, Williamsport, Warren County, Indiana, outside the corporate limits of the Town of Williamsport, more particularly described on the attached Exhibit A (hereinafter referred to as the “Real Estate”), owned by Birkey’s Farm Store, Inc. 954 E. St. Rd. 28, Williamsport, Warren County, Indiana, as an Economic Revitalization Area; and

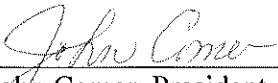
WHEREAS, prior to June 29, 2020, when the Declaratory Resolution was passed, and August 31, 2020, when the Declaratory Resolution is being considered for confirmation by the Warren County Council, Birkey’s Farm Store, Inc. failed to submit Form SB-1/RE to the Warren County Council before constructing an addition on the real estate and failed to designate the Real Estate described on the attached Exhibit A as an ERA zone before beginning construction on the Real Estate which was subsequently designated as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Warren County Council as follows:

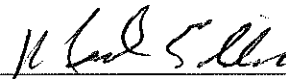
That the Warren County Council, following public hearing on the matter of noncompliance by Birkey’s Farm Store, Inc. for failing to submit Form SB-1/RE to the Warren County Council before beginning construction and for failing to designate the real estate described on the attached Exhibit A as an ERA zone before beginning construction, hereby WAIVES such non-compliance and affirms the Economic Revitalization Area and partial tax abatement declared in Resolution 2020-0629A and confirmed in Resolution 2020-0831A.

SO RESOLVED this 31st day of August, 2020.

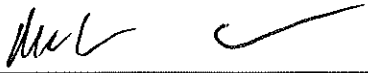
COUNTY COUNCIL OF
WARREN COUNTY, INDIANA



John Comer, President

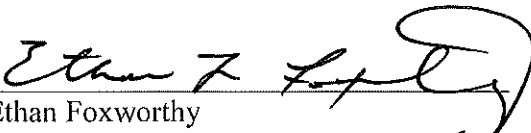


Neil Ellis

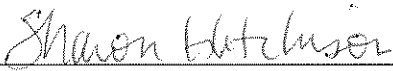


Matthew Commons

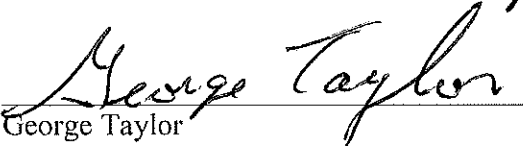
Laurie Kay



Ethan Foxworthy

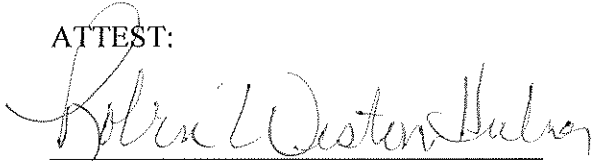


Sharon Hutchison



George Taylor

ATTEST:



Robin Weston-Hubner, Warren County Auditor

EXHIBIT A

TRACT 1

A part of the East Half of the Northeast Quarter of Section Ten (10), Township Twenty-one (21) North, Range Eight (8) West, and part of the West Half of the Northeast Quarter of Section Ten (10), Township Twenty-one (21) North, Range Eight (8) West, further described as follows: Beginning at a point 1,217.2 feet North 89 Degrees 54 Minutes West from the Southeast corner of the East Half of the Northeast Quarter of Section Ten (10), Township Twenty-one (21) North, Range Eight (8) West thence North 89 Degrees 54 Minutes West for a distance of 331.8 feet to the center of the French Ditch; thence along said center of French Ditch North 27 Degrees 31 Minutes East for a distance of 471.1 feet; thence North 25 Degrees 19 Minutes East for a distance of 262.0 feet; thence North 38 Degrees 02 Minutes East for a distance of 109.4 feet; thence North 23 Degrees 57 Minutes East for a distance of 264.3 feet; thence North 6 Degrees 59 Minutes East for a distance of 134.0 feet; thence leaving said French Ditch North 17 Degrees 00 Minutes East for a distance of 68.7 feet; thence South 57 Degrees 33 Minutes East for a distance of 721.6 feet; thence South 40 Degrees 02 Minutes East for a distance of 79.6 feet to the Northerly right-of-way line of the Norfolk and Western Railroad Company (formerly Lake Erie, Wabash and St. Louis); thence South 49 Degrees 58 Minutes West along said right-of-way for a distance of 1,134.0 feet to the point of beginning, and containing 13.915 acres, more or less. Located in Washington Township, Warren County, Indiana.

TRACT 2:

A part of the East Half of the Northeast Quarter of Section Ten (10), Township Twenty-one (21) North, Range Eight (8) West, and a part of the West Half of the Northwest Quarter of Section Eleven (11), Township Twenty-one (21) North, Range Eight (8) West, further described as follows: Beginning at a point where the section line between Section Ten (10) and Section Eleven (11), Township Twenty-one (21) North, Range Eight (8) West, crossed the centerline of State Road No. 28, said point being 1,088.1 feet North 0 Degrees 47 Minutes East from the Southeast corner of the East Half of the Northeast Quarter of said Section Ten (10), Township Twenty-one (21) North, Range Eight (8) West; thence South 49 Degrees 58 Minutes West for a distance of 503.4 feet; thence North 40 degrees 02 Minutes West for a distance of 40.0 feet; thence North 57 Degrees 33 Minutes West for a distance of 632.3 feet; thence North 35 Degrees 25 Minutes East for a distance of 364.4 feet; thence South 80 Degrees 35 Minutes East for a distance of 374.6 feet; thence North 75 Degrees 44 Minutes East for a distance of 147.5 feet; thence South 75 Degrees 00 Minutes East for a distance of 158.4 feet; thence South 48 Degrees 05 Minutes East for a distance of 74.8 feet; thence South 78 Degrees 48 Minutes East for a distance of 173.0 feet; thence South 38 Degrees 26 Minutes East for a distance of 45.6 feet; thence South 48 Degrees 30 Minutes West for a distance of 44.6 feet; thence South 49 Degrees 58 Minutes West for a distance of 200.0 feet to the point of beginning, containing 9.681 acres, more or less, of which 9.150 acres are located in Section Ten (10), Township Twenty-one (21) North, Range Eight (8) West. Located in Wabash Township, Warren County, Indiana.

EXCEPT that part conveyed to Williamsport DG Properties, LLC as shown by Corporate Warranty Deed dated March 31, 2016 and recorded April 14, 2016 at Instrument Number 160458, records of the Recorder's Office of Warren County, Indiana, and being more particularly described as follows:

A part of the Northeast Quarter of Section 10, Township 21 North, Range 8 West of the Second Principal Meridian, in Washington Township of Warren County, Indiana more particularly described as follows: Commencing at a Warren County survey monument located in the centerline of Washington Street marking the East Quarter corner of said Section 10 per Warren County Surveyors reference tie dated August 25, 1992; thence North 00 degrees 24 minutes 44 seconds East along and with the East line of the Northeast Quarter of said Section 10 a distance of 1088.10 feet to the intersection of the center line of State Road 28 and the said east line, which point is also South 00 degrees 24 minutes 44 seconds West from the Northeast corner of said Section 10, per a Warren County survey marking a distance of 1549.97 feet; thence South 49 degrees 35 minutes 44 second West along and with the southeasterly line of Birkey's Farm Store, Inc. tract, recorded April 11, 1983 in Deed Book 100 pages 372-373 a distance of 503.40 feet to the southern corner of said Birkey's Farm tract; thence North 40 degrees 24 minutes 17 seconds West along and with the westerly line of said Birkey's Farm tract a distance of 40.00 feet to the Northwesterly right of way line of State Road 28; thence leaving said Birkey's Farm tract South 50 degrees 13 minutes 00 seconds West along the northwesterly right of way of State Road 28, a distance of 281.19 feet to a rebar set with a cap engraved James Tibbett LS80910029 hereon referred to as a monument marking the TRUE POINT OF BEGINNING; thence South 49 degrees 27 minutes 53 seconds West along and with the northern right of way of State Road 28, being 80 foot from and running parallel with the southeasterly line of Birkey's Farm Store tract, as recorded July 05, 1983 in Deed Book 100 page 530, a distance of 240.00 feet to a monument set; thence North 57 degrees 55 minutes 16 seconds West along and with a new divide line a distance of 350.00 feet to a monument set; thence North 49 degrees 27 minutes 53 seconds East along and with a new divide line a distance of 240.00 feet to a monument set; thence South 57 degrees 55 minutes 16 seconds East along and with a new divide line a distance of 350.00 feet to the point of beginning and containing 1.84 acres more or less.

SUBJECT TO the following described drainage easement granted to Williamsport DG Properties, LLC by Easement Agreement dated April 1, 2016 and recorded April 14, 2016 at Instrument Number 160460, records of the Recorder's Office of Warren County, Indiana, and being more particularly described as follows:

A part of the Northeast Quarter of Section 10, Township 21 North, Range 8 West of the Second Principal Meridian, in Washington Township of Warren County, Indiana more particularly described as follows: Commencing at a Warren County survey monument located in the centerline of Washington Street marking the East Quarter corner of said Section 10 per Warren County Surveyors reference tie dated August 25, 1992; thence North 00 degrees 24 minutes 44 seconds East along and with the East line of the Northeast Quarter of said Section 10 a distance

of 1088.10 feet to the intersection of the center line of State Road 28 and the said east line, which point is also South 00 degrees 24 minutes 44 seconds West from the Northeast corner of said Section 10, per a Warren County survey marking a distance of 1549.97 feet; thence South 49 degrees 35 minutes 44 second West along and with the southeasterly line of Birkey's Farm Store, Inc. tract, recorded April 11, 1983 in Deed Book 100 pages 372-373 a distance of 503.40 feet to the southern corner of said Birkey's Farm tract; thence North 40 degrees 24 minutes 17 seconds West along and with the westerly line of said Birkey's Farm tract a distance of 40.00 feet to the Northwesterly right of way line of State Road 28; thence leaving said Birkey's Farm tract South 50 degrees 13 minutes 00 seconds West along the northwesterly right of way of State Road 28, a distance of 281.19 feet to a rebar set with a cap engraved James Tibbett LS80910029 hereon referred to as a monument; thence South 49 degrees 27 minutes 53 seconds West along and with the northern right of way of State Road 28, being 80 foot from and running parallel with the southeasterly line of Birkey's Farm Store, as recorded July 05, 1983 in Deed Book 100 page 530, a distance of 240.00 feet to a monument set; thence North 57 degrees 55 minutes 16 seconds West along and with a new divide line a distance of 350.00 feet to a monument set marking the TRUE POINT OF BEGINNING for the 20 foot wide drainage easement; thence continuing North 57 degrees 55 minutes 16 seconds West a distance of 105.50 feet to the westerly line of Birkey's Farm Store Inc. as recorded July 05, 1983 in Deed Book 100 page 530; thence North 37 degrees 39 minutes 44 seconds East along and with the said Birkey's Farm Store tract a distance of 20.10 feet; thence South 57 degrees 55 minutes 16 seconds East being 20 feet from and running parallel with the south line a distance of 109.81 feet to the northwesterly line of a new 1.84 acre parcel; thence South 49 degrees 27 minutes 53 seconds West along and with the said northwesterly line of the 1.84 acre parcel, a distance of 20.96 feet to the point of being.