

**Clay County Redevelopment Commission – Clay County Council**

Transcript: Resolution 2023-10

Real Property Tax Abatement

Metals and Additives

<b>No.</b>	<b>Date</b>	<b>Document</b>
<b>REAL PROPERTY</b>		
<b>1</b>	June 21, 2023	Clay County Redevelopment Commission Resolution 2023-07
<b>2</b>	July 3, 2023	Resolution 2023-10; A Resolution of the County Council of Clay County, Indiana, Designating an Area Within Clay County, Indiana as an Economic Revitalization Area for the Purpose of a Real Property Tax Abatement
<b>3</b>	July 21, 2023	Notice of Tax Abatement
<b>4</b>	July 27, 2023	Brazil Times – Publisher’s Claim
<b>5</b>	August 7, 2023	Final Action Taken by County Council of Clay County, Indiana Regarding Resolution 2023-10 (Real Property)
<b>6</b>	August 7, 2023	Abatement Calculation Agreement (Real Property)
<b>7</b>	June 21, 2023	Statement of Benefits Real Property

**RESOLUTION NO. 2023-07**  
**OF THE CLAY COUNTY REDEVELOPMENT COMMISSION**

*Metals and Additives LLC (Real Property Tax Abatement)*

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WHEREAS, **Metals and Additives LLC** ("Petitioner") has submitted to the Clay County Redevelopment Commission its Statement of Benefits- Real Property Form SB-1/Real Property dated the 21<sup>st</sup> day of June, 2023 in connection with a proposed abatement for the relocation of the corporate headquarters and construction of a 3,500 square foot office space plus site work, drive up to building, and parking lot as described in the Statement of Benefits (the "Project"), and has represented the Project will permit it to maintain 52 full-time salaried and hourly jobs, and an annual payroll of approximately \$2,928,640.00 and add 3 new full time-salaried and full time-hourly jobs with an annual payroll of approximately \$197,360.00 and that the cost of the project is approximately \$700,000.00 for real estate improvements; and

WHEREAS, the Petitioner has been advised that Petitioner will be required to execute a form of Abatement Calculation Agreement and will be required to pay a fee annually based upon the amount of the abatement in accord with Resolution 6-2008 of the Clay County Council, and Petitioner has agreed to execute such Abatement Calculation Agreement and pay such fee; and

WHEREAS, the Petitioner has agreed to pay the tax abatement initiation fee of \$3,500.00 to the Clay County Redevelopment Commission to defray costs and expenses of the creation of the Economic Revitalization Area; and

WHEREAS, the Clay County Redevelopment Commission has been charged with giving preliminary review and approval of tax abatement applications and making its recommendation to the Clay County Council concerning such abatements;

The Clay County Redevelopment Commission, acting at its regular meeting, at which meeting a quorum was present, which meeting was duly advertised according to law, did, by a majority vote, adopt the following Resolution:

NOW, THEREFORE, BE IT RESOLVED as follows:

The Clay County Redevelopment Commission hereby approves the Statement of Benefits (SB-1) for Real Property improvements dated the 21<sup>st</sup> day of June, 2023, submitted by Petitioner and subject to Petitioner's execution of an Abatement Calculation Agreement, agreement to pay the annual fee established by Resolution 6-2008 of the Clay County Council and payment of the costs to the Clay County Redevelopment Commission of the establishment of the Economic Revitalization Area, does recommend to the Clay County Council that it approve Petitioner's proposed revitalization area.

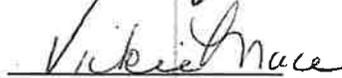
**RESOLUTION NO. 2023-07**  
**OF THE CLAY COUNTY REDEVELOPMENT COMMISSION**  
*Metals and Additives LLC (Real Property Tax Abatement)*

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Dated: June 21, 2023.

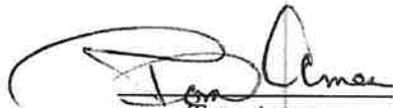
**CLAY COUNTY REDEVELOPMENT COMMISSION**

  
Lance Hoffmann

  
Vickie Mace

  
Jan Howell

  
Fred Nevils

  
Tom Ames

Attest:

  
Patricia Foxx, Auditor  
Clay County, Indiana

## RESOLUTION NO. 2023- 10

### A Resolution of the County Council of Clay County, Indiana, Designating an Area Within Clay County, Indiana as an Economic Revitalization Area for the Purpose of a Real Property Tax Abatement

WHEREAS, a Petition for real property tax abatement has been filed with the County Council of Clay County, Indiana (hereinafter "County Council") requesting that the property described therein be designated an Economic Revitalization Area for purposes of real property tax abatement; and

WHEREAS, **Metals and Additives LLC**, (hereinafter the "petitioner,") have submitted a Statement of Benefits and provided all information and documentation necessary for the County Council to make an informed decision, said information includes a description of the real property which is more particularly described in Exhibit A.

WHEREAS, petitioner has submitted to the County Council its Statement of Benefits – Real Property Form SB-1/Personal Property dated the 21<sup>st</sup> day of June, 2023, in connection with a proposed abatement for office construction and relocation of corporate headquarters which includes the construction of a 3,500 square foot office plus site work, drive up to building, and parking lot and has represented that construction of said improvements will permit it to maintain 52 full-time salaried and hourly jobs and an annual payroll of approximately \$2,928,640.00 and to add 3 new full-time salaried and hourly jobs with an annual payroll of approximately \$197,360.00 and that the cost of the project is approximately \$700,000.00 for real estate improvements; and

WHEREAS, the County Council is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of the County as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the County Council has considered the petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the County Council has found the subject property to be an area where facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues and has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings and other factors which prevent normal development or use;

**NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED** by the County Council of Clay County, Indiana, that:

1. The petitioner's estimate of the value of the redevelopment and rehabilitation and the project to be constructed on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve opportunities in Clay County for manufacturing.

2. The petitioner's estimate of the number of individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the redevelopment and rehabilitation.

3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the redevelopment and rehabilitation.

4. That the other benefits about which information has been requested can be expected to result from the project and the redevelopment and rehabilitation.

5. The totality of the benefits of the proposed redevelopment and rehabilitation can reasonably be expected to result from the project and are sufficient to justify a ten (10) year real property tax deduction from assessed valuation under Indiana statutes, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed in accord with the attached Abatement Schedule.

6. Based upon: (1) the Petitioner's total investment in real property; (2) the number of new full-time equivalent jobs created or retained; (3) the average wage of the new employees compared to the State minimum wage; and (4) the infrastructure requirements for Petitioner's investment and the County Council has found that the totality of the benefits of the proposed project are sufficient to justify real property tax abatement over a ten (10) year deduction period, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed in accord with the attached Abatement Schedule.

7. That the petition for designating the subject property as an economic revitalization area for the purposes of a ten (10) year real property tax abatement and the Statement of Benefits copies of which were submitted with the petitions are hereby approved and the Real Estate

described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq., and petitioner is entitled to the ten (10) year real property tax abatement pursuant to the following ten (10) year abatement deduction schedule which the County Council hereby establishes, prescribes, and adopts: SEE EXHIBIT B ATTACHED HERETO, for the proposed redevelopment and rehabilitation.

8. That notice hereof should be published according to law stating the adoption and substance hereof, that a copy of the description of the affected area is available for inspection in the County Assessor's Office and stating a date on which the County Council will hear and receive remonstrances and objections and take final action, all as required by law.

9. That this Resolution is supplementary to and in addition to any prior resolutions.

10. That this abatement is subject to the terms and provisions of the Abatement Calculation Agreement entered by and between the County Council of Clay County, Indiana, and Petitioner pursuant to I.C. 6-1.1-12.1-2(i).

11. Pursuant to I.C. 6-1.1-12.1-14, the County Council of Clay County, Indiana, has, pursuant to Resolution 6-2008, established an Abatement Fee, Petitioner has been advised of said fee and agreed to the imposition of the Abatement Fee and incorporation of that fee in the initial Resolution approving the Abatement. Now, therefore, the County Council of Clay County, Indiana, incorporates herein the provisions of I.C. 6-1.1-12.1-14 and declares that the percentage to be applied by the County Auditor for purposes of Step Two of I.C. 6-1.1-12.1-14(c) is 5%.

Passed in Open Council this 3<sup>rd</sup> day of July, 2023.

**CLAY COUNTY COUNCIL**

  
\_\_\_\_\_  
Dave Amerman

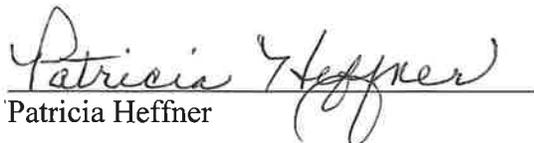
  
\_\_\_\_\_  
Jacqueline Mitchell

  
\_\_\_\_\_  
Jason Thomas

  
\_\_\_\_\_  
Larry J. Moss

\_\_\_\_\_  
Jason Britton

  
\_\_\_\_\_  
John Nicoson

  
\_\_\_\_\_  
Patricia Heffner

**Attest:**

A handwritten signature in cursive script, appearing to read "Patricia A. Foxx", written over a horizontal line.

Patricia Foxx,  
Clay County Auditor

**Exhibit A** – Legal Description of Property

Real property located in the State of Indiana, County of Clay as described herein:

The south 25 acres of the Southeast Quarter of the Northeast Quarter of Section Twenty-five (25), Township Thirteen (13) North, Range Seven (7) West.

State Parcel No. 11-02-25-100-022.000-001

Property No. 001-00461-00

\*\*\*The project will be located on the northeast corner of said parcel. Approximately two (2) acres will be split from the parcel to be the location of the improvements.

**EXHIBIT B**

**DEDUCTION SCHEDULE**

***10 YEAR REAL PROPERTY***

<b><i>YEAR OF DEDUCTION</i></b>	<b><i>PERCENTAGE</i></b>
1 <sup>ST</sup>	100%
2 <sup>ND</sup>	95%
3 <sup>RD</sup>	80%
4 <sup>TH</sup>	65%
5 <sup>TH</sup>	50%
6 <sup>TH</sup>	40%
7 <sup>TH</sup>	30%
8 <sup>TH</sup>	20%
9 <sup>TH</sup>	10%
10 <sup>TH</sup>	5%
11 <sup>TH</sup> and thereafter	0%



DAVID W. SULLIVAN\*

LOUIS F. BRITTON

SCOTT CRAIG

DONALD J. BONOMO

TRACI M. ORMAN \*

TRICIA ROSE TANOOS

SADRINA L. HANEY

GHILLE COX 1946-2019  
JAMES E. SULLIVAN 1919-2018  
GILBERT W. GAMBILL, JR. 1921-2001  
BENJAMIN G. COX 1915-1988  
ERNEST J. ZWERNER 1918-1980

\*REGISTERED CIVIL MEDIATOR  
\*ALSO ADMITTED IN CALIFORNIA

July 21, 2023

Brazil Public Library  
204 North Walnut Street  
Brazil, IN 47834

T.J. Sheddon  
Brazil Township Trustee  
P.O. Box 154  
Brazil, IN 47834

Clay Community School Corp.  
Attn: Tom Reberger, President  
Board of Trustees  
1013 S. Forest Ave  
Brazil, IN 47834

Clay-Owen Solid Waste  
Management  
c/o Clay County Courthouse  
609 E. National Ave  
Brazil, IN 47834

Tom Ames, President  
Clay County Redev. Comm.  
7923 S Co Rd 100 W  
Clay City, IN 47841

K & H Regional Sewer District  
1159 E. Alsip St  
Knightsville, IN 47857

Patricia Foxx, Auditor  
Clay County Courthouse, Rm  
105  
609 East National Ave  
Brazil, IN 47834

Clay Co. Soil and Water  
Conservation District  
551 E US Highway 40 Suite B  
Brazil, IN 47834

Clay County Assessor's Office  
609 E. National Ave, Room  
118  
Brazil, IN 47834

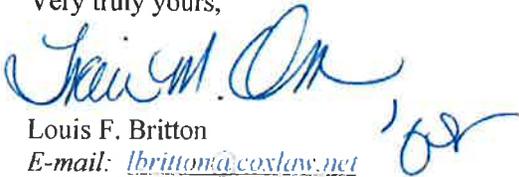
Re: Notice of Tax Abatement – Metals and Additives LLC

Dear Sir/Madam:

Enclosed please find a copy of the Notice regarding Resolution for real property tax abatement. The Resolution was approved by the Clay County Council on July 3, 2023. Pursuant to the terms of Indiana Code § 6-1.1-12.1-2.5 notice of this abatement is being sent to you as you are part of the taxing units which are, or may be, affected by the area which has been designated as an economic revitalization area in the enclosed Notice.

Please let me know if you have any questions.

Very truly yours,

  
Louis F. Britton  
E-mail: [lbritton@coxlaw.net](mailto:lbritton@coxlaw.net)

Enclosure

511 Wabash Avenue  
Terre Haute, IN 47807  
Telephone: 812-232-6003  
Fax: 812-232-6567  
[www.coxlaw.net](http://www.coxlaw.net)

**NOTICE**

Notice is hereby given that the County Council of Clay County, Indiana, at a meeting thereof held on the 3<sup>rd</sup> day of July, 2023, adopted RESOLUTION 2023-10, a resolution declaring an "Economic Revitalization Area" for the purpose of a personal property tax abatement for an area located in Clay County, Indiana.

**RESOLUTION NO. 2023-10**

A Resolution of the County Council of  
Clay County, Indiana, Designating an Area Within  
Clay County, Indiana as an Economic Revitalization Area  
for the Purpose of a Real Property Tax Abatement

WHEREAS, a Petition for real property tax abatement has been filed with the County Council of Clay County, Indiana (hereinafter "County Council") requesting that the property described therein be designated an Economic Revitalization Area for purposes of real property tax abatement; and

WHEREAS, **Metals and Additives LLC**, (hereinafter the "petitioner,") have submitted a Statement of Benefits and provided all information and documentation necessary for the County Council to make an informed decision, said information includes a description of the real property which is more particularly described in Exhibit A.

WHEREAS, petitioner has submitted to the County Council its Statement of Benefits – Real Property Form SB-1/Personal Property dated the 21<sup>st</sup> day of June, 2023, in connection with a proposed abatement for office construction and relocation of corporate headquarters which includes the construction of a 3,500 square foot office plus site work, drive up to building, and parking lot and has represented that construction of said improvements will permit it to maintain 52 full-time salaried and hourly jobs and an annual payroll of approximately \$2,928,640.00 and to add 3 new full-time salaried and hourly jobs with an annual payroll of approximately \$197,360.00 and that the cost of the project is approximately \$700,000.00 for real estate improvements; and

WHEREAS, the County Council is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of the County as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the County Council has considered the petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the County Council has found the subject property to be an area where facilities that are technologically, economically, or energy obsolete are located and where the

obsolescence may lead to a decline in employment and tax revenues and has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings and other factors which prevent normal development or use;

**NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED** by the County Council of Clay County, Indiana, that:

1. The petitioner's estimate of the value of the redevelopment and rehabilitation and the project to be constructed on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve opportunities in Clay County for manufacturing.

2. The petitioner's estimate of the number of individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the redevelopment and rehabilitation.

3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the redevelopment and rehabilitation.

4. That the other benefits about which information has been requested can be expected to result from the project and the redevelopment and rehabilitation.

5. The totality of the benefits of the proposed redevelopment and rehabilitation can reasonably be expected to result from the project and are sufficient to justify a ten (10) year real property tax deduction from assessed valuation under Indiana statutes, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed in accord with the attached Abatement Schedule.

6. Based upon: (1) the Petitioner's total investment in real property; (2) the number of new full-time equivalent jobs created or retained; (3) the average wage of the new employees compared to the State minimum wage; and (4) the infrastructure requirements for Petitioner's investment and the County Council has found that the totality of the benefits of the proposed project are sufficient to justify real property tax abatement over a ten (10) year deduction period, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed in accord with the attached Abatement Schedule.

7. That the petition for designating the subject property as an economic revitalization area for the purposes of a ten (10) year real property tax abatement and the Statement of Benefits copies of which were submitted with the petitions are hereby approved and the Real Estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq., and petitioner is entitled to the ten (10) year real property tax abatement pursuant to the following ten (10) year abatement deduction schedule which the County Council

hereby establishes, prescribes, and adopts: SEE EXHIBIT B ATTACHED HERETO, for the proposed redevelopment and rehabilitation.

8. That notice hereof should be published according to law stating the adoption and substance hereof, that a copy of the description of the affected area is available for inspection in the County Assessor's Office and stating a date on which the County Council will hear and receive remonstrances and objections and take final action, all as required by law.

9. That this Resolution is supplementary to and in addition to any prior resolutions.

10. That this abatement is subject to the terms and provisions of the Abatement Calculation Agreement entered by and between the County Council of Clay County, Indiana, and Petitioner pursuant to I.C. 6-1.1-12.1-2(i).

11. Pursuant to I.C. 6-1.1-12.1-14, the County Council of Clay County, Indiana, has, pursuant to Resolution 6-2008, established an Abatement Fee, Petitioner has been advised of said fee and agreed to the imposition of the Abatement Fee and incorporation of that fee in the initial Resolution approving the Abatement. Now, therefore, the County Council of Clay County, Indiana, incorporates herein the provisions of I.C. 6-1.1-12.1-14 and declares that the percentage to be applied by the County Auditor for purposes of Step Two of I.C. 6-1.1-12.1-14(c) is 5%.

Passed in Open Council this 3<sup>rd</sup> day of July, 2023.

**CLAY COUNTY COUNCIL**

- |                            |                               |
|----------------------------|-------------------------------|
| <i>/s/ Dave Amerman</i>    | <i>/s/Jacqueline Mitchell</i> |
| <i>/s/Jason Thomas</i>     | <i>/s/Larry J. Moss</i>       |
| Jason Britton (absent)     | <i>/s/John Nicoson</i>        |
| <i>/s/Patricia Heffner</i> |                               |

**Attest:** */s/ Patricia Foxx*, Clay County Auditor

This instrument prepared by */s/Louis F. Britton*, COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Ave., Terre Haute, IN 812-232-6003

**Exhibit A**

**Legal Description of Property**

Real property located in the State of Indiana, County of Clay as described herein:

The south 25 acres of the Southeast Quarter of the Northeast Quarter of Section Twenty-five (25), Township Thirteen (13) North, Range Seven (7) West.

State Parcel No. 11-02-25-100-022.000-001

Property No. 001-00461-00

\*\*\*The project will be located on the northeast corner of said parcel. Approximately two (2) acres will be split from the parcel to be the location of the improvements.

**Exhibit B**

**Deduction Schedule**

**10 Year – Real Property**

<i>YEAR OF DEDUCTION</i>	<i>PERCENTAGE</i>
1 <sup>ST</sup>	100%
2 <sup>ND</sup>	95%
3 <sup>RD</sup>	80%
4 <sup>TH</sup>	65%
5 <sup>TH</sup>	50%
6 <sup>TH</sup>	40%
7 <sup>TH</sup>	30%
8 <sup>TH</sup>	20%
9 <sup>TH</sup>	10%
10 <sup>TH</sup>	5%
11 <sup>TH</sup> and thereafter	0%

Further description of the Economic Revitalization Areas is available for public inspection in the County Assessor's Office in the Clay County Courthouse, 609 E. National Ave., Brazil, Indiana 47834.

Notice is hereby given that on the 7<sup>th</sup> day of August, 2023, at 6:00 p.m., at the Clay County Courthouse, 609 E. National Ave., Brazil, Indiana, said County Council will meet for the purpose of hearing and considering any remonstrances filed or presented by persons interested in or affected by said RESOLUTION 2023-10 and taking final action with respect to RESOLUTION 2023-10 determining whether the qualifications for an economic revitalization area have been met, and confirming, modifying and confirming, or rescinding the resolution.

Patricia Foxx  
Clay County Auditor

Prescribed by State Board of Accounts

General Form No. 99P (Revised 2009A)

(Governmental Unit)  
Clay County, Indiana

To: The Brazil Times  
PO Box 429 / 531 E. National Ave.  
Brazil, IN 47834

**PUBLISHER'S CLAIM**

**LINE COUNT**

Head - number of lines.....	<u>219</u>
Body - number of lines.....	<u>219</u>
Tail - number of lines.....	<u>219</u>
Total number of lines in notice.....	<u>219</u>

**COMPUTATION OF CHARGES**

219 lines, 2 columns wide equals 438 equivalent lines at  
.4955 cents per line..... \$ 217.03

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)..... \$ \_\_\_\_\_

Charge for extra proofs of publication  
(\$1.00 for each proof)..... \$ \_\_\_\_\_

TOTAL AMOUNT OF CLAIM..... \$ 217.03

Amount due \$ 217.03 Payment received of \$ \_\_\_\_\_ on \_\_\_\_\_

**DATA FOR COMPUTING COST**

Width for single column is 9.2 picas. Size of type is 7point. Number of insertions 1

Pursuant to the provisions and penalties of IC-5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

July 25<sup>th</sup>  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additionally, our newspaper has a website and this public notice was posted on the same day(s) as it was published in the newspaper.

Date: July 27<sup>th</sup>, 2023

Eddie Burren  
Title: PUBLISHER'S REPRESENTATIVE



**FINAL ACTION TAKEN BY COUNTY COUNCIL OF  
CLAY COUNTY, INDIANA  
REGARDING RESOLUTION 2023-10  
(Real Property)**

WHEREAS, the County Council of Clay County, Indiana (hereinafter "County Council") adopted Resolution 2023-105 on the 3<sup>rd</sup> day of July, 2023, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the county assessor and further stating a date on which the County Council would receive and hear remonstrances and objections; and

WHEREAS, the County Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as a revitalization area or to approval of the Statement of Benefits; and

WHEREAS, said matter is before the County Council for final action pursuant to Indiana Law; and

WHEREAS, the County Council has received and examined, prior to such hearing, a Statement of Benefits on the form prescribed by the Department of Local Government Finance and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the estimate of the cost of the redevelopment and rehabilitation is reasonable for projects of that type.
2. That the estimate of individuals who will be employed or whose employment will be retained as a result of the redevelopment and rehabilitation can be expected to result from the proposed project.
3. That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment and rehabilitation and the proposed project.
4. That the benefits can reasonably be expected to result from the proposed redevelopment and rehabilitation and the proposed project.
5. That the totality of benefits is sufficient to justify the deduction.
6. That all qualifications for establishing an economic revitalization area have been met.

**NOW, THEREFORE**, for final action on Resolution 2023-10, the County Council of Clay County, Indiana, **RESOLVES, FINDS AND DETERMINES**:

1. That all of the requirements for designation of the real estate described in Resolution 2023-10 as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.
2. That Resolution 2023-10 is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed redevelopment are sufficient to justify a real property tax abatement over a ten (10) year deduction period under Indiana statutes in accord with the Abatement Schedule attached to Resolution 2023-10 for the proposed redevelopment and rehabilitation described in the Statement of Benefits of petitioner and the deduction for the proposed project and redevelopment and rehabilitation described in the Statement of Benefits submitted are approved and the County Council authorizes and directs the endorsement of said Statement of Benefits to show such approval and that the real estate described in Resolution 2023-10 is declared an economic revitalization area for the purposes of a real property tax abatement in accord with the Abatement Schedule attached to Resolution 2023-10 over a ten (10) year deduction period and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1, *et seq.* and petitioner is entitled to a real property tax deduction over a ten (10) year deduction period in accord with the Abatement Schedule attached to Resolution 2023-10 in connection with the proposed redevelopment and rehabilitation and the proposed project.
3. That said Resolution supplements any other designation of the real estate as a Revitalization Area or other similar designation.
4. That this Final Action, findings and confirmation of Resolution 2023-10 shall be incorporated in and be part of Resolution 2023-10
5. That this abatement is subject to the terms and provisions of the Abatement Calculation Agreement entered by and between Clay County and Petitioner pursuant to Indiana Code Section 6-1.1-12.1-2(i), which Agreement is hereby approved.

Passed in Open Council this 7<sup>th</sup> day of August, 2023.

CLAY COUNTY COUNCIL



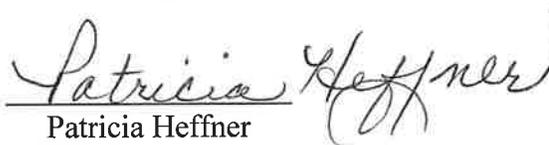
Dave Amerman



Jason Thomas



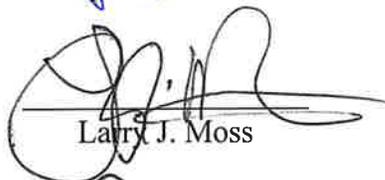
Jason Britton



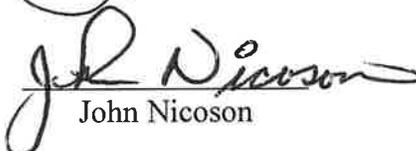
Patricia Heffner



Jacqueline Mitchell



Larry J. Moss



John Nicoson

ATTEST:

  
Patricia Foxx, Clay County Auditor

This instrument prepared by \_\_\_\_\_  
Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN  
511 Wabash Avenue, Terre Haute, IN 47807 ; (812) 232-6003.

## ABATEMENT CALCULATION AGREEMENT (Real Property)

This Abatement Calculation Agreement (Real Property) (hereinafter the "Agreement") dated as of the 7<sup>th</sup> day of August, 2023, serves as a confirmation of the commitment of **Metals and Additives LLC** (hereinafter the "Applicant") to comply with the project description, job creation and retention (and associated wage and salary figures) contained in its Statement(s) of Benefits, submitted to the Clay County Council (hereinafter "County Council"), and is the Abatement Calculation Agreement referred to in the Resolution and Final Action of the County Council approving the abatement, to -wit:

Statement of Benefits – Real Property State Form No. 51767 (Form SB-1/Real Property), dated June 21, 2023.

In consideration of the adoption of Final Action regarding Resolution No. 2023-10 by the County Council approving Economic Revitalization Areas for Applicant granting a ten (10) year Real Property Tax Abatement for Applicant's Project as described in the Statement of Benefits, Applicant agrees that the annual amount of its tax abatement shall be calculated as described below and that Applicant shall be obligated to refund any abatement received by it upon the occurrence of the events described below:

1. Applicant agrees to employ 55 full-time employees at the facilities identified in the Statement of Benefits (hereinafter "Project Site") by December 31, 2023, and to maintain at least that number of full-time jobs at the site during the term of the Abatement ("Projected Employment").

2. Employer agrees that by December 31, 2023, its annual payroll, exclusive of benefits, for employees working at the Project Site will be \$3,126,000.00 (hereinafter "Projected Payroll") and that the annual payroll, exclusive of benefits, for employees at the Project Site will remain at or above that amount during the term of the Abatement.

3. Applicant's annual abatement amount (the "Permitted Abatement") for each year of the Abatement shall be determined by multiplying the abatement amount as calculated for the tax year in accord with Indiana Code Section 6-1.1-12.1-4 by Applicant's "Compliance Ratio" as defined below. The Compliance Ratio will be equal to the smaller of (a) the ratio which Applicant's actual employment at the Project Site as of December 31 of each tax year bears to the Projected Employment or (b) the ratio which Applicant's actual annual payroll at the Project Site as of December 31 of each tax year bears to the Projected Payroll. Thus, for any year of the abatement in which Applicant's actual employment at the Project Site is 75% of the Projected Employment the final abatement amount to which Applicant is entitled for that year shall be equal to 75% of the abatement amount for that year as calculated pursuant to Indiana Code Section 6-1.1-12.1-4. If Applicant fails to meet both the Projected Payroll and Projected Employment figures in any year, the Compliance Ratio will be calculated using the calculation which results in the smallest amount of abated tax for that year. If any abatement has been granted to Applicant in any prior year in excess of the Permitted Abatement calculated as provided above, the County Council may demand repayment of any previously updated taxes in excess of the Permitted Abatement

amount for that year calculated as provided above as provided below or reduce the amount of Permitted Abatement to be credited to Applicant in any subsequent year.

If at any time during the term of the Abatement:

- (i) Applicant permanently ceases operations at the Project Site, or
- (ii) Applicant announces the permanent cessation of operations at the Project Site, or
- (iii) the assessed value of real property improvements or personal property at the Project Site are reduced below 50% of their current assessments as of the filing of the Statement of Benefits (provided such reduction is not a result of a change in the law regarding the method of calculating assessed value), or
- (iv) the total number of employees employed by Applicant or total payroll of Applicant at the Project Site is reduced below 50% of their current levels as shown by the Statement of Benefits, or
- (v) any Applicant that did not have any full-time employees at the Project Site at the time of the filing of its Statement of Benefits, does not meet at least 20% of the number of jobs ("Projected Jobs") or annual payroll ("Projected Payroll") specified in sections 1 and 2 above,

the Compliance Ratio shall be reduced to zero and the County Council may immediately reduce all future Permitted Abatement amounts to zero and require repayment to the County of an amount equal to all taxes abated in all prior years pursuant to the said Abatement Resolution.

In the event that the County Council requires repayment of any sums pursuant to this Agreement, it shall provide Applicant with a written statement calculating the amount to be repaid and the Applicant shall make such repayment to Clay County within thirty (30) days after mailing of such notice to Applicant's last address for purposes of mailing tax notices. The amount so determined to be due to be repaid shall be a lien on the real estate of Applicant in Clay County and if Applicant does not make timely repayment of the amounts required, the County Council shall be entitled to recover all reasonable costs and expenses, including its reasonable attorney's fees incurred in connection with the enforcement of this Agreement.

4. During the term of the abatement, the County Council may annually request information from the Applicant in the form of a verified statement describing the status of the Project including, but not limited to, the total capital expenditures for the Project, the number of full-time permanent employees at the Project Site as of December 31 of the preceding year and the total annual salaries of employees at the Project Site (excluding benefits) for the prior calendar year. Such requests shall be deemed complete upon mailing to the last address for the mailing of tax notices to Applicant. Within forty-five (45) days after the mailing of such notice, Applicant

shall provide its response to said requests. In the event that Applicant fails to provide such information in a timely fashion, the County Council may deem Applicant's Compliance Ratio for that year to be zero.

5. Pursuant to I.C. 6-1.1-12.1-14, the County Council of Clay County, Indiana has, pursuant to Resolution 6-2008, established an Abatement Fee. Applicant has been advised of said fee and agreed to the imposition of the Abatement Fee and incorporation of that fee in the initial Resolution approving the Abatement and acknowledges that, in accord with I.C. 6-1.1-12.1-14, if the fee is not paid, the County Council may adopt a resolution terminating Applicant's deduction under I.C. 6-1.1-12.1-3, 4.5 or 4.8. If the County Council adopts such a resolution, the deduction does not apply to the next installment of taxes owed by the Applicant or to any subsequent installment of property taxes.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date and year first above written.

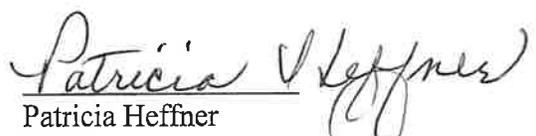
**"APPLICANT"**

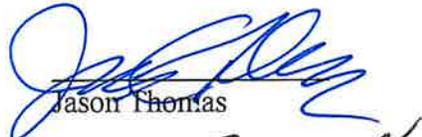
**Metals and Additives LLC**

By:   
(Signature)  
Greg R Bennett CFO  
(Printed Name and Title)

**"County Council"**

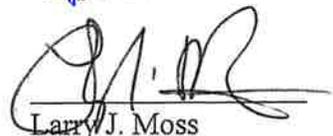
  
Dave Amerman

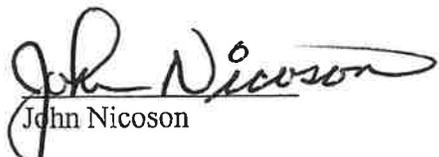
  
Patricia Heffner

  
Jason Thomas

  
Jacqueline Mitchell

  
Jason Britton

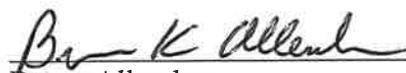
  
Larry J. Moss

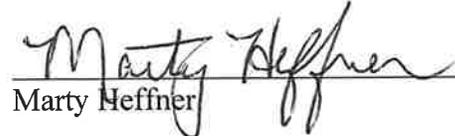
  
John Nicoson

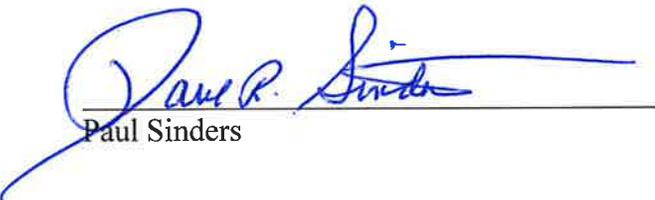
ATTEST:

  
Patricia Foxx, Clay County Auditor

Approved by the Clay County Commissioners, this 7<sup>th</sup> day of August, 2023.

  
Bryan Allender

  
Marty Heffner

  
Paul Sindors

ATTEST:

  
Patricia Foxx, Clay County Auditor

This instrument prepared by \_\_\_\_\_  
Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Ave., Terre Haute, IN 47807; (812) 232-6003

**FINAL ACTION TAKEN BY COUNTY COUNCIL OF  
CLAY COUNTY, INDIANA  
REGARDING RESOLUTION 2023-10  
(Real Property)**

WHEREAS, the County Council of Clay County, Indiana (hereinafter "County Council") adopted Resolution 2023-105 on the 3<sup>rd</sup> day of July, 2023, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the county assessor and further stating a date on which the County Council would receive and hear remonstrances and objections; and

WHEREAS, the County Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as a revitalization area or to approval of the Statement of Benefits; and

WHEREAS, said matter is before the County Council for final action pursuant to Indiana Law; and

WHEREAS, the County Council has received and examined, prior to such hearing, a Statement of Benefits on the form prescribed by the Department of Local Government Finance and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the estimate of the cost of the redevelopment and rehabilitation is reasonable for projects of that type.
2. That the estimate of individuals who will be employed or whose employment will be retained as a result of the redevelopment and rehabilitation can be expected to result from the proposed project.
3. That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment and rehabilitation and the proposed project.
4. That the benefits can reasonably be expected to result from the proposed redevelopment and rehabilitation and the proposed project.
5. That the totality of benefits is sufficient to justify the deduction.
6. That all qualifications for establishing an economic revitalization area have been met.

**NOW, THEREFORE**, for final action on Resolution 2023-10, the County Council of Clay County, Indiana, **RESOLVES, FINDS AND DETERMINES**:

1. That all of the requirements for designation of the real estate described in Resolution 2023-10 as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.
2. That Resolution 2023-10 is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed redevelopment are sufficient to justify a real property tax abatement over a ten (10) year deduction period under Indiana statutes in accord with the Abatement Schedule attached to Resolution 2023-10 for the proposed redevelopment and rehabilitation described in the Statement of Benefits of petitioner and the deduction for the proposed project and redevelopment and rehabilitation described in the Statement of Benefits submitted are approved and the County Council authorizes and directs the endorsement of said Statement of Benefits to show such approval and that the real estate described in Resolution 2023-10 is declared an economic revitalization area for the purposes of a real property tax abatement in accord with the Abatement Schedule attached to Resolution 2023-10 over a ten (10) year deduction period and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1, *et seq.* and petitioner is entitled to a real property tax deduction over a ten (10) year deduction period in accord with the Abatement Schedule attached to Resolution 2023-10 in connection with the proposed redevelopment and rehabilitation and the proposed project.
3. That said Resolution supplements any other designation of the real estate as a Revitalization Area or other similar designation.
4. That this Final Action, findings and confirmation of Resolution 2023-10 shall be incorporated in and be part of Resolution 2023-10
5. That this abatement is subject to the terms and provisions of the Abatement Calculation Agreement entered by and between Clay County and Petitioner pursuant to Indiana Code Section 6-1.1-12.1-2(i), which Agreement is hereby approved.

Passed in Open Council this 7<sup>th</sup> day of August, 2023.

CLAY COUNTY COUNCIL



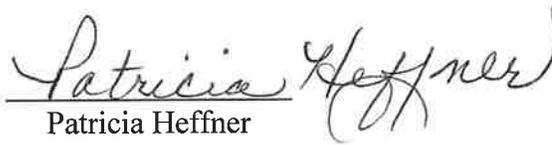
Dave Amerman



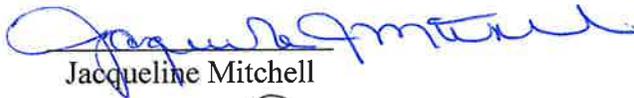
Jason Thomas



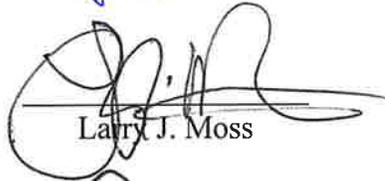
Jason Britton



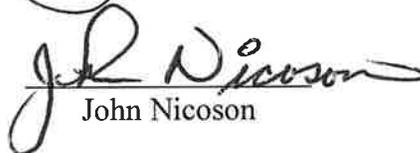
Patricia Heffner



Jacqueline Mitchell



Larry J. Moss



John Nicoson

ATTEST:

  
Patricia Foxx, Clay County Auditor

This instrument prepared by \_\_\_\_\_  
Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN  
511 Wabash Avenue, Terre Haute, IN 47807 ; (812) 232-6003.



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20 23 PAY 20 24

FORM SB-1 / Real Property

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>Metals and Additives LLC</b>		
Address of taxpayer (number and street, city, state, and ZIP code) <b>10665 North State Road 59, Brazil, IN 47834</b>		
Name of contact person <b>Greg Bennett, CFO</b>	Telephone number <b>( 812 ) 446-2525, ext. 301</b>	E-mail address <b>gbennett@metalsandadditives.com</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body <b>Clay County Council</b>	Resolution number <b>2023-10</b>
Location of property <b>10665 North State Road 59, Brazil, IN 47834</b>	County <b>Clay</b>
DLGF taxing district number <b>11-001</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Office Construction and relocation of Corporate Headquarters: 3,500 square foot office space plus site work, drive up to building and parking lot. Exhibit A - legal description of property. Exhibit B - plans.</b>	Estimated start date (month, day, year) <b>07/01/2023</b>
	Estimated completion date (month, day, year) <b>02/01/2024</b>

**SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
52.00	\$2,928,640.00	52.00	\$2,928,640.00	3.00	\$197,360.00

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		105,700.00
Plus estimated values of proposed project	700,000.00	700,000.00
Less values of any property being replaced	0.00	0.00
Net estimated values upon completion of project	700,000.00	805,700.00

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) <u>0.00</u>	Estimated hazardous waste converted (pounds) <u>0.00</u>
--	--

Other benefits  
**None.**

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative <u>Gregg R Bennett</u> <small>Gregg R Bennett (Jun 21, 2023 11:54 EDT)</small>	Date signed (month, day, year) <b>06/21/2023</b>
Printed name of authorized representative <b>Gregg R Bennett</b>	Title <b>CFO</b>

**FOR USE OF THE DESIGNATING BODY**

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed NIA calendar years\* (see below). The date this designation expires is NIA. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.

B. The type of deduction that is allowed in the designated area is limited to:  
 1. Redevelopment or rehabilitation of real estate improvements  Yes  No  
 2. Residentially distressed areas  Yes  No

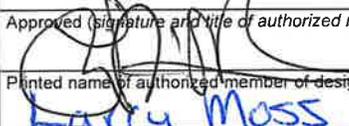
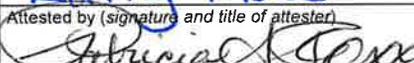
C. The amount of the deduction applicable is limited to \$ NIA.

D. Other limitations or conditions (specify) Abatement Calculation Agreement & Annual Abatement fee

E. Number of years allowed:  Year 1  Year 2  Year 3  Year 4  Year 5 (\* see below)  
 Year 6  Year 7  Year 8  Year 9  Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  
 Yes  No  
 If yes, attach a copy of the abatement schedule to this form.  
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number <u>812 448-9001</u>	Date signed (month, day, year) <u>August 7, 2023</u>
Printed name of authorized member of designating body <u>Harry Moss</u>	Name of designating body <u>Clay County Council</u>	
Attested by (signature and title of attester) 	Printed name of attester <u>Patricia Foxx</u>	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17  
Abatement schedules**

**Sec. 17. (a)** A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

**Exhibit A** – Legal Description of Property

Real property located in the State of Indiana, County of Clay as described herein:

The south 25 acres of the Southeast Quarter of the Northeast Quarter of Section Twenty-five (25), Township Thirteen (13) North, Range Seven (7) West.

State Parcel No. 11-02-25-100-022.000-001

Property No. 001-00461-00

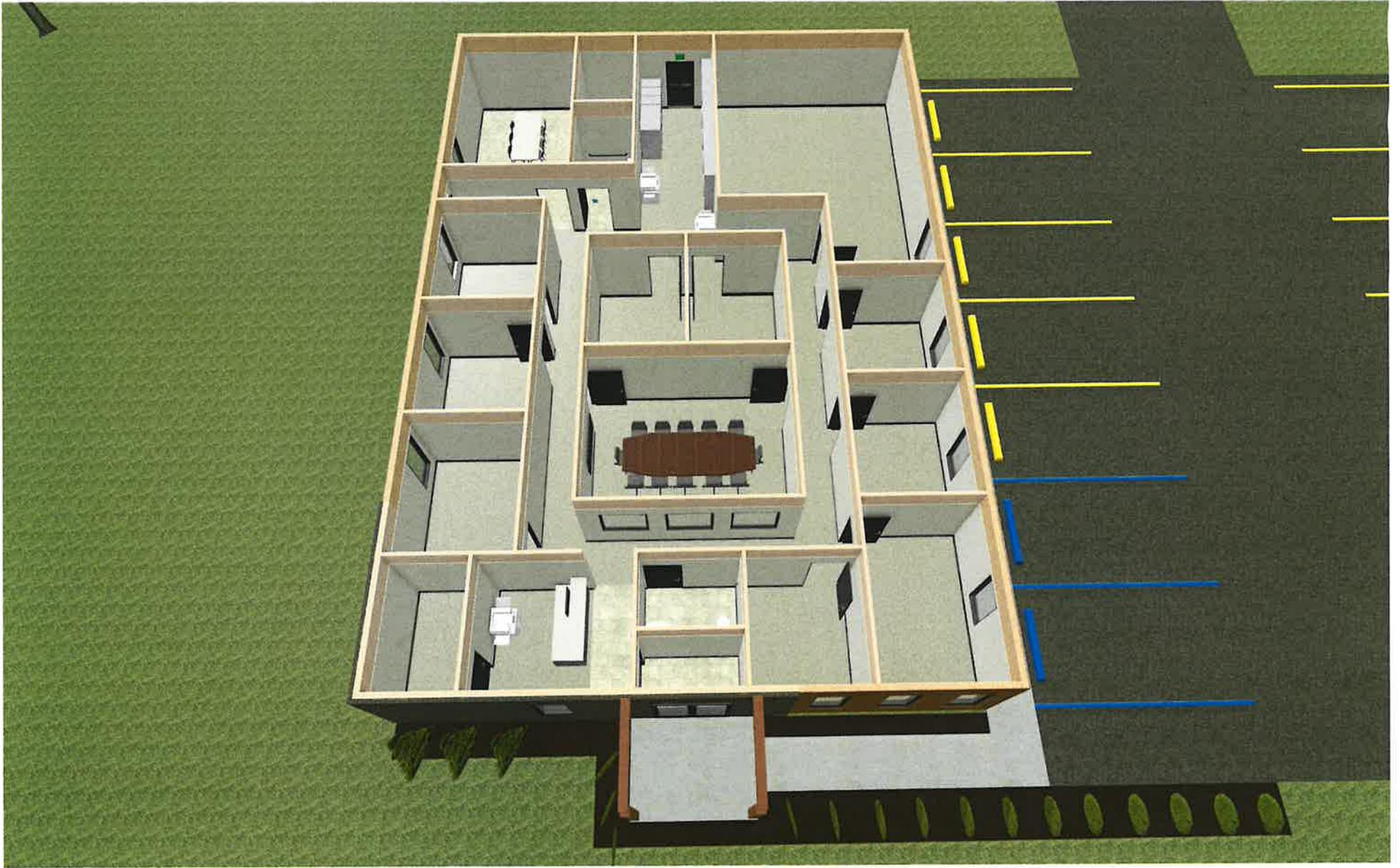
\*\*\*The project will be located on the northeast corner of said parcel. Approximately two (2) acres will be split from the parcel to be the location of the improvements.

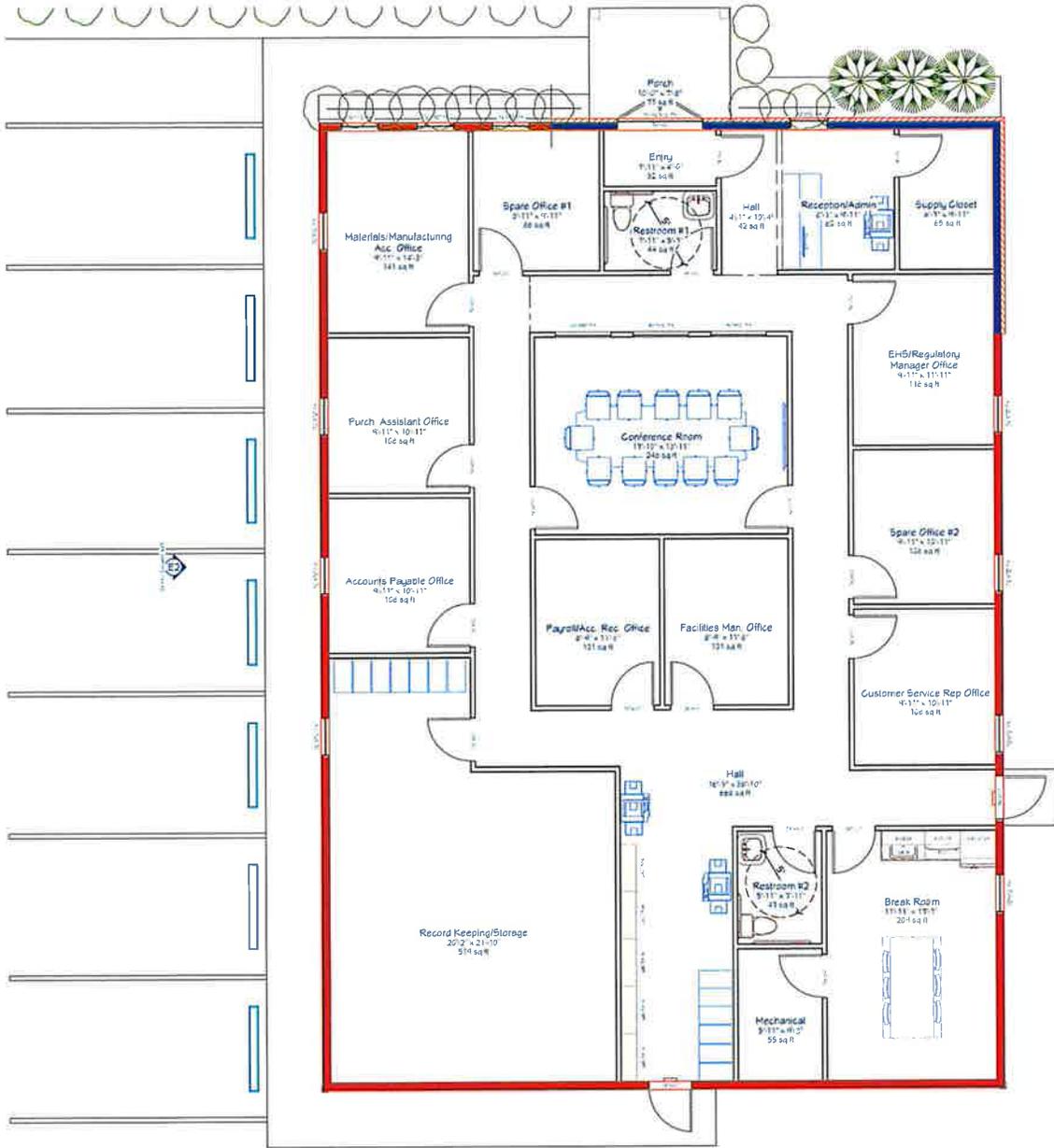
**Exhibit B**











Signature: Gregg R Bennett  
Gregg R Bennett License #21-102318-10101

Email: [gbennett@metalsandadditives.com](mailto:gbennett@metalsandadditives.com)

## Deduction Schedule

### 10 Year – Real Property

<i>YEAR OF DEDUCTION</i>	<i>PERCENTAGE</i>
1 <sup>ST</sup>	100%
2 <sup>ND</sup>	95%
3 <sup>RD</sup>	80%
4 <sup>TH</sup>	65%
5 <sup>TH</sup>	50%
6 <sup>TH</sup>	40%
7 <sup>TH</sup>	30%
8 <sup>TH</sup>	20%
9 <sup>TH</sup>	10%
10 <sup>TH</sup>	5%
11 <sup>TH</sup> and thereafter	0%