

**CITY OF FRANKLIN, INDIANA**

**RESOLUTION NUMBER 2024-01**

**A RESOLUTION GRANTING TAX ABATEMENT  
FOR MALARKEY ROOFING**

**WHEREAS**, the Indiana General Assembly has enacted a statute, IC 6-1.1-12.1 (the “Act”) authorizing certain tax deductions of property taxes (as defined in the Act) attributable to redevelopment or rehabilitation activities in economic development areas; and

**WHEREAS**, Malarkey Roofing (the “Applicant”) has submitted a Statement of Benefits and made application for Real Property Tax Abatement pursuant to the Act; and

**WHEREAS**, the Franklin Economic Development Commission has on May 14, 2024, considered the tax abatement request of Malarkey Roofing (Paul Hand Road (Parcel: 41-05-34-041-001.000-064) and in a manner consistent with the applicable section of the Indiana Code;

**WHEREAS**, the Franklin Economic Development Commission has made the findings required by IC 6-1.1-12.1-3 and IC 6-1.1-12.1-4.5 and recommended that Malarkey Roofing receive a ten (10) year tax abatement with a 2% Economic Development Fee, on real property for the real estate described as “Exhibit A” and described in the tax abatement request;

**WHEREAS**, a copy of the Statement of Benefits recommended for approval by the Franklin Economic Development Commission is attached hereto as “Exhibit B;”

**WHEREAS**, the said real estate as described in “Exhibit A” is located in an existing Economic Revitalization Area as approved by the City of Franklin Common Council with City Council Resolution Number 2022-04 and confirmed by Resolution Number 2022-05;

**WHEREAS**, the Common Council has received and reviewed “Exhibit B” with all attachments, and that such attachments are made a part hereof and incorporated herein, all of which together contain the necessary statements of benefits and description of the project, along with the recommendation of the Economic Development Commission for tax abatement for real property; and

**WHEREAS**, the Common Council has given careful consideration to the materials submitted and affirms the findings of the Franklin Economic Development Commission relative to the requirements of IC 6-1.1-12.1-3 and IC 6-1.1-12.1-4.5.

**NOW THEREFORE BE IT RESOLVED THAT:**

- 1) The abatement of real property tax shall extend for a period of 10 years pursuant to the deduction schedule set forth in Exhibit C.
- 2) Malarkey Roofing shall be required to provide the City of Franklin with information showing the extent to which there has been compliance with the statement of benefits submitted in their request for tax abatement within sixty (60) days after the end of each year in which the deduction

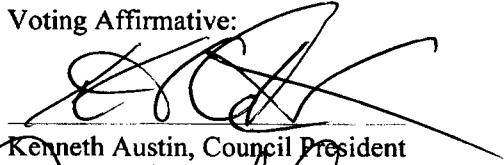
is applicable, as required by IC 6-1.1-12.1-5.1.

- 3) A copy of this resolution and a description of the affected area will be available and can be inspected in the office of the Johnson County Assessor and the City Clerk/Treasurer.
- 4) This resolution 24-01 repeals and replaces resolution 23-01.

**APPROVED** by the Common Council of the City of Franklin, Johnson County, Indiana, this 20th day of May, 2024.

**City of Franklin, Indiana, By its Common Council:**

Voting Affirmative:

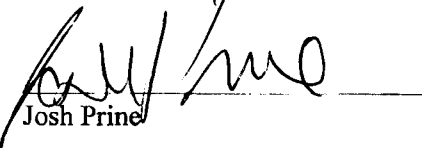
  
Kenneth Austin, Council President

  
Jennifer Price

  
Irene Nalley

  
Todd Shuck

  
Anne McGuinness

  
Josh Prine

**ABSENT**

Shawn Taylor

Voting Opposed:

\_\_\_\_\_  
Kenneth Austin, Council President

\_\_\_\_\_  
Jennifer Price

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Todd Shuck

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Anne McGuinness

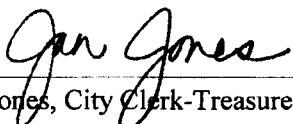
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Josh Prine

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Shawn Taylor

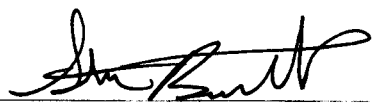
Attest:

  
Jan Jones, City Clerk/Treasurer

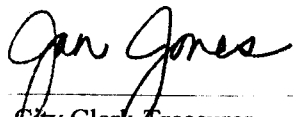
Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 20 day of may, 2024 at 6:15 o'clock a.m./p.m.

  
Jan Jones, City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 20 day of may, 2024 at 6:15 o'clock a.m./p.m.

  
Steve Barnett, Mayor

Attest:

  
Jan Jones, City Clerk-Treasurer

Prepared by: Dana Monson, Community Development Specialist

"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."

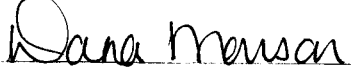
  
Dana Monson, Community Development Specialist

Exhibit A

Legal Description

41-05-34-041-001.000-064

A PART OF THE EAST HALF OF SECTION 34, IN TOWNSHIP 13 NORTH, IN RANGE 4 EAST. COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE WEST ON THE NORTH LINE THEREOF, 143 RODS AND 3 LINKS TO THE CENTER OF THE TRACT OF THE PITTSBURGH, CINCINNATI, CHICAGO, & ST. LOUIS RAILWAY COMPANY, FORMERLY JEFFERSONVILLE, MADISON AND INDIANAPOLIS RAILROAD COMPANY, NEE MADISON AND INDIANAPOLIS RAILROAD COMPANY; THENCE SOUTHEASTWARDLY ALONG THE CENTER OF SAID RAILROAD TRACT TO THE SOUTH LINE OF SAID SECTION; THENCE EAST ON SAID SOUTH LINE, 48 RODS AND 13 LINKS, TO THE SOUTHEAST CORNER

OF SAID SECTION; THENCE NORTH ON THE EAST LINE THEREOF, TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM 45 ACRES OFF OF THE SOUTH END OF SAID TRACT, AND CONTAINING IN THE PART HEREIN CONVEYED 151 ACRES, MORE OR LESS.



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20 24 PAY 20 25

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>Herbert Malarkey Roofing Company</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>P.O. Box 17217, Portland, Oregon 97217</b>					
Name of contact person <b>Dave Wachsmuth</b>		Telephone number <b>( 503 ) 240-7828</b>		E-mail address <b>dwachsmuth@malarkeyroofing.com</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body <b>City of Franklin</b>				Resolution number	
Location of property <b>A portion of Parcel 41-05-34-041-001.000-064</b>		County <b>Johnson</b>		DLGF taxing district number <b>064</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Construction of a new Midwest production facility. Employment estimates are through December 31, 2029.</b>				Estimated start date (month, day, year) <b>7/1/2024</b>	
				Estimated completion date (month, day, year) <b>12/31/2027</b>	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current Number <b>0.00</b>	Salaries <b>\$0.00</b>	Number Retained <b>0.00</b>	Salaries <b>\$0.00</b>	Number Additional <b>215.00</b>	Salaries <b>\$12,040,000.00</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
		<b>REAL ESTATE IMPROVEMENTS</b>			
		<b>COST</b>		<b>ASSESSED VALUE</b>	
Current values					
Plus estimated values of proposed project		<b>84,000,000.00</b>			
Less values of any property being replaced					
Net estimated values upon completion of project		<b>84,000,000.00</b>			
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <b>Dave S. Wachsmuth</b>				Date signed (month, day, year) <b>5/1/2024</b>	
Printed name of authorized representative <b>Dave Wachsmuth</b>				Title <b>VP of Finance</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 NA calendar years\* (see below). The date this designation expires is NA. 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 \$ 168,000,000

D. Other limitations or conditions (specify) NA

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) <u>Ken Austin</u> Ken Austin	Telephone number <u>(317) 736-3631</u>	Date signed (month, day, year) <u>5/20/24</u>
Printed name of authorized member of designating body <u>Ken Austin</u>	Name of designating body <u>City of Franklin City Council</u>	
Attested by (signature and title of attester) <u>Dana Manson</u> C.D. Specialist	Printed name of attester <u>Dana Manson</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 C**

### **Real and Personal Property Schedule**

**135 acres**

**Paul Hand Road- 3543 Essex Drive**

**Parcel Number:**

41-05-34-041-001.000-064

**Resolution 2024-01**

<b>Year</b>	<b>Abatement</b>
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

**Resolution 2024-02**

<b>Year</b>	<b>Abatement</b>
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%