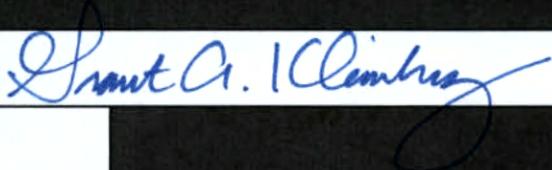


Date:		Reference No.:		Agenda Item No.:	
5/17/2012		Resolution #2012-16			
Subject: BKH LLC., R/E Tax Abatement					
Summary of Request:					
<p>On April 19, 2012 the EDC reviewed a tax abatement request presented by BKH LLC. (Midwest Technical Institute Inc.) for Real Estate located at Lot 6 and 7 Lincoln Business Park, more commonly known as 558 & 550 Pit Drive. The proposed investment is 4.0 million dollars (\$4,000,000.00).</p> <p>The EDC unanimously passed a motion to send a favorable recommendation to the Town Council subject to an approval not to exceed 4.0 million dollars (\$4,000,000.00) for seven (7) years.</p> <p>On May 10, 2012, the Town Council approved Declaratory Resolution #2012-11. The requirements for the Declaratory Resolution have been met and now we are requesting the public hearing be held along with final approval of Confirmatory Resolution #2012-16.</p>					
Financial Summary:					
Budget Funds Available			If Yes, Amount		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A			
Budget Fund Information:			Line Item Name		Line Item Number
Recommend Bid/Contract Amount:					
Estimated Project Costs: (whole numbers)			Architecture/Engineering		
			Construction/Procurement		
			Contingency		
			Miscellaneous Costs		
			TOTAL ESTIMATE		
			Future Expenses (if any)		
			Revenue Generated (if any)		
Department Head Approval:					
Date:					

Assistant Town Manager Approval:	
Date:	
ATM Comments:	
Supporting Documentation:	Confirming Resolution 2012-16 and paperwork, Declaratory Resolution 2012-11, and Application SB-1 Real Property Form
Action Requested:	Public Hearing be held and approval of Confirming Resolution #2012-16
Town Manager Approval:	
Date:	5/17/2012
TM Comments:	

Resolution #2012-16
Brownsburg, Indiana
May 24, 2012

**RESOLUTION NO. 2012-16
TOWN OF BROWNSBURG, INDIANA**

**A RESOLUTION SETTING FORTH FINAL ACTION IN DETERMINING THAT
THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE
BEEN MET AND CONFIRMING RESOLUTION NO. 2012-11 OF 05/10/12**

WHEREAS, the Town Council for the Town of Brownsburg, Indiana adopted a Tax Abatement Procedure Resolution #93-04 on April 8, 1993; and

WHEREAS, pursuant to said Tax Abatement Procedure Resolution BKH LLC., filed with the Town Council of the Town of Brownsburg, Indiana an "Application for Deduction from Assessed Valuation, Real Property and Improvements in an Economic Revitalization Area", pursuant to I.C. 6-1.1-2.1-1 et. seq.

WHEREAS, at a duly constituted meeting of the Town Council of the Town of Brownsburg, Indiana held on May 10, 2012 said Town Council reviewed and approved said Application and declared certain real estate within the Town of Brownsburg, Indiana to be an "Economic Revitalization Area" pursuant to the specifications of Resolution #2012-11 adopted and approved May 10, 2012; and

WHEREAS, pursuant to I.C. 6-1.1-12.1-1 et.seq., the Town Council of the Town of Brownsburg, Indiana has properly published "Notice of Public Hearing by the Town Council of Brownsburg, Indiana Regarding Designation of Area as Economic Revitalization Area", and

WHEREAS, no remonstrances, written or oral, were filed, heard, or considered with regard to Resolution #2012-11 stating opposition, of any type or character, to said Resolution, or the designation of the real estate described therein as an "Economic Development Area"; and

NOW THEREFORE, Be It Resolved by the Town Council of the Town of Brownsburg, Indiana as follows:

1. Final Action. After legally required public notice, and after public hearing of even date herewith pursuant to such notice, the Town Council of the Town of Brownsburg, Indiana hereby takes “final action”, as that phrase is defined in I.C. 6-1.1-12.1-1 et. seq. with regard to the aforestated Application of BKH LLC. and the adoption of Resolution #2012-11 on May 10, 2012 authorizing a seven (7) year real property tax abatement period subject to annual review by the Economic Development Commission for compliance for the property described as Lot 6 & 7 Lincoln Business Park (558 & 550 Pit Road).

2. Confirmation of Resolution #2012-11. It is hereby declared by the Town Council of the Town of Brownsburg, Indiana that Resolution #2012-11 adopted May 10, 2012 is in all respects hereby confirmed, and it is hereby stated that the qualifications for Economic Revitalization Area have been met by BKH LLC. and to the real estate described in Resolution # 2012-11.

It is also hereby declared that the Town Council has made the following findings in regards to this request: a) the estimate of the value of the redevelopment is reasonable for projects of this nature; b) the estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed redevelopment; c) the estimate of the annual salaries of those individuals employed as a result of the redevelopment can reasonably be expected; and d) the totality of the benefits is sufficient to justify the deduction.

3. Effective Date. This Resolution shall be effective immediately upon its passage, subject to the appeal proceedings through Court action, contemplated by I.C. 6-1.1-12.1-2.5.

4. Filing with Hendricks County Authorities. Upon the adoption of this Resolution, the Clerk-Treasurer of the Town of Brownsburg, Indiana shall cause a certified copy of this Resolution to be filed with the Hendricks County Assessor and/or such other Hendricks County government officials as shall be necessary to make BKH LLC. eligible to file for property tax abatements as and to the real property and improvements contemplated via the Application

heretofore reviewed and approved by Resolution #2012-11 and ratified and confirmed by this Resolution.

Adopted by the Town Council of the Town of Brownsburg, Indiana this 24th day of May, 2012.

TOWN COUNCIL FOR THE TOWN
OF BROWNSBURG, INDIANA

BY: _____
Dwayne Sawyer, President

ATTEST:

Clerk-Treasurer

RESOLUTION NO. 2012-11
TOWN OF BROWNSBURG, INDIANA

**A RESOLUTION DESIGNATING ECONOMIC REVITALIZATION AREA AND
QUALIFYING CERTAIN REAL ESTATE FOR TAX ABATEMENT**

WHEREAS, the Town Council for the Town of Brownsburg, Indiana adopted a Tax Abatement Procedure Resolution on April 8, 1993; and

WHEREAS, pursuant to said Tax Abatement Procedure BKH, LLC has filed with the Town Council of the Town of Brownsburg, Indiana an “Application for Deduction from Assessed Valuation, Real Property and Improvements in Economic Revitalization Area”, pursuant to I.C. 6-1.1-12.1-1-1 et.seq. on April 5, 2012; and

WHEREAS, said Application has been reviewed by the Town Council and the Economic Development Commission of the Town of Brownsburg, Indiana and by its legal counsel, at a duly held public meeting of said Bodies and has received from the applicant the requisite filing fee; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BROWNSBURG, INDIANA AS FOLLOWS:

1. Declaration of Economic Revitalization Area. It is hereby declared by the Town Council of the Town of Brownsburg, Indiana that the real estate described as Lot 6 and 7 Lincoln Business Park, Brownsburg Indiana, attached hereto and made a part thereof, is, and shall hereafter be, deemed an “economic revitalization area” as that phrase is used and intended under the provisions of Indiana Code Sections 6-1.1-12-1.1 et.seq.

2. Real Property and Improvements. The Town Council of the Town of Brownsburg, Indiana hereby further declares that any and all improvements placed upon the real estate described, after the date of the adoption of this Resolution by the Town Council shall, along with the said real estate, be eligible for property tax abatement pursuant to the provision of I.C. 6-1.1-12 1-1 et.seq.

3. Maps and Location of Economic Revitalization Area. Attached hereto and made a part hereof as Exhibit A is a map showing the real estate herein declared to be an “economic revitalization area”.

4. Compliance with Applicable Resolution and Statutes. It is hereby declared by the Town Council of the Town of Brownsburg, Indiana that the Application of BKH, LLC, heretofore filed complies in all respects with the Tax Abatement Procedure Resolution of April 8, 1993 and all governing Indiana statutes, and that said Application, in all respects, is hereby granted and approved.

5. Limitations or Restrictions. It is hereby declared by the Town Council of Brownsburg, Indiana that based on the Town of Brownsburg’s Tax Abatement Incentive Policy # 92-01 adopted in 1992 stipulating the requirements for a tax abatement, an allowance for a seven (7) year Abatement for Lot 6 & 7 Lincoln Business Park, Brownsburg, Indiana meet the requirements as stipulated in said policy and as requested by BKH, LLC. In order to receive the benefit of multiyear tax abatements, the applicant must file an annual report with the Town Manager’s office which shows the stated goals and how the applicant is progressing toward meeting those goals. Failure to file the report or meet the stated goals may result in the suspension of the tax abatement granted herein.

6. Effective Date. This Resolution shall be effective immediately upon its passage, subject to the notice and hearing provisions of I.C. 6-1.1-2.1-2.5. The public hearing contemplated by said statute shall be held at the time and place of the regular meeting of the Town Council of the Town of Brownsburg, Indiana on Thursday, June 14, 2012 to-wit: Town Hall, 61 N. Green St., Brownsburg, Indiana 7:00 P.M. At such meeting, the Town Council shall take final action determining whether the qualifications for an economic revitalization area (as to the real estate) have been met, and shall confirm, modify and confirm or rescind, the Resolution. Such determination and final action by the Council shall be binding upon all affected parties; subject to the appeal procedures contemplated by I.C. 6-1.1-12.1-1 et. seq.

7. Filing with Hendricks County Authorities. Upon adoption of this Resolution, the Clerk-Treasurer of the Town of Brownsburg, Indiana shall cause a certified copy of this Resolution, including the legal descriptions of the aforescribed real estate and attached map, to be filed with the Hendricks County Assessor and/or such other Hendricks County Government officials as shall be necessary to make BKH, LLC. eligible to file for property tax abatement as to the real estate contemplated by the Application heretofore reviewed and approved.

Adopted by the Town Council of the Town of Brownsburg, Indiana this 10th day of April, 2012.

TOWN COUNCIL FOR THE
TOWN OF BROWNSBURG, INDIANA

BY: _____

Don Spencer, Vice-President

ATTEST:

Jeanette M. Brickler

Jeanette M. Brickler, Clerk-Treasurer



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R3 / 12-11)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

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)
- Eligible vacant building (IC 6-1.1-12.1-4.8)

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. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
3. To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
5. The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer BKH, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 2731 Farmers Market Rd., Springfield, IL 62707					
Name of contact person Mike Casper			Telephone number (217) 737-0563		E-mail address MCasper@midwesttech.edu
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Brownsburg Town Council				Resolution number	
Location of property 558 & 550 Pit Road, Brownsburg, IN			County Hendricks		DLGF taxing district number Brownsburg
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) A technical training college. See additional information provided herewith.					
Estimated start date (month, day, year) 06/01/2012					
Estimated completion date (month, day, year) 07/01/2013					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0.00	Salaries \$0.00	Number retained	Salaries	Number additional 21.00	Salaries \$678,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		533,930.00		6,000.00	
Plus estimated values of proposed project		3,466,070.00		3,466,070.00	
Less values of any property being replaced		0.00		0.00	
Net estimated values upon completion of project		4,000,000.00		4,000,000.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) 0.00			Estimated hazardous waste converted (pounds) 0.00		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Michael Casper</i>			Title V.P.		Date signed (month, day, year) 7/5/12

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, 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 _____ calendar years * (see below). The date this designation expires is _____.
- 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
 - 3. Occupancy of a vacant building Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).

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	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
- C. For vacant buildings, the deduction period may not exceed two (2) years.

Letter of Intent

BKH, LLCI, Petitioner, owns and operates technical training institutes in Illinois and Mississippi and has a new facility under construction in Missouri. Petitioner wishes to construct its seventh location on Lots 6 and 7 of Lincoln Park Business Park. Petitioner operates the training institutions under the names of Midwest Technical Institute and Delta Technical College.

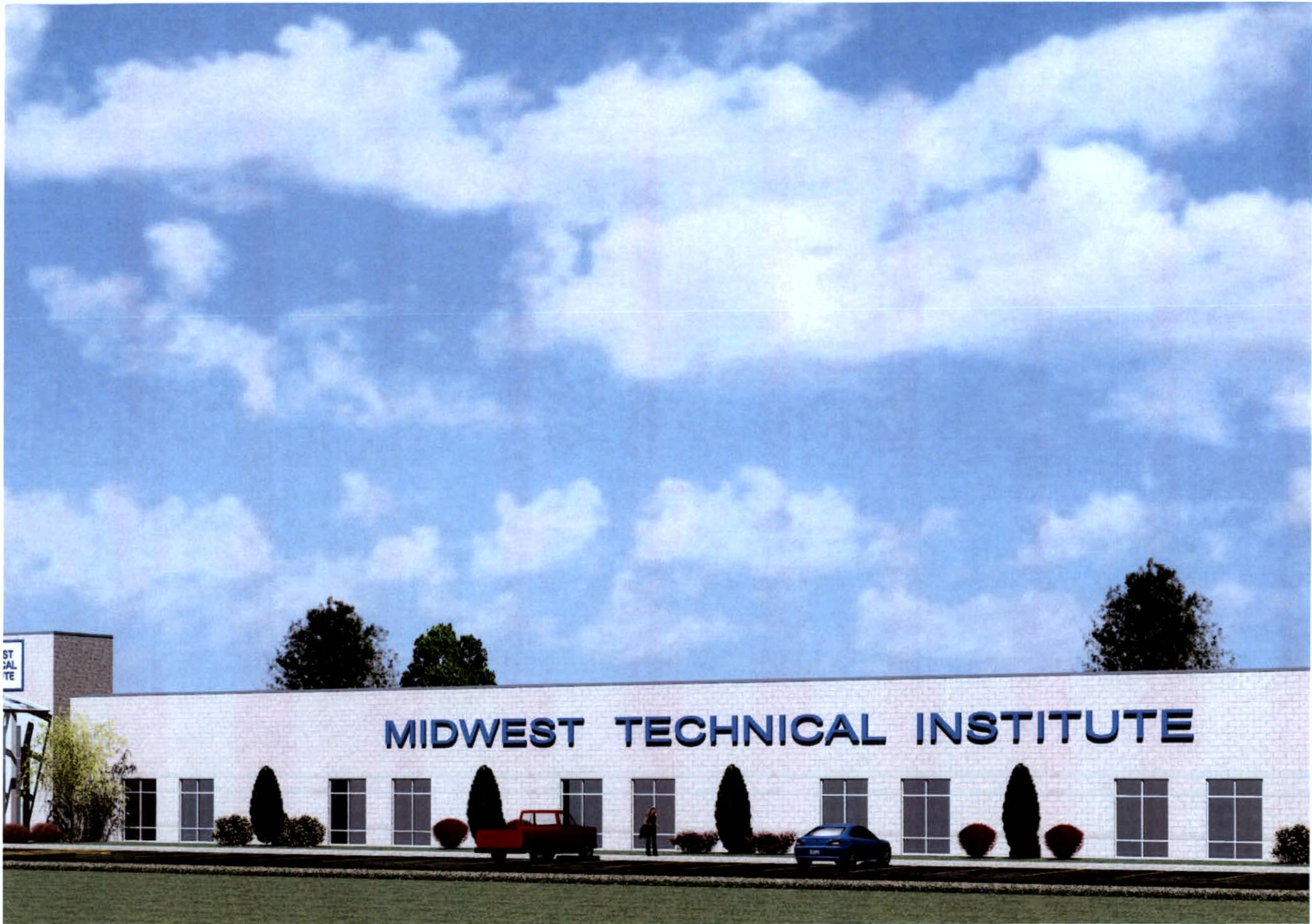
Petitioner focus on training in various technical fields, including, electrical, HVAC, major appliance repair, welding (primarily pipe welding), cosmetology, medical assisting, dental assisting, massage therapy, medical coding and Certified Nurses Assistant (CAN) training, although not all of these options are available at every location.

Combined enrollment for all of the programs typically consists of 350 – 430 students annually. The electrical and cosmetology programs are one year programs. All other programs are typically 36 week programs, with 27 weeks in education and the final weeks spent in externship with local businesses. The institute creates relationships with local business to provide for externships and job placement of their students. In order to retain certain accreditations, the institutes must meet, and do meet, seventy percent (70%) job placement each year.

Each institute employs 25 – 35 employees.

Petitioner has been in business for seventeen (17) years and has been under single ownership during that time.

Petitioner viewed and considered other locations in the greater Indianapolis area, but Petitioner's first choice is this location in Brownsburg, Indiana.



MIDWEST TECHNICAL INSTITUTE

STITUTE

Lincoln Park

Date Created: 3/13/2012



EXHIBIT – E
SITE PHOTOS



EXHIBIT – E
SITE PHOTOS *continued*

