

**2005 RESOLUTIONS**

R2005-001	1/10/2005	Enlarge Participation in PERF for Court Clerk
R2005-002	1/10/2005	Submittal of CFF Application to Dept. of Commerce
R2005-003	2/14/2005	Resolution Silver Creek Township Park
R2005-004	3/14/2005	Submittal of CFF application to Dept. of Commerce
R2005-005	4/11/2005	Adopting Keystone Consulting- Financial Software
R2005-006	4/11/2005	Adopting Keystone Consulting - Court Software
R2005-007	4/11/2005	Richard Zoeller Insurance Agent of Record
R2005-008	5/9/2005	Preliminary Resolution Designating Economic Development Area
R2005-009	7/11/2005	Revitalization Economic Area (Dietz Property-Summit Truck
R2005-010	8/8/2005	Tax Abatement Property at 7615 US 31 (Real & Tangible Property)
R2005-011	9/12/2005	Approving Increase Levy for Town of Sellersburg
R2005-012	10/10/2005	Terminating Tax Abatement for M&J Properties
R2005-013	11/14/2005	Establishing Cellular Telephone Policy

**RESOLUTION ELECTING TO ENLARGE PARTICIPATION IN THE PUBLIC EMPLOYEES' RETIREMENT FUND**

WHEREAS, SELLERSBURG TOWN COUNCIL, is the governing body of the TOWN OF SELLERSBURG in CLARK County in the State of Indiana, and

WHEREAS, the actuary for the Public Employees' Retirement Fund has furnished such governing body with certain cost estimates to become a participant in such Fund as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto and

WHEREAS, such governing body is fully cognizant that the percentage of cost of gross annual payroll of covered employees has been set at \_\_\_\_\_ % and \$ - 0 - by the actuary of the Fund, and that at five year intervals, or more often if directed by the Board of Trustees of the Public Employees' retirement Fund, the actuary will review the status of the employees covered and shall adjust the cost percentage accordingly so that the FUND will remain on an actuarially sound basis, and

WHEREAS, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

NOW THEREFORE, BE IT ORDAINED by the governing body of the TOWN OF SELLERSBURG in CLARK County, in the State of Indiana:

**SECTION ONE:** The TOWN OF SELLERSBURG elects to enlarge its participation in the Public Employees' Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and supplemental thereto. This agreement supplements the original dated 07/01/1986

**SECTION TWO:** The TOWN OF SELLERSBURG agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act."

**SECTION THREE:** The positions listed on Appendix A are declared to be covered by the Fund.

**SECTION FOUR:** It is hereby declared that none of the classifications or positions specified in Section Three are compensated on a fee basis or of an emergency nature, or in a part-time category.


**SECTION FIVE:** The active participating membership of the TOWN OF SELLERSBURG shall begin on 07/01/2005

**SECTION SIX:** This Resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in Section Five.

SIGNATURES OF THE GOVERNING BODY:


Dated this 10th day of

JANUARY, 2005

  
\_\_\_\_\_

By: \_\_\_\_\_  
Chairman

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

## APPENDIX A

Pursuant to IC 5-10.3-7-2 (6) employees occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year are excluded from P.E.R.F. coverage. This is to certify that all positions listed on Appendix A are classified as full time and normally require the performance of service of at least one thousand (1,000) hours during a year.

The following positions are covered by the attached Resolution dated 1/10/2005.

### Positions Covered:

Court Clerk      Kristin A. Weitzel      Employed: 01/01/2005

**RESOLUTION NO. R2005-002**

**Resolution of the Town Council of Sellersburg, Indiana, authorizing the submittal of the CFF application to the Indiana Department of Commerce and addressing related matter.**

**WHEREAS**, the Sellersburg Town Council recognizes the need to stimulate growth and to maintain a sound economy within the Count's corporate limits; and

**WHEREAS**, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

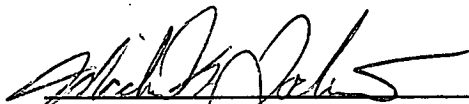
**WHEREAS**, the Sellersburg Town Council has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

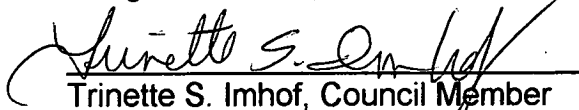
**NOW THEREFORE, BE IT RESOLVED** by the Sellersburg, Indiana Town Council that:


1. The President of the Sellersburg Town Council is authorized to prepare and submit an application for grant funding to address the Downtown Revitalization plan, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. The Sellersburg Town Council hereby commit the requisite local funds in the amount of ten percent of the total project cost, in the form of cash on hand – Town of Sellersburg, as matching funds for said program, such commitment to be contingent upon receipt of CDBG Planning funding from the Indiana Department of Commerce.
3. This resolution shall be effective immediately.

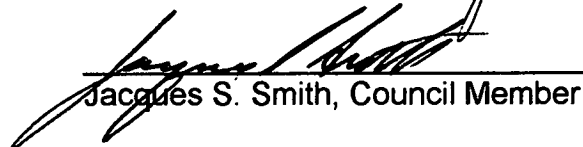
**ADOPTED** by the Sellersburg Indiana Town Council this **10<sup>th</sup>** day of **January, 2005**, at 8:00 P.M.

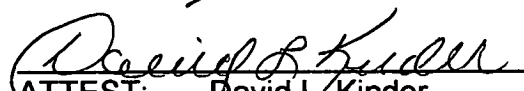
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

  
\_\_\_\_\_  
Jacques S. Smith, Council Member

  
\_\_\_\_\_  
ATTEST: David L. Kinder  
Clerk-Treasurer

RESOLUTION NO. <sup>R-</sup>2005- 003

RESOLUTION OF THE SELLERSBURG TOWN COUNCIL  
REGARDING THE SILVER CREEK TOWNSHIP PARK

WHEREAS, the Silver Creek Township Park is located on the municipal boundaries of the Town of Sellersburg and is used on a regular and frequent basis by residents of the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council believes the Silver Creek Township Park, while not a part of the municipality is a valuable asset to the Sellersburg community; and


WHEREAS, the Sellersburg Town Council desires to provide water, reduce sewer bills and garbage collection on a limited basis:


BE IT NOW RESOLVES AS FOLLOWS:

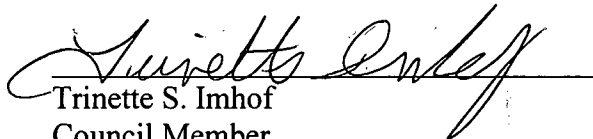
1. The Town of Sellersburg now provides water to the Silver Creek Township Park and hereby agrees to continue to provide water on a yearly basis at no cost to the Silver Creek Township Park.
2. The Town of Sellersburg shall provide a dumpster to the Silver Creek Township Park each year beginning on April 1 until September 30.
3. The Town of Sellersburg shall assess the Silver Creek Township Park the amount of \$8.85 per month for sewer services the remaining charge bill for sewer service shall be donated by the Town.
4. The Sellersburg Town Council hereby resolves that all such expenses shall be

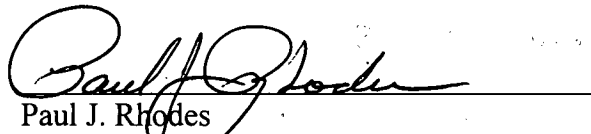
paid through the Professional Services Account 317, Promotions.

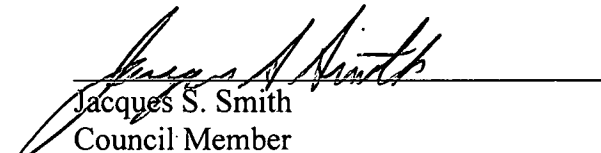
SO RESOLVED this 14<sup>th</sup> day of FEBRUARY, 2005.

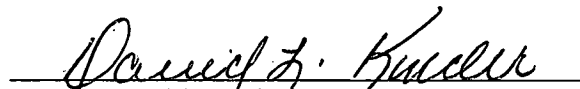
  
\_\_\_\_\_  
Doug J. Reiter  
Council President

  
\_\_\_\_\_  
Michael N. Lockhart  
Council Vice President

  
\_\_\_\_\_  
Trinetta S. Imhof  
Council Member

  
\_\_\_\_\_  
Paul J. Rhodes  
Council Member

  
\_\_\_\_\_  
Jacques S. Smith  
Council Member

  
\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer

**RESOLUTION NO. R2005-004**

**RESOLUTION OF THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA, AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA DEPARTMENT OF COMMERCE AND ADDRESSING RELATED MATTERS.**

**WHEREAS**, the Town of Sellersburg, Clark County, Indiana, recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

**WHEREAS**, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

**WHEREAS**, the Town of Sellersburg, Clark County, Indiana, has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

**NOW THEREFORE, BE IT RESOLVED** by the Town of Sellersburg, Clark County, Indiana, that:

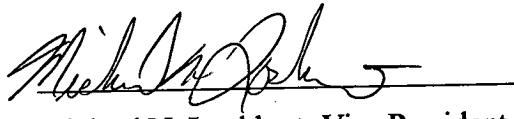
1. The Sellersburg Town Council President is authorized to prepare and submit an application for grant funding to address the Sellersburg Sanitary Sewer Improvements Project, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.

2. The Town of Sellersburg, Clark County, Indiana, hereby commits the requisite local funds in the amount of Six hundred-Thirty-Five Thousand Eight Hundred-Fifty Dollars (\$635,850.00), or 56% of the total project costs, in the form of funds from the Town of Sellersburg-Wastewater Fund, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce.

3. Adopted by the Town of Sellersburg, Clark County, Indiana, this 14<sup>th</sup> day of March, 2005, at \_\_\_\_\_ p.m.



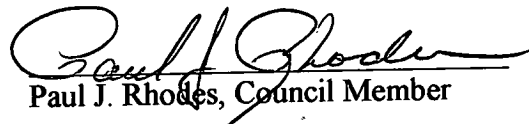
Douglas J. Reiter, Council President



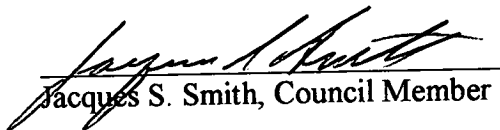
Michael N. Lockhart, Vice President



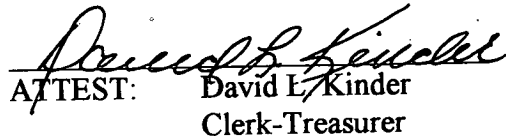
Trinette S. Imhof, Council Member



Paul J. Rhodes, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder  
Clerk-Treasurer



**RESOLUTION NO. R2005-005**

**ADOPTING KEYSTONE CONSULTING SERVICES, INC. FINANCIAL SOFTWARE**

**WHEREAS**, the Town Council of Sellersburg finds that it is beneficial to utilize the financial software systems from a single vendor, and


**WHEREAS**, Keystone Consulting Services, Inc. has provided financial software systems and updates to Indiana municipalities which contain procedures and produce forms that are required and approved by Indiana State Board of Accounts and Department of Local Government Finance (formerly State Board of Tax Commissioners):

**NOW THEREFORE BE IT RESOLVED** that the Town Council adopts Keystone Consulting Services, Inc. Financial Software Systems and requests that the Indiana State Board of Accounts approve all forms which have been previously submitted by the City of Seymour, June 2004, and any update and revisions provided in the future for use by the City of Seymour.

**APPROVED** by the Town Council of Sellersburg, Clark County, Indiana this 11<sup>th</sup> day of April 2005.

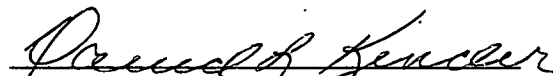
  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

**RESOLUTION NO. R2005-006**

**ADOPTING KEYSTONE CONSULTING SERVICES, INC. COURT SOFTWARE.**

**WHEREAS**, the Town Council of Sellersburg finds that it is beneficial to utilize the Court software systems from a single vendor and,

**WHEREAS**, Keystone Consulting Services, Inc. has provided court software systems and updates to Indiana Courts which contain procedures and produce forms that are required and approved by Indiana State Board of Accounts.

**NOW THEREFORE BE IT RESOLVED** that the Town Council adopts Keystone Consulting Services, Inc. court software systems and requests that the Indiana State Board of Accounts approve all forms which have been previously submitted by the Brownsburg Court in 1995 and any updates and revisions provided in the future for the use by the Sellersburg Town Court.

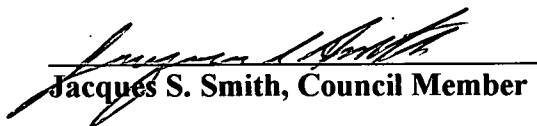
**APPROVED** by the Town Council of Sellersburg, Clark County, Indiana this 11<sup>th</sup> day of April 2005.

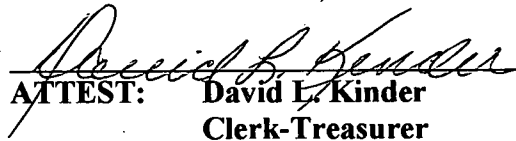
  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

**RESOLUTION NO. R2005-007**

**RESOLUTION ESTABLISHING RICHARD A. ZOELLER AS INSURANCE  
AGENT OF RECORD FOR THE TOWN OF SELLERSBURG**

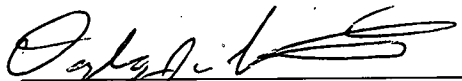
**WHEREAS**, the Sellersburg Town Council desires to maintain an insurance agent of record as it concerns the Town of Sellersburg group health insurance benefits; and

**WHEREAS**, the Sellersburg Town Council has solicited bids from various local group health insurance providers; and

**WHEREAS**, the Town of Sellersburg has selected Richard A. Zoeller, 2305 River Road, Louisville, Kentucky 40206 to serve as the insurance agent of record for Town of Sellersburg group health insurance benefits; and

**WHEREAS**, this matter was considered at an open meeting to which the public were invited to attend and participate;

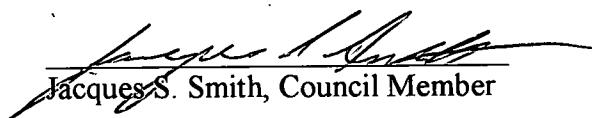
**BE IT NOW THEREFORE RESOLVED** by the Sellersburg Town Council that Richard A. Zoeller shall be the insurance agent of record for the Town of Sellersburg group health insurance benefits until further notice.

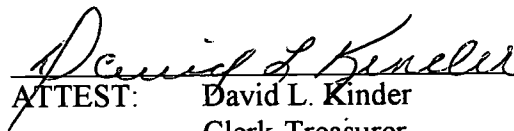
  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

RESOLUTION NO. R-2005-008

PRELIMINARY

RESOLUTION OF THE TOWN COUNCIL OF SELLERSBURG,  
INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE TOWN  
OF SELLERSBURG AS AN ECONOMIC REVITALIZATION AREA  
FOR THE PURPOSES OF REAL ESTATE TAX ABATEMENT

WHEREAS, a Petition to determine the following area to be an area desirable for an Economic Revitalization Area has been filed with the Clerk of the Town of Sellersburg, Indiana, for consideration by the Town Council for the Town of Sellersburg, Indiana, hereinafter called Town Council, said area is located on Highway 311 in the Town of Sellersburg, and is more particularly described as follows:

(See attached Exhibit "A")

The foregoing area is eligible for designation as an economic revitalization area under provisions I.C. 6-1.1-12.1-1 et. seq.; and

WHEREAS, the Town Council has concluded pursuant to an investigation and other information provided that the area qualifies as an economic revitalization area under I.C. 6-1.1-12.1-1 et. seq., and has further created a map and plat showing the boundaries and such other information regarding the area in question as required by law. It is, now, therefore

WHEREAS, the Town Council has determined that additional value will be added to the tax rolls by the redevelopment and rehabilitation that can be reasonably expected to occur by the projects that will result in the area so designated. Additionally, an increase in numbers of individuals will be employed or whose employment will be retained can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

That additional annual salaries of those individuals or whose employment will be retained can reasonably expected to result from the proposed redevelopment or rehabilitation;

That the other benefits about which information was requested of benefits that can be reasonably be expected to result and proposed described redevelopment or rehabilitation; and

WHEREAS, the Town Council for the Town of Sellersburg, hereby finds that the area described is an economic revitalization area in accordance with I.C. 6-1.1-12.1-2.

WHEREAS, the totality of benefits is sufficient to justify the deductions, all of which satisfy the requirements of I.C. 6-1.1-12.1.3, and can be reasonably expected to result in the rehabilitation of real property or the redevelopment thereof.

WHEREAS, the Town Council hereby determines and finds that the proposed redevelopment and rehabilitation of Real Estate can be reasonably expected to yield benefits and is sufficient to justify the deductions granted and made available under I.C. 6-1.1-12.1-4.5 and I.C. 6-1.12.1-3 of the Indiana Code.

WHEREAS, the Town Council hereby designates the area heretofore set out, an economic revitalization area for the purposes of real estate tax abatement and hereby makes such a designation.

The Town Council hereby determines that the property owner who qualifies for and is granted property tax deductions will be for a period of ten years and ten years for real property.

The Town Council directs the Clerk of the Town of Sellersburg to cause notice that the adoption of this preliminary resolution determining the area to be an economic revitalization area for personal and real property tax shall be published and that said publication providing the date and notice of a public hearing for the Town Council to hear all remonstrances and objections from interested persons and to confirm, rescind or modify this proposed declaration.

BE IT RESOLVED, by the Town Council as follows:

1. The Town Council hereby determines and finds that application/applications for real and personal property tax abatement shall be accepted by the Town Council for the Town of Sellersburg and determined under the provisions of I.C. 6-1.1-12.1-1 et. seq.; and

2. The Town Council hereby determines and finds that the Petition to designate the foregoing area as an economic revitalization area for the purposes of real and personal property tax abatement shall be and hereby is approved.

3. The Town Council hereby determines and finds that the purposes of an economic revitalization area as defined by law would be served by allowing deductions;

4. That a statement of benefits is not waived and must be submitted to the Town Council and approved by the Town Council.

BE IT FURTHER RESOLVED by the Town Council upon submission of an application for deduction presented by the Statement of Benefits filed by the applicant and approved by the Town Council for the town of Sellersburg, shall be entitled to deductions for a period of ten (10) years from improvements of real property, pursuant to I.C. 6-1.1-12.1-3(d) and I.C. 6-1.1-12.1-4(d)(10) and ten years from new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5 with the timely filing and perfection thereof with the Clark County Auditor's Office.

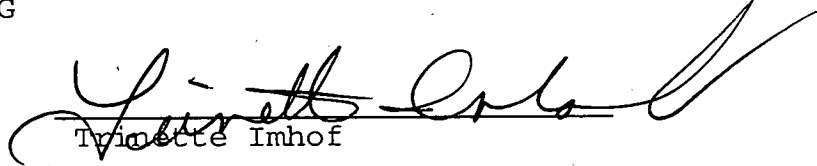
This Resolution shall be in full force and effect from and after the hearing to be conducted as set out herein and the date of its' final adoption by the Town Council.


PRELIMINARILY PASSED AND ADOPTED this 9th day of May, 2005, by the Town Council for the Town of Sellersburg, Indiana.

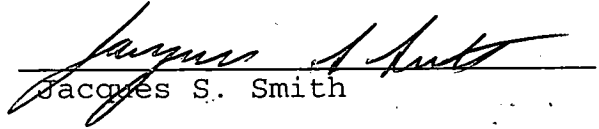
SO ORDAINED this 9th day of May, 2005.

TOWN COUNCIL, TOWN OF SELLERSBURG

  
\_\_\_\_\_  
Douglas J. Reiter


  
\_\_\_\_\_  
Trinetta Imhof

  
\_\_\_\_\_  
Paul J. Rhodes

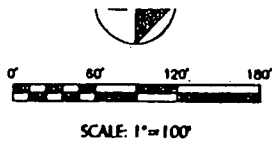
  
\_\_\_\_\_  
Jacques S. Smith

  
\_\_\_\_\_  
Michael N. Lockhart

Attest:

  
\_\_\_\_\_  
David L. Kinder  
Clerk/Treasurer

c:\client\abatement\hardybusinesscentre\prel



FD 1" IP ○ FENCE CORNER

NOVA STAR  
30x508

LOVE  
25x14500

LOT 3  
49088.6 SQ. FT.  
1.03 ACRES

LOT 4  
39824.6 SQ. FT.  
0.91 ACRES

FD 12x12  
FENCE POST

NORTH COR

HECKER  
21x13043

FD FENCE CORNER

10' DRAINAGE & PUBLIC UTILITY EASEMENT  
(N 85°44'19" W 847.85')

LOT 2  
43560.0 SQ. FT.  
1.0 ACRES

R=60', 39.45'  
CH=N 39°07'00" W

R=60', 102.02'  
CH=S 39°20'00" E

CH=S 59°32'53" E  
R= 60', 50.45'

R=60', 45.71'  
CH=S 11°17'50" E

25' BUILDING LINE (TYP)  
N 85°44'19" W

CH=N 27°19'22" W  
R= 50', 57.26'

LOT 5  
32431.0 SQ. FT.  
0.74 ACRES

HARDY DEVELOPMENT CORP.  
27x10839

FD IRON PIN & CAP  
(RUCKMAN)

RICHARDS  
25x9564

RIVER VALLEY  
FINANCIAL BANK  
IN 200213020

LOT 1  
47221.4 SQ. FT.  
1.08 ACRES

HARDY WAY 50' R/W  
N 85°44'19" W

10' DRAINAGE & PUBLIC UTILITY EASEMENT  
N 09°07'52" E 358.03'

LOT 6  
78490.9 SQ. FT.  
1.80 ACRES

DRAINAGE & DETENTION BASIN EASEMENT  
N 09°07'52" E 337.89'  
N 09°07'52" E 308.24'

TPOB

S 69°44'19" E  
31.08'

ADAMS  
18x885

APPELL  
161x545

FIRST BAPTIST CHURCH OF SELLERSBURG  
25x7324

SNIDER  
22x14479

COONS  
27x1108

HWY #311 (A.K.A. CHARLESTOWN ROAD) 60' R/W  
S 09°08'23" W 854.00'

FD IRON PIN & CAP  
(RUCKMAN)

● SET IRON PIN & CAP  
○ FD IRON PIN & CAP (MARSHALL)

**HARDY BUSINESS CENTRE, PHASE I  
DESCRIPTION**

Being a part of Survey No. 108 of the Illinois Grant, Town of Sellersburg, Clark County, Indiana, and being more particularly described as follows:  
Commencing at the north corner of Survey No. 108;  
Thence South 50° 15' 00" West, 208.10 feet more or less, to a point;  
Thence South 40° 00' 00" East, 825.00 feet more or less, to a point;  
Thence South 60° 16' 00" West, 281.29 feet more or less, to a point;  
Thence South 39° 15' 00" East, 328.00 feet more or less, to a point;  
Thence South 50° 15' 00" West, 189.75 feet more or less, to a point;  
Thence South 39° 15' 00" East, 231.35 feet more or less, to a 12x12 corner post;  
Thence North 50° 15' 00" East, 384.75 feet more or less, to a found 5/8" steel pin with cap "Ruckman";  
Thence South 42° 23' 33" East, passing a found 5/8" steel pin with cap "Ruckman" at 558.54, a total local distance of 594.40 feet more or less, to the center line of State Highway 311;  
Thence along said center line South 09° 08' 25" West, 855.08 feet more or less, to a point;  
Thence leaving said center line North 66° 44' 19" West, 31.08 feet more or less, to a set steel pin with cap "Marshall" on the Westerly line of State Highway 311, being the true place of beginning;  
Thence North 66° 44' 19" West, 847.95 feet more or less, with Hardy Development Corporation south line to a 1" pipe at a fence corner;  
Thence North 31° 41' 18" East, 338.34 feet more or less, with Hardy Development Corporation west line;  
Thence South 58° 18' 42" East, 199.99 feet more or less;  
Thence with a curve to right with a radius of 80 feet and curve length of 52.07 feet and whose chord bears South 58° 32' 53" East, 50.46 feet more or less;  
Thence North 31° 41' 18" East, 81.98 feet more or less;  
Thence South 65° 44' 19" East, 220.75 feet more or less;  
Thence North 09° 08' 25" East, 208.30 feet more or less;  
Thence South 65° 44' 19" East, 220.87 feet more or less, to the Westerly right-of-way of State Highway 311;  
Thence S 09° 07' 51" W (South 09° 08' 25" West Deed), 606.80 feet more or less, with said State Highway 311 right-of-way to the true place of beginning and containing 7.46 acres of land.

I UNDERSIGNED HARDY DEVELOPMENT CORP. AND SHER VALLEY FINANCIAL, A FIDELITY AND BOND COMPANY CERTIFY THAT I HAVE Laid Out, PLATTED AND SUBSCRIBED THESE LOTS IN ACCORDANCE WITH THE SEVERAL PLATS.

THE SUBDIVISION SHALL BE KEPT OPEN AND CONSIDERED AS PUBLIC BUSINESS

ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED, ARE

FRONT AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED

AND THE PROPERTY LINES OF THE LOTS THERE SHALL BE CHECKED ON

THERE ARE AREAS OF CEDARS AS SHOWN ON THIS PLAN AND MARKED TO

BE REMOVED FOR THE INSTALLATION OF PIPES, DITCHES, WELLS, POLES, ETC., LINES TO

BE REMOVED FOR THE FLOW OF WATER. THE OWNER OF SAID LOTS

SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER TO KEEP ALL DITCHES

AND UNOCCUPIED FOR THE FLOW OF WATER. THE OWNER OF SAID LOTS

FOR ADDITIONAL CONDITIONS AND RESTRICTIONS SEE MISCELLANEOUS DEED

BOOKS BY THIS AND RECORDS SEAL THIS 25th DAY OF OCT

*[Handwritten signatures and initials]*  
TOM HARRIS  
ELMER HARRIS  
H.S. HARRIS  
MATTHEW FOR

NOV 08 2004

STATE OF INDIANA

COUNTY OF CLARK

BEFORE ME, THE UNDERSIGNED SHERY PUBLISHED, IN AND FOR THE COUNTY OF CLARK COUNTY, INDIANA RECORDERS OFFICE, FOR THE PURPOSE

BOOKS BY THIS AND RECORDS SEAL THIS 25th DAY OF OCT

I, Dan Stone, hereby certify that I am a Notary Public in and for the State of Indiana in compliance with the laws of the State in the result of a boundary survey, performed by

200426837

*[Signature]*  
Registered Land Surveyor No. LS 265200

CERTIFICATE  
Approved by members of the Plat Commission

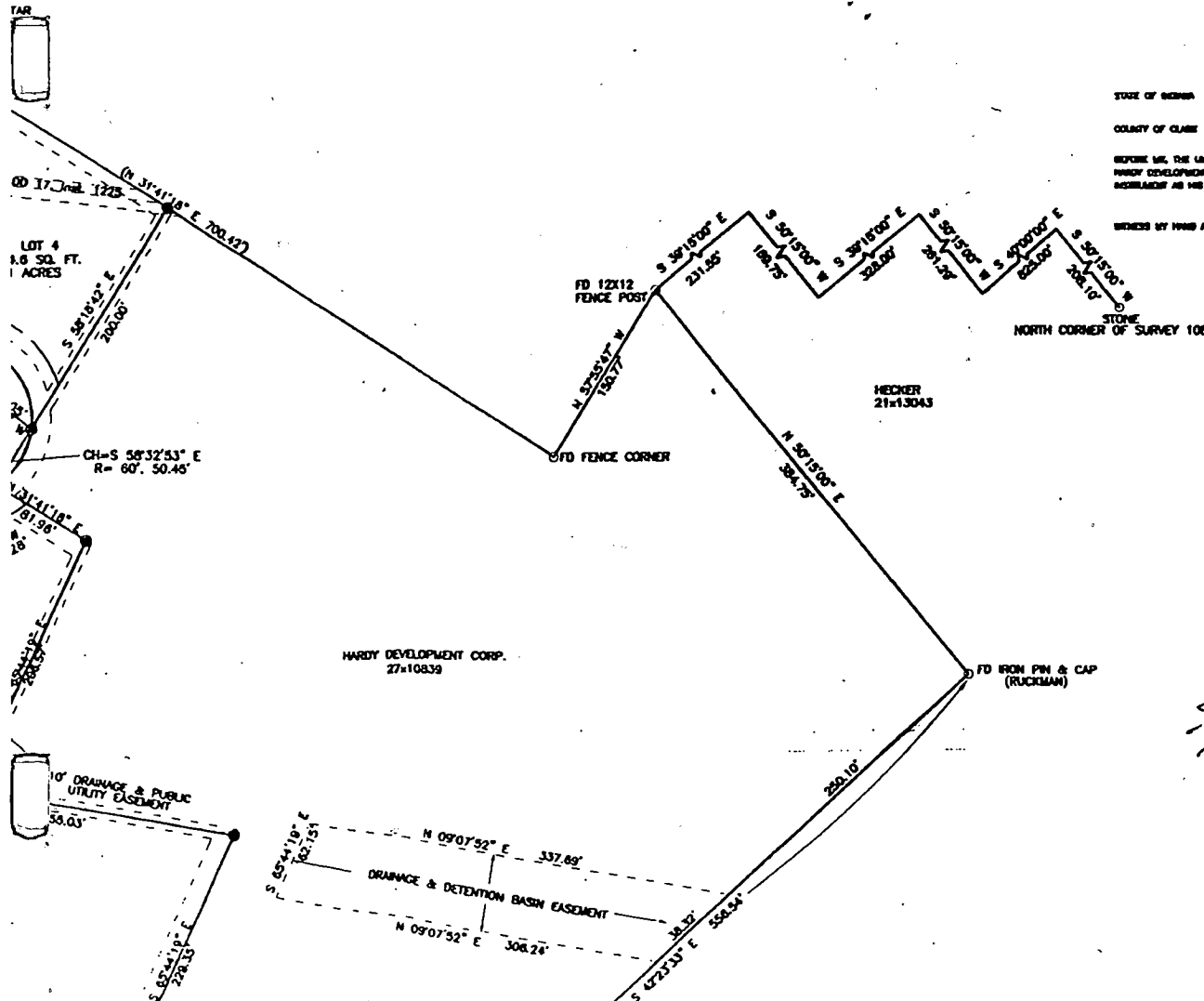
*[Signature]*  
President

10/18/2004  
Date

*[Signature]*  
Notary Secretary

The Owner, of No. 1 of Sellersburg of 9 right-of-way and 9

Signature *[Initials]*  
Date 11





STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG

RESOLUTION NO.         R 2005-009        

**A RESOLUTION DESIGNATING OF A 77.892-ACRE TRACT OF  
REAL ESTATE LOCATED AT THE COMMONLY KNOWN ADDRESS  
OF 7615 STATE ROAD 31, SELLERSBURG, CLARK COUNTY,  
INDIANA, AS AN ECONOMIC REVITALIZATION AREA**

**WHEREAS**, pursuant to the provisions of I.C. § 6-1.1-12.1-2.5, the Town Council of the Town of Sellersburg, Indiana (the "Council"), may designate an area as an Economic Revitalization Area ("ERA") and determine the duration of the abatement period(s) for such property; and,

**WHEREAS**, Silver Creek, LLC, is the intended owner of a 77.892-acre tract of real estate located at the commonly known address of 7615 State Road 31, Sellersburg, Clark County, Indiana (the "Property"), which Property is more particularly described hereinbelow, and on which Property new corporate headquarters, operations, maintenance, and distribution facilities are proposed to be constructed for the benefit of Summitt Logistics & Brokerage, LLC, and Summitt Trucking, LLC (the "Project"); and,

**WHEREAS**, Silver Creek, LLC, Summitt Logistics & Brokerage, LLC, and Summitt Trucking, LLC (collectively, the "Applicant"), jointly request that the Council designate the Property as an ERA in order to authorize real property and tangible personal property tax abatement for the improvements to be constructed on the real estate described hereinbelow and for new logistical distribution equipment and new information technology equipment to be located thereon and in connection with the investment and job impact of the Project; and,

**WHEREAS**, the Council has reviewed the Statement of Benefits (Form SB-1) submitted by the Applicant with respect to the Project, and the Council now desires and resolves to take actions hereinafter set forth.

**NOW, THEREFORE, BE IT RESOLVED** by the Sellersburg Town Council as follows:

1. The findings and actions of the Council as set forth herein pertain to the Project to be constructed on the Property, which Property is more particularly described as follows:

Being a part of Survey #89 of the Illinois Grant to Clark County, Indiana and being further described as follows:

Beginning at a stone on the common corner to Surveys 87, 88, and 89; Thence North 55°57'52" East, 2005.92 feet to a steel pin; Thence South 7°32'35" East, 494 feet to a steel pin; Thence North 81°44'26" East, 418.82 feet to an iron pipe on the west Right-of-

Way line of State Highway 31; Thence South 7°32' 35" East, along said Right-of-Way line, 998.31 feet to steel pin; Thence South 82°27'25" West along said Right-of-Way line, 10 feet to a concrete Right-of-Way marker; Thence South 7°32'35" East, along said Right-of-Way line, 304.8 feet to a steel pin dividing Surveys 67 and 89; Thence South 54°15'52" West, along said dividing line, 1557.19 to a stone on the common corner to Surveys 67, 87, and 89; Thence North 34°32'05" West 1832.32 feet to the PLACE OF BEGINNING.

Containing 77.892 acres and being subject to all easements of record.

2. Based upon a review of the Form SB-1 filed by Applicant, the Council hereby makes the following findings:

a. *Finding No. 1:* The Property is suitable for designation as an ERA due to the following economic conditions:

(i) The Property has become undesirable because of a lack of development and other factors that have impaired values or prevent a normal development of property or use of the Property.

(ii) Construction and relocation of the corporate headquarters of Summitt Logistics & Brokerage, LLC, and Summitt Trucking, LLC, at this location will result in an addition to the area's overall assessed value within an accelerated time period inasmuch as there is no development on this site at the present time.

(iii) The Project represents a superior use for the site.

(iv) The Project is consistent with similar land uses on adjacent properties.

b. *Finding No. 2:* The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of the nature of the Project proposed by the Applicant.

c. *Finding No. 3:* The estimate of the number of individuals who will be employed, or whose employment will be retained, can reasonably be expected to result from the proposed redevelopment or rehabilitation as described in Applicant's Statement of Benefits.

d. *Finding No. 4:* The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation described in Applicant's Statement of Benefits.

e. *Finding No. 5:* Other benefits about which information was requested from Applicant are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation described in Applicant's Statement of Benefits.

f. *Finding No. 6:* The totality of benefits described in Applicant's Statement of Benefits is sufficient to justify the designation of the Property as an ERA and the approval of the real property tax deductions herein described.

3. The Property described hereinabove is hereby declared as an ERA for purposes of enabling the grant of real and/or tangible personal property tax abatement pertaining to (a) the increase in assessed value on the Property from the construction of the Project, and/or (b) new logistical distribution equipment and/or new information technology equipment as such terms are defined in I.C. § 6-1.1-12.1-1 (as amended by House Enrolled Act No. 1182 of 2005), as the same may be requested by Applicant.

4. Applicant's request for the grant of real property and tangible personal property tax abatement is hereby preliminarily granted, and the number of years for which Applicant shall be entitled to a deduction from the assessment for (a) improvements on the Property, and for the real property taxes related thereto, and (b) new logistical distribution equipment and new information technology equipment to be located on the Property, shall be ten (10) years pursuant to the provisions of I.C. § 6-1.1-12.1-2.5 and 3(d). However, the tax abatement deductions authorized herein are contingent upon the final designation of the ERA prior to breaking of ground at the site.

5. The Clerk-Treasurer is directed to file a certified copy of this Resolution with the Clark County Assessor as required by the provisions of I.C. § 6-1.1-12.1-2.5(b).


6. Notice of the adoption and substance of this Resolution shall be published in accordance with the provisions of I.C. § 6-1.1-12.1-2.5(c)(1) and I.C. § 5-3-1, *et seq.*

7. This Resolution shall take effect upon its promulgation and passage by the Council, and its publication in accordance with Indiana law.

*[Signature Page Follows]*

So **RESOLVED** by the Town Council of the Town of Sellersburg, Indiana, this 11<sup>th</sup>  
Day of **July, 2005**, by a vote of **4 ayes** and **1 nay**.

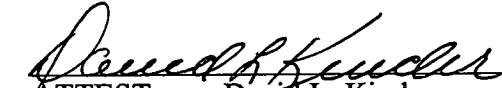
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

\_\_\_\_\_  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG

RESOLUTION NO. 2005-R-2005-010

**A RESOLUTION CONFIRMING THE DESIGNATION OF A 77.892-ACRE TRACT OF REAL ESTATE LOCATED AT THE COMMONLY KNOWN ADDRESS OF 7615 STATE ROAD 31, SELLERSBURG, CLARK COUNTY, INDIANA, AS AN ECONOMIC REVITALIZATION AREA AND APPROVAL OF TEN (10) YEAR REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY TAX ABATEMENTS FOR SILVER CREEK, LLC**

**WHEREAS**, pursuant to the provisions of I.C. § 6-1.1-12.1-2.5, the Town Council of the Town of Sellersburg, Indiana (the "Council"), may designate an area as an Economic Revitalization Area ("ERA") and determine the duration of the abatement period(s) for abatement to real property and tangible personal property therein; and,

**WHEREAS**, I.C. § 6-1.1-12.1-4 provides for the partial abatement of real property taxes and certain tangible personal property taxes; and,

**WHEREAS**, a SB-1 has been filed before the Council by Silver Creek, LLC, which describes the amount of capital investment and job impact of the construction of new corporate headquarters, operations, warehousing, and maintenance facilities for Summitt Logistics & Brokerage, LLC, and Summitt Trucking, LLC (the "Project"); and,

**WHEREAS**, the Applicant represents that new buildings will be constructed within the ERA and serve as the Applicant's headquarters provided that Applicant is able to obtain the real property and tangible personal property tax deductions requested and granted as herein described; and,

**WHEREAS**, the Applicant further represents that new logistical distribution equipment and new information technology equipment (as such terms are defined in I.C. § 6-1.1-12.1-1 (as amended by House Enrolled Act No. 1182 of 2005)) will be purchased by Applicant and utilized within the ERA; and,

**WHEREAS**, the Applicant seeks to have the Council authorize real property and tangible personal property tax deductions in connection with the construction of the proposed improvements to real property within the ERA; and,

**WHEREAS**, Resolution No. 2005-R-009 was adopted by the Council at its regular meeting on July 11, 2005, which resolution designated the site of the proposed Project, as more particularly described hereinbelow, as an ERA for purposes of providing real property and tangible personal property tax abatement to Silver Creek, LLC, Summitt Logistics & Brokerage, LLC, and Summitt Trucking, LLC (collectively the "Applicant"); and,

**WHEREAS**, notice of the adoption of and the substance of Resolution No. 2005-R-009, as well as of a public hearing to be held by this Council thereon at its regular meeting on the 8<sup>th</sup> day of August, 2005, has been published in accordance with the provisions of I.C. § 5-3-1, *et seq.*; and,

**WHEREAS**, such public hearing was held by this Council as scheduled, and all interested persons were permitted to speak regarding this matter; and,

**WHEREAS**, the Council has considered all information received at public hearing, and has again reviewed the information submitted with Applicant's Statement of Benefits (Form SB-1), and the Council now desires to take actions hereinafter set forth.

**NOW, THEREFORE, BE IT RESOLVED** by the Sellersburg Town Council as follows:

1. The findings and actions of the Council as set forth herein pertain to the Project to be constructed on the Property, which Property is more particularly described as follows:

Being a part of Survey #89 of the Illinois Grant to Clark County, Indiana and being further described as follows:

Beginning at a stone on the common corner to Surveys 87, 88, and 89; Thence North 55°57'52" East, 2005.92 feet to a steel pin; Thence South 7°32'35" East, 494 feet to a steel pin; Thence North 81°44'26" East, 418.82 feet to an iron pipe on the west Right-of-Way line of State Highway 31; Thence South 7°32' 35" East, along said Right-of-Way line, 998.31 feet to steel pin; Thence South 82°27'25" West along said Right-of-Way line, 10 feet to a concrete Right-of-Way marker; Thence South 7°32'35" East, along said Right-of-Way line, 304.8 feet to a steel pin dividing Surveys 67 and 89; Thence South 54°15'52" West, along said dividing line, 1557.19 to a stone on the common corner to Surveys 67, 87, and 89; Thence North 34°32'05" West 1832.32 feet to the PLACE OF BEGINNING.

Containing 77.892 acres and being subject to all easements of record.

2. Based upon a review of the Form SB-1 filed by Applicant, the Council hereby makes and confirms the following findings:

a. *Finding No. 1:* The Property is suitable for designation as an ERA due to the following economic conditions:

(i) The Property has become undesirable because of a lack of development and other factors that have impaired values or prevent a normal development of property or use of the Property.

(ii) Construction and relocation of the corporate headquarters of Summitt Logistics & Brokerage, LLC, and Summitt Trucking, LLC, at this location will result in an addition to the area's overall assessed value within an accelerated time period inasmuch as there is no development on this site at the present time.

(iii) The Project represents a superior use for the site.

(iv) The Project is consistent with similar land uses on adjacent properties.

b. *Finding No. 2:* The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of the nature of the Project proposed by the Applicant.

c. *Finding No. 3:* The estimate of the number of individuals who will be employed, or whose employment will be retained, can reasonably be expected to result from the proposed redevelopment or rehabilitation as described in Applicant's Statement of Benefits.

d. *Finding No. 4:* The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation described in Applicant's Statement of Benefits.

e. *Finding No. 5:* Other benefits about which information was requested from Applicant are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation described in Applicant's Statement of Benefits.

f. *Finding No. 6:* The totality of benefits described in Applicant's Statement of Benefits is sufficient to justify the designation of the Property as an ERA and the approval of the real property tax deductions herein described.

2. The Property described hereinabove is hereby declared and confirmed as an ERA for purposes of enabling the grant of real property and tangible personal property tax abatement pertaining to (i) the increase in assessed value on the Property from the construction of the Project as requested by Applicant, and/or (ii) new logistical distribution equipment and/or new information technology equipment (as such terms are defined in I.C. § 6-1.1-12.1-1, as amended by House Enrolled Act No. 1182 of 2005).

3. Applicant's request for the grant of real property tax abatement is hereby granted and confirmed. The number of years for which Applicant shall be entitled to a deduction from the assessment for improvements on the Property for the real property taxes related thereto, shall be ten (10) years pursuant to the provisions of I.C. § 6-1.1-12.1-2.5 and 3(d). Pursuant to the provisions of IC § 6-1.1-12.1-4(d)(10), such deductions shall be allowed in accordance with the following schedule: (a) Year 1 – 100%, (b) Year 2 – 95%, (c) Year 3 – 80%, (d) Year 4 – 65%, (e) Year 5 – 50%, (f) Year 6 – 40%, (g) Year 7 – 30%, (h) Year 8 – 20%, (i) Year 9 – 10%, (j) Year 10 – 5%, and (k) Year 11 and after – 0%.

4. Applicant's request for the grant of tangible personal property tax abatement is hereby granted and confirmed. The number of years for which Applicant shall be entitled to a deduction from the assessment for new logistical distribution equipment and new information technology equipment utilized on the Property for the tangible personal property taxes related thereto, shall be ten (10) years pursuant to the provisions of I.C. § 6-1.1-12.1-2.5 and 3(d). Pursuant to the provisions of IC § 6-1.1-12.1-4.5(e)(10), such deductions shall be allowed in accordance with the following schedule: (a) Year 1 – 100%, (b) Year 2 – 90%, (c) Year 3 – 80%;

(d) Year 4 – 70%, (e) Year 5 – 60%, (f) Year 6 – 50%, (g) Year 7 – 40%, (h) Year 8 – 30%, (i) Year 9 – 20%, (j) Year 10 – 10%, and (k) Year 11 and after – 0%.

5. To the extent that the Applicant hereafter seeks any deduction pursuant to this Resolution, the Applicant shall be responsible for filing certified deduction application on forms prescribed by the department of local government finance with the Clark County Auditor. Such application shall be filed following Applicant's receipt of notice of the addition to assessed valuation or new assessment regarding the Property, or any improvements constructed thereon, in accordance with the provisions of I.C. § 6-1.1-12.1-5.

6. Within sixty (60) days after the end of each year in which the Applicant seeks a deduction pursuant to this Resolution, the Applicant shall provide the Clark County Auditor and this Council with information showing the extent to which there has been compliance with the Statement of Benefits initially submitted in accordance with the provisions of I.C. § 6-1.1-12.1-5.1.


7. The Clerk-Treasurer is directed to file a certified copy of this Resolution with the Clark County Assessor as required by the provisions of I.C. § 6-1.1-12.1-2.5(b).

8. This Resolution shall be in full force and effect upon its promulgation and passage by the Council.

*[Signature Page Follows]*



So **RESOLVED** by the Town Council of the Town of Sellersburg, Indiana, this 8<sup>th</sup> day of August, 2005 by a vote of 4 ayes and 1 nay.


  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice-President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

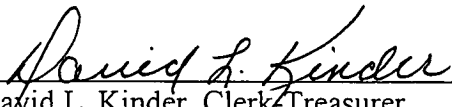
\_\_\_\_\_  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

**CERTIFICATION OF RESOLUTION**

The undersigned, as the duly elected and serving Clerk-Treasurer of the Town of Sellersburg, Indiana, hereby certifies that the foregoing is a true and correct copy of Resolution No. 2005-R-010 adopted by the Sellersburg Town Council following notice and public hearing as required by Indiana law at its regularly scheduled meeting on August 8, 2005.

The undersigned further hereby certifies that on this 8th day of August, 2005, a true and correct copy of this Resolution was sent for filing in the office of the Clark County Assessor as required by the provisions of I.C. § 6-1.1-12.1-2.5(b) either personally or by first class United States mail, postage prepaid.

  
\_\_\_\_\_  
David L. Kinder, Clerk-Treasurer  
Town of Sellersburg, Indiana

*Contact Information:*  
C. Gregory Fifer, Attorney for Applicant  
**APPLEGATE & FIFER**  
131 E. Court Avenue, Suite 101  
Jeffersonville, Indiana 47131-1418  
(812) 284-9499

**RESOLUTION APPROVING AN INCREASED TAX LEVY FOR THE  
TOWN OF SELLERSBURG 2006 BUDGET**

**WHEREAS**, the Town of Sellersburg Town Council has been advised by its Clerk-Treasurer of the need to increase the tax levy for the 2006 Budget of the Town of Sellersburg; and

**WHEREAS**, the Town of Sellersburg Town Council relies upon the advice and expertise of the Clerk-Treasurer in making this determination; and

**WHEREAS**, the Town of Sellersburg Town Council has been advised that the increased levy of \$40,000.00 for the three (3) years growth factor and \$75,000.00 for the costs of operating courts for the Town of Sellersburg is required; and

**WHEREAS**, the previous advertised levy for the year 2006 was \$1,145,520.00, the appealed levy is \$115,000.00, making the new proposed tax levy \$1,260,520.00; and

**WHEREAS**, the Town of Sellersburg Town Council believes that the increased levy of \$115,000.00 is necessary for the efficient and effective administration of Town government; and

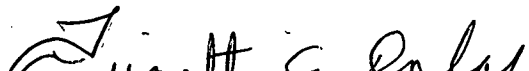
**WHEREAS**, this matter was considered at an open meeting to which the public were invited to attend and participate;

**BE IT NOW THEREFORE RESOLVED** by the Town of Sellersburg Town Council to approve the increase of the tax levy for the Town of Sellersburg 2006 Budget in the amount of \$115,000.00 making the new proposed tax levy for the Town of Sellersburg for the year 2006, \$1,260,520.00

SO RESOLVED THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2005.


  
Douglas J. Reiter, Council President

  
Paul J. Rhodes, Council Member

  
Trinetta S. Imhof, Council Member

  
Michael N. Lockhart, Vice-President

  
Jacques S. Smith, Council Member

ATTEST:   
David L. Kinder, Clerk/Treasurer

RESOLUTION NO. 2005-013

RESOLUTION ESTABLISHING A CELLULAR TELEPHONE  
POLICY FOR THE TOWN OF SELLERSBURG

WHEREAS, the Town of Sellersburg, Indiana and by the request of the Indiana State Auditor desires to establish a cellular telephone policy.

NOW THEREFORE, be it resolved by the Sellersburg Town Council to create the following cellular telephone policy.

There is hereby established a cellular telephone policy to be inherited as follows:

Section I. Cellular telephones: Certain employees and Town officials may be provided cell phones to assist them in the performance of their required duties for the Town. Employees and Town officials shall be responsible for reimbursing the Town for any personal calls made or received on the cell phone assigned to the individual.

Section II. Effective date of this resolution shall be in full force and effect from and after the date of its passing.

So resolved this 14th day of November, 2005.

\_\_\_\_\_  
Doug J. Reiter  
Council President

\_\_\_\_\_  
Michael N. Lockhart  
Council Vice President

\_\_\_\_\_  
Trinette S. Imhof  
Council Member

\_\_\_\_\_  
Paul J. Rhodes  
Council Member

\_\_\_\_\_  
Jacques S. Smith  
Council Member

\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer