

RESOLUTION NO. 18-223

**WOODBURN CITY COUNCIL  
DECLARATORY RESOLUTION  
FOR THE DESIGNATION OF  
ECONOMIC REVITALIZATION AREA NO. W-6  
APPLICATION OF B&P REAL ESTATE HOLDINGS, LLC/P&B COLD STORAGE,  
INC.**

**WHEREAS**, the City of Woodburn has been requested by the owner of record thereof to find pursuant to I.C. 6-1.1-12.1-2 that the following described real estate is an Economic Revitalization Area:

See Exhibit A

**WHEREAS**, said described property is located within the jurisdiction of the Woodburn City Council for purposes set forth in I.C. 6-1.1-12.1-2; and,

**WHEREAS**, this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy in order to support development of the vacant, rural site to support real estate and personal property improvements as well as provide new employment opportunities for Woodburn and the surrounding area to provide long-term benefits to the tax base of Allen County and,

**WHEREAS**, the subject real estate complies with the general standards established by the Woodburn City Council as set forth in Ordinance G-98-1103 adopted pursuant to I.C. 6-1.1-12.1-2 for determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided in the applicants application; and,

**WHEREAS**, the improvement of the real estate described herein would be to the benefit and welfare of all citizens and taxpayers of Woodburn and Allen County, Indiana; and,

**WHEREAS**, the subject real estate is zoned I2 (General Industrial) according to the Woodburn zoning map and that the ERA designation is contingent on B&P Real Estate Holdings, LLC/P&B Cold Storage, Inc. conforming to the restrictions of the I2 (General Industrial) zoning district.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Woodburn, Indiana, that the following findings are made based on the information provided by the applicant:

1. That the estimate of the value of the redevelopment or rehabilitation and the cost of the new manufacturing equipment is reasonable for projects of that nature and equipment of that type; and,

2. That 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 equipment and improvements to real estate; and,

3. That 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 installation of new equipment and improvements to real estate; and,

4. That any other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of new equipment and improvements to real estate; and,

5. That the totality of benefits is sufficient to justify the deduction.


**BE IT ALSO RESOLVED** by the City Council of Woodburn, Indiana, that the real estate herein above described should be and is hereby declared to be an "Economic Revitalization Area" as that term is defined and intended in I.C. 6-1.1-12.1-1 through 6-1.1-12.1-9.

**BE IT ALSO RESOLVED**, that the designation of the property described above as an "Economic Revitalization Area" shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of real property and personal property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1), 6-1.1-12.1-2 (i)(2), and 6-1.1-12.1-2 (i)(5).


**BE IT FINALLY RESOLVED**, that if any part, parts, 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 16<sup>th</sup> day of April, 2018, by the City Council of Woodburn, Indiana.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By:  YEA ☒ NAY        ABS         
Daniel Watts, Councilman


By:  YEA ☒ NAY        ABS         
Mike Voirol, Councilman

By:  YEA ☒ NAY        ABS         
Dean Gerig, Councilman

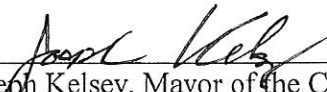
By:  YEA ☒ NAY        ABS         
John Renner, Councilman

By: NOT PRESENT YEA        NAY        ABS         
Michael Martin, Councilman

**ATTEST:**

By:   
Timothy Cummins, Clerk-Treasurer

The foregoing resolution passed by the Council is signed and approved (☒) / not approved ( ) by me on the same date.

By:   
Joseph Kelsey, Mayor of the City of Woodburn

**Exhibit "A"**  
**Legal Description of the Real Estate**

Part of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at a Harrison Marker at the Northwest corner of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, Allen County, Indiana; thence South 00 degrees 00 minutes 29 seconds East (deed bearing) along the West line of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, a distance of 800.00 feet to a Mag nail; thence continuing South 00 degrees 00 minutes 29 seconds East along the West line of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, a distance of 477.65 feet; thence North 89 degrees 59 minutes 30 seconds East along the Southerly line of Roemer Drive as conveyed to Woodburn Development Corporation in the deed recorded as Document 95-007626 in the Office of the Recorder of Allen County, Indiana, a distance of 160.0 feet; thence North 81 degrees 14 minutes 44 seconds East along the Southerly line of said Roemer Drive, a distance of 65.76 feet; thence North 89 degrees 59 minutes 30 seconds East along the Southerly line Roemer Drive, a distance of 804.6 feet (804.81 feet recorded) to a point of curvature; thence Northeasterly along the Southerly line of Roemer Drive on a curve to the left having a radius of 330.0 feet, a chord bearing of North 74 degrees 42 minutes 26 seconds East, a chord distance of 173.99 feet, an arc distance of 176.07 feet; thence North 59 degrees 25 minutes 21 seconds East along the Southerly line of Roemer Drive a distance of 992.74 feet to the **POINT OF BEGINNING**; thence South 39 degrees 15 minutes 07 seconds East a distance of 802.12 feet to a point on the centerline of Marsh Ditch; thence North 82 degrees 20 seconds East along the centerline of Marsh Ditch a distance of 73.5 feet to a point on the East line of the NW ¼ of Section 21-31-15; thence North 00 degrees 07 minutes 21 seconds West along the East line of the NW ¼ of Section 21-31-15 a distance of 1362.72 feet to the Northeast corner of the NW ¼ of Section 21-31-15 a distance of 1362.72 feet to the Northeast corner of the NW ¼ of Section 21-31-15; thence South 89 degrees 14 minutes 32 seconds West along the North line of the NW ¼ of Section 21-31-15 a distance of 557.18 feet to a point of 2072.8 feet East of the Northwest corner of the NW ¼ of Section 21-31-15; thence South 00 degrees 45 minutes 28 seconds East a distance of 692.29 feet to a point of curvature; thence Southwesterly on a curve to the right having a radius of 60.0 feet a central angle of 59 degrees 32 minutes 42 seconds a chord bearing of South 29 degrees 39 minutes West a chord distance of 59.59 feet an arc distance of 62.36 feet to the point of beginning containing 14.143 acres.

RESOLUTION NO. 18-224

A RESOLUTION REGARDING THE TRANSFER AND SALE OF REAL ESTATE LOCATED AT 23501 ROEMER DRIVE, WOODBURN, INDIANA AND MORE COMMONLY KNOWN AS LOTS 5 & 6 OF THE WOODBURN INDUSTRIAL PARK.

WHEREAS, the City of Woodburn, Indiana owns certain real estate located in the Woodburn Industrial Park, a description of same being attached hereto and made a part hereof and marked Exhibit "A"; and

WHEREAS, the City and BMP Real Estate Holdings, LLC, an Indiana limited liability company ("BMP") entered into that certain Real Estate Option and Right of First Purchase Agreement dated effective July 17, 2014 (the "Option") for the sale of certain real estate in Woodburn, Indiana, a memorandum of which was recorded in the Allen County Recorder's Office on July 21, 2014 as Document Number 2014033920; and

WHEREAS, pursuant to the Option, the City and BMP entered into a written Real Estate Purchase Agreement, dated October 27, 2016 (the "Agreement"), which such Agreement was assigned to B&P Real Estate Holdings, LLC (the "B&P") on October 31, 2016; and

WHEREAS, the City and B&P entered into a First Amendment to Real Estate Purchase Agreement on or about December 20, 2016 (the "First Amendment") extending, among other dates, the closing date originally established in the Agreement, to allow for additional time to satisfy certain conditions of closing; and

WHEREAS, the City and B&P entered into a Second Amendment to Real Estate Purchase Agreement on or about February \_\_, 2018 (the "Second Amendment") extending, among other dates, the closing date originally established in the Agreement, to allow for additional time to satisfy certain conditions of closing; and

WHEREAS, the City and B&P have remained in discussions regarding issues relating to closing on the Agreement since the entering into of the First Amendment and Second Amendment but have not been able to close on the transaction as set forth in the Agreement due to the need to have the real estate reappraised and to address other legal matters; and

WHEREAS, the City has conducted a public hearing after giving notice under I.C. 5-3-1 as required by I.C. 36-1-11-3 and the City has received new appraisals on said real estate from Misner & Associates, Inc. and John M. Thistlethwaite, Interests, LLC; and

WHEREAS, the City did not acquire the real estate by eminent domain procedures and has determined that the best use of the real estate would be a sale and transfer to B&P to promote an economic development project in accordance with I.C. 36-1-11-4.2.



NOW THEREFORE, for and in consideration of the reasons set forth above, which are hereby incorporated by reference, be it resolved by the Common Council of the City of Woodburn, Indiana that:

1. That the sale of the real estate described in Exhibit "A" to B&P pursuant to the terms of the Agreement, as amended and extended, is hereby approved, ratified and confirmed by the Common Council of the City and that the sale transfer of the real estate is necessary to promote an economic development project.

2. That the Common Council of the City does approve the sale and transfer of the real estate described in Exhibit "A" for an amount not less than the average of the new appraisals on said real estate secured from Misner & Associates, Inc. and John M. Thistlethwaite, Interests, LLC.

3. That the execution and delivery by the officers of the City of the Option and the Agreement, as amended and extended, and as described herein are, authorized, ratified and approved.

4. That the Mayor and Clerk-Treasurer are, authorized and directed to execute and deliver such documents and instruments, including any deeds, closing affidavits, closing statements, and additional amendments and extensions to the Agreement, and to take such other actions which, based on the advice of the legal advisors of the City, the Mayor and Clerk-Treasurer deems necessary or desirable to effect the Option, the Agreement, and the resolutions herein, said execution, delivery and action being hereby authorized, ratified and approved.

5. That pursuant to I.C. 36-1-11-4.2 the Clerk-Treasurer is authorized to publish notice in accordance with I.C. 5-3-1 stating the amount of the sale of the real estate.

RESOLVED AND ADOPTED by the Common Council of the City of Woodburn, Indiana, on the 16<sup>th</sup> day of April, 2018.

**<SIGNATURES ON NEXT PAGE>**

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By:  YEA ☒ NAY        ABS         
Daniel Watts, Councilman

By:  YEA        NAY        ABS         
Mike Voirol, Councilman

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By:  YEA ☒ NAY        ABS         
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By: NOT PRESENT YEA        NAY        ABS         
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ATTEST:

By:   
Timothy Cummins, Clerk-Treasurer

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By:   
Joseph Kelsey, Mayor of the City of Woodburn

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