

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 18, 2013**

Comes now the hour of 8:41 A.M. on the 18th day of March, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
David J. (Dave) Dolezal, Vice President
Chad Kline, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry, News Media

PAYROLL TO BE PAID 3/21/13 APPROVED

After reviewing the payroll from 2/21/13 - 3/07/13 to be paid today's date, Chad moved to approve it. Dave seconded the motion and it carried, 3-0.

CLAIMS APPROVED

The Commissioners reviewed the claims to be paid today's date. Dave moved to approve them. Chad seconded the motion and it carried, 3-0.

WEIGHTS & MEASURES REPORT – 2/15/13 - 3/15/13

The Commissioners received the above referenced report, (H.I.).

BURNWORTH-ZOLLARS – VEHICLE PURCHASE

The Commissioners received a letter from Gavin McGuire from Burnworth-Zollars Auto Dealerships indicating that the county had purchased a vehicle from them four years ago, and offering his services if they should wish to purchase any other vehicles, (H.I.).

**CLERK'S & TREASURER'S
REPORTS - FEBRUARY 2013**

The Commissioners received the above referenced reports, (H.I.).

**FEMA – LETTER OF MAP REVISION &
NATIONAL FLOOD INSURANCE PROGRAM**

The Commissioners received two letters from FEMA regarding the Letter of Map Revision and the National Flood Insurance Program, which they discussed, (H.I.).

MINUTES APPROVED

After reviewing the minutes of the *March 4, 2013* meeting Dave moved to approve them as presented. Chad seconded the motion and it carried, 3-0.

REJUVTEC, INC. - ASPHALT PAVEMENT PRESERVATION

RejuvTec, Inc. sent the Commissioners a letter regarding pavement preservation which they said is their only business, and they noted they are a statewide contractor, (H.I.).

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:15 A.M. and reconvened at approximately 9:29 A.M.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH TRUCK LIFTS ORDERED

Mark informed the Commissioners that the truck lifts have been ordered and would be delivered in approximately six weeks.

BLACK PINE ROADS

Mark said he had a request from Black Pines for work on their drive. He said he had this researched and it was found in the minutes that it looked like we are supposed to take care of it. Dave asked what the road needs done to it. Mark said Laurie (from Black Pine) thought it needed patched. He said he is going to look at it and he might have it graded.

BRIDGE #12 DESIGN

Mike reported that the design on Bridge #12 is almost complete. He said he has a meeting this afternoon with the consultant to go over the bid documents. Mike said they are looking at bidding the project in April and starting construction soon after that. Dave asked if the road would be closed for a while. Mike said it would be closed for about three months.

HIGHWAY STANDARDS

Mike said he is working on the Highway Standards and he hopes to have a rough draft by the end of the month so they can be coordinated with the UDO information. Chad said there are several areas in the UDO that just say see the Surveyor's Office and hopefully we can get that changed to direct it to the Highway Department.

BRIDGE #134

Mike said he received a call from Dave Armstrong on Friday about Bridge #134. He said they are recommending that we finish the environmental study, and by doing that, it would essentially state in the study that because of the increase in the cost of the project, the cost would not be feasible. Mike said that would basically bring the project to a conclusion, which the federal highway will accept, and that will allow them to sign off. Mike said he should know something today or tomorrow. Dave asked Mike if he had heard anything from the railroad. Mike said he hadn't, and that is one reason the project isn't feasible to be continued because we don't know when they might add on to the track. Dave said there was one more bridge on that stretch we were going to do, and he asked if we should take that off the docket. Mike said at this point it wouldn't be on a priority list as far as bridge projects. He said bridge #70 would be our next bridge project. Dave asked if we would have to spend a little bit more money so we don't have to pay back a large amount of money. Mike said just for the

completion of the environmental study and it would be at the 80/20 cost. He said he would get the cost and the time frame so we know exactly what needs to be done. Chad asked Mike to check with the state to make sure their 80% funding would still be there.

BRIDGE DECK REPLACEMENT

Mike said we have some bridge deck replacements that need to be done. He said when they put asphalt surfaces on the bridges, they didn't have the technology and they didn't treat the concrete. Mike said then the salt started going through the asphalt and it started seeping through the concrete and it erodes the metal and the reinforcing steel in the deck. He said our bridge report indicated that there are about half a dozen decks that need to be replaced.

2013 ROAD MAINTENANCE PLAN

Mike said he would be working with Mark to complete the 2013 road maintenance plan.

NOBLE COUNTY REDEVELOPMENT COMMISSION (RDC) RESOLUTION

Present for this portion of the meeting were: Scott Pounds and Steve Hagen, Attorney for the RDC.

Steve explained to the Commissioners about the resolution, (H.I.). He talked about the process regarding getting the area declared a TIF area. Steve said what the Commissioners are being asked to do today is to approve the process. He said from here they would have a public hearing at which point the public could comment and they could change the documents the Commissioners have in front of them. Steve said they could modify them or rescind them or whatever, and then they will pass the Declaratory Resolution for the RDC and then they will come back to the Commissioners after the public hearing.

Dave asked what the plan is. Steve said there is a broad form plan so every conceivable kind of infrastructure and improvement that they may need to make in that area could be made under this plan. He said they could do sewer, water, fiber, streets and roads and all of the kind of needs that industry may need in order to grow there. Steve said it is a little bit different than a traditional TIF area, because we actually have a facility in place and it is not bare ground. Dave asked if there is anyone operating out of there currently. Steve said there is, and some of the businesses were mentioned.

Gary asked when the TIF actually begins if there is a set time that it stays in place. Steve said the legislature keeps messing with that, and there is nothing set in stone. He said he thought right now the longest they could be is for however long the bonds are for, or for 20 years. Chad asked once a bond is paid if the TIF is done. Steve said it means that now. He said once you are done with the improvements you are done.

Scott said they had looked at several projects throughout the county, with this one making the most sense to tackle to do something to turn around something they could improve fairly quickly. Gary asked how many of the buildings are empty. Scott said he thought four or five of them were.

Dave asked if there were any official wetlands that had to be dealt with. Scott said not that he had seen, but that would be taken care of during an engineering process.

Gary asked once TIF gets in place and engineering starts looking at it, how far down the road they are looking at for something to actually happen. Steve said unless they find funds elsewhere, they will be funding this with what the county has already placed into the RDC coffers. He said they will be looking to capture assessed valuation, so there will have to be improvements made so they can begin to get tax revenue. Steve said that generally rolls off in a

delayed fashion, because they typically have to offer abatements too. He said at this point they hadn't looked at capturing any personal property assessed valuation, but if they got a manufacturing firm in there that was heavy on expensive equipment they would probably look to modify the plan.

Scott said with this area being established as a TIF area it would also attract new industry to the area. Steve said once improvements are made to the property it becomes more marketable.

Chad moved to approve the resolution. Dave seconded the motion and it carried, 3-0.

SEE ATTACHMENTS AT END OF MINUTES

JOHN PASSEY, VS ENGINEERING

John came before the Commissioners to introduce himself and to talk about VS Engineering. He said he was well known to many of the Commissioners predecessors and also to several former county engineers including the current county engineer Mike Fitch. John said he started working for the Indiana State Highway Commission in 1961 and he was with them for more than four decades. He said the last 14 of the 40 plus years he was an agent for a 17 county area. John said he has been a part of the private sector for the last ten years. John said VS Engineering was established in 1980, and the corporate office is in Indianapolis. He said the office he acquired is in Northwest Allen County, and depending on the business the number of employees there ranges from four to ten. John said he is the Regional Manager of the company and he has an office in Fort Wayne. He said they are a full service engineering company that provides assistance for a variety of civil engineering projects such as roads, bridges, utilities, etc. John said he just wanted to stop and say hello, and he wasn't sure what if any transportation projects are on the horizon in Noble County. He said with the Commissioners permission he would continue to meet with Mike Fitch to see what projects are in the works.

Gary asked if his company was transportation related. John said it is and they are fully qualified with INDOT for the company to do business. John said VS Engineering has worked for the cities of Fort Wayne, Columbia City and Warsaw. John said he has five decades of civil engineering experience.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:13 A.M. and reconvened at approximately 10:29 A.M.

COURTHOUSE SQUARE PRESERVATION SOCIETY – LANDSCAPING AROUND FLAGPOLE

Present for this portion of the meeting were: Beth Shellman, Phyllis Herendeen Judge Kramer, and Don Shultz from the Noble County Courthouse Square Preservation Society; Jason Becker, Fashion Farms Inc; and Jackie Knafel, Auditor.

Judge Kramer said the Courthouse Square Preservation Society (CSPS) is a private not for profit that Judge Roger Cosby had headed up for the courthouse centennial in 1988. He said they got money to put the lights and benches out and to build a gazebo and some landscaping. Judge Kramer said the CSPS had continued on and last year they looked at the corner and cleaned it up some. He said they had talked to Jason and he has a proposal that they had discussed at their annual meeting earlier this month, and it was suggested that they come to the Commissioners to see if they could use Courthouse Cumulative money to do that. Judge

Kramer said the landscaping would have flowers, mostly perennials, and he thought the CSPA could continue providing the annuals. He said the center piece is a fountain, and a fountain like that could be decorated at Christmas time like a Christmas tree.

Jason said he is with Fashion Farm, in Ligonier, also Countryscapes & Gardens. He said he is in charge of the landscape design and the greenhouse side. Jason said the CSPA had asked him to come up with an idea for that area. He said it is really a focal point for the community and it's one of those locations that you can really do a lot with to set the community out. Jason said he wanted a focal point to get some visual presence and some height there. He said the fountain is 11 foot tall and the footprint with the pool is 14 foot wide. Jason said it is a safe contained fountain and it would be similar to the Triangle Park fountain in Ligonier. He said there is LED aquatic lighting that is included that could be lit at night. Jason said in the winter time the fountain would be shut down and the LED's could be shut off, and it could be decorated with Christmas lights.

Dave asked if there is much maintenance. Jason said the water level should be checked every day because of evaporation and splatter. He said the pump is in an enclosure so it shouldn't get clogged up. Jason said the pumps usually last from 2-5 years. He said there shouldn't be any maintenance for the lighting. Dave asked if the access to the pump is relatively easy. Jason said the design of the fountain is so that the pump cannot be removed. He said it is set in there for a permanent fixture, and if it goes bad the fountain structure is removed to gain access to the pump because the wire goes underneath the pool so it can't be seen or messed with.

Dave asked what the replacement cost for the pump is. Jason said it would probably be \$500.00 - \$700.00. Chad asked if that included labor and Jason said it did. Dave asked if there is a warranty. Jason said there is a two year warranty.

Chad asked about the \$1200.00 for landscape maintenance. Jason said that is for weeding, trimming, dead heading and cleaning up the new landscaping that would be put in. He said they would do that 2 - 3 times a month. Jason said the CSPA said they thought they could do that with his guidance and help. Judge Kramer said they try to go out there the week before the 1st Friday event and pull weeds and take care of it. Chad asked about the mulch price, and if that will be adjusted if the fountain goes in. Jason said it would be.

Gary asked who is responsible for checking the water and if there is a problem with algae. Jason said there could be a problem with algae, depending on how the water is treated for the city. He said there is a simple treatment that could be added. Beth said she thought the flower watering committee, whom they have named themselves the Watering Cans, is a group of six teams. She said they are here every night watering flowers from May through the end of October, and she thought between them and Phil they could take care of that.

Gary asked how secure the fountain is. Jason said the bottom of the bowl is 6' in diameter and it weighs 5 tons. He said if somebody wanted to push it over they would have to try really hard. Dave asked if it is made of stone. Jason said it is sealed concrete. Jackie asked if there is a concern of liability with a child getting into it or anything. Jason said there could be. He said it is open water and it will be six inches to twelve inches deep. Jason said the design of the landscape does not provide a path or easy access to the pool, but a child could go through the flowers.

Gary asked how much would be needed each year for the replacement plants and things. Jason said it would probably be \$250.00 - \$300.00 in annuals. Gary asked how much more work it would make for the Watering Can group. Beth said it wouldn't make much more work because they already plant it, weed it and take care of it so it shouldn't take any more time.

Beth said she doesn't ever see people in the landscaped area. Judge Kramer said there weren't any problems last summer with people walking through it and pulling up the flowers they had planted. Jason said there is another possibility if liability is an issue with the pool. He said they can create a pondless system where the water would filter through a stone bed and the water would come down and terminate into the stone and recycle that way.

Beth told about the fundraising events the CSPA has held, and the fact that they plan to continue to hold fundraising events to raise funds for landscaping on the courthouse lawn. She said they don't have this kind of funds. Chad asked if they are planning on taking care of the annual maintenance. Don said they are. Beth said that Phil, Head Custodian had indicated to her that the flood light that is on the courthouse that is supposed to illuminate the flagpole is not working, and possibly they could put some kind of lighting from the fountain to the flagpole.

Chad asked if there are any issues in Ligonier with their fountain, with people trying to get into it and playing in it. Jason said they do have problems at the Jenny Thompson Gardens with kids getting into the water. He said he had been asked to develop a system for that and the concept is to remove the standing water and create a pondless system.

Jackie reported on the different funds that could possibly be used for this, how much money is in each fund, and how much is committed for each fund.

Chad asked if there is a concern about the police booth taking away or blocking the view of this at all. Jason said he had a little bit of concern about that. Beth said when they did the Courthouse Square Project, they took a poll of the residents of Albion at that time and asked if they wanted to keep the police booth or remove it, and overwhelmingly 2/3 of the people wanted to keep the building there. She said the Boy Scouts came in last year and painted it, and they tried to compliment it with courthouse colors. Beth said there is a team that decorates it monthly. She said it is the original police station. There was further discussion about the booth and the visibility of the proposed landscaping. Judge Kramer said he thought more people could see it there because of Main Street and Orange Street, and he thought that would be the least likely place to be vandalized because of the traffic there.

Beth said the Albion Star Team has raised funds and will be having a mural put up on the old Black Building on the opposite corner of the courthouse, that depicts the early 1900 era of downtown Albion, so that corner will be a focal point from all directions.

Gary said he likes what the Town of Albion has done. He said the courthouse is the focal point of the downtown and a lot of people come through this area. Gary said he thought there is a need to do something on that corner.

Chad moved to approve the project with the fountain, to come out of the Cum Courthouse Fund. Dave seconded the motion and it carried, 3-0.

CLERK - COURT'S SOFTWARE AGREEMENT WITH CSI - DOXPOP AGREEMENT

Dave Baum, IT and Shelley Mawhorter, Clerk were present for this portion of the meeting. Dave Baum presented some information on what will be talked about. Dennis said he had read the software agreement and it is fine with him as far as the legality issue, but the technical contents would have to be addressed by Dave Baum. Shelley said this is starting today. She said they won't go live until April 1st, but they are here today to set up the training rooms. Shelley said the actual training will start tomorrow, and it is a two week process. She said it is a huge deal for the Commissioners to sign the contract for CSI.

Dave Baum said he only has one copy of the actual proposal because it is in color and it is 30 pages long. Dave presented a spread sheet of the costs, which he went through with the Commissioners. CSI has offered an outright purchase price for the software and also a five year lease with 0 interest. He said the struggle he has is that he can't get the numbers in the proposal to match the software agreement numbers. Dave said there is about \$1,000.00 difference and he pointed out that one of the proposals has numbers and one doesn't so it makes it difficult to figure out. Shelley said what he is talking about not matching is the maintenance costs. Dave said the annual maintenance for this, including all of their software support and the imaging, which we aren't doing today, is not significantly higher than what we are paying for Gavel already, so we are not talking about a huge increase in the annual costs.

Chad asked if the plan is to do a full purchase or to go with the five year option. Shelley said she gave the contract to Dennis and Dave Baum to look at and she didn't read the contract that much. There was discussion that it might be better to go with the five year option.

Dave Baum said there are four agreements total. He said there is the proposal which is where up front you agree to let them do the work. He said there are two other agreements that say CSI on the top, and one is for the software they wrote and the other is called a system support agreement for the operating system and some IBM software. Dave said he doesn't have a problem with the technical details now that the dates are correct. He said there is another agreement that he doesn't have here and it is with Doxpop. Dave said we don't have to pay anything for it and they agree to provide a service to us as long as we give them access to our data, so they can provide a service to other people for a fee. He said he suggested that they add the Recorder's Office to the list and Doxpop was ok with that.

Dave said the Software Source Code Escrow Agreement gives us the right to access to the source code should they ever get sued to the point someone would try to take the source code to prevent them from doing business. He said it is just a little bit of insurance so he would suggest we take it because it doesn't cost us anything.

Dave said they have 120 hours for training. He said in a letter he got from them they said if they go over the 120 hours they will not charge us for it. Dave said technically the product is fine. He said everybody that uses it loves it. Dave said they have answered his questions the best they can technically and he didn't have any reason to say not to do this. There was discussion about who would pay for this. Shelley said if they go with the 60 month option she said she would pay the first five years of it. She said she doesn't know what the arrangement has been in past. Dave said after that it would be annual maintenance and it looks about the same as it has in the past.

Dave Dolezal asked what Doxpop is. Dave Baum said it is a replacement for Case View. Shelley said Doxpop is not free, but Case View at this point is free for anyone that gets on it. She said with Doxpop the public can go into it six times a month and it is free. It gives people access to court records. Bob Braley asked what the time line is for Doxpop to go live. Shelley said she thought it was going to go live when CSI does. There was discussion about the filing fees that the Clerk's Office collects and gets a part of, and that is how Shelley would have the money to pay for this.

Dave Dolezal asked Dave Baum if he had talked to other counties that have this system. Dave Baum said the ones he had talked to love it.

There was discussion about the fact that the numbers don't all add up on the documents. Dave said some things are listed on one document and not the other.

Shelley said she didn't care if the Commissioners sign this with the stipulation that we are signing this not agreeing with the attachment A part, but going with the dollars that are in the proposal. She said for her to go live by April 1st she needs to get this stuff signed. Dave Baum said he thought all they had to do would be to strike attachment A off the agreement. When asked by Chad, Dennis said he thought it should be struck until we have more clarification about how it relates to the other figures in the proposal, because they don't jive.

Chad moved to sign the contract once they get all of the final dollar amounts figured out. Dave Baum said the proposal looks good and he thought if they just took the numbers out of the agreements he thought we would be good to go. Dennis said he agreed. Dave Baum said he thought the Commissioners could sign the proposal today, because we haven't signed an agreement for the software maintenance and that would become contingent upon them. Chad rescinded his first motion and he then moved to sign the proposal striking attachment A to the Premium Software Maintenance Agreement. Dave seconded the motion and it carried, 3-0. Chad moved to sign the Doxpop Agreement. Shelley said she made a notation that we are adding the Recorder's Office so the terminals in that office would be on preview. Dave Dolezal seconded the motion and it carried, 3-0. Dave Dolezal moved to sign the Source Code and Escrow Agreement. Chad seconded the motion and it carried, 3-0.

WEAVER BOOS CLAIM APPROVED

Dave moved to approve the claim from Weaver Boos Consultants in the amount of \$6,098.50 for the preparation of the Methane Remediation Plan that had been held, (H.I.). Chad seconded the motion and it carried, 3-0.

WEAVER BOOS - PROPOSAL FOR STATISTICAL EVALUATION OF 2013 GROUNDWATER MONITORING DATA

The Commissioners received a copy of the above referenced proposal, (H.I.). Chad moved to approve the annual Proposal for Statistical Evaluation for 2013 Groundwater Monitoring. Dave seconded the motion and it carried, 3-0. The proposal will be signed upon receipt of an original proposal from Weaver Boos.

911 CAR

Jackie said the 911 car which is a Chevy Impala is just sitting at the Sheriff's Department. He said Sheriff Harp and Chad Willet believe it was bought out of 911 fees, and they want to know if the Commissioners want them to try to sell it. The Commissioners agreed the Sheriff's Department could sell the car and if the money came from 911 fees to purchase it, the money from the car would go back in the 911 fund.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:49 A.M. recessed from day to day until the 25th day of March, 2013 on a motion made by Dave and seconded by Chad, which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor

RESOLUTION NO. 2013-1
DECLARATORY RESOLUTION OF THE
NOBLE COUNTY REDEVELOPMENT COMMISSION

WHEREAS, the Noble County Redevelopment Commission ("Commission") has investigated, studied and surveyed economic development areas within the corporate boundaries of Noble County, Indiana ("County"); and

WHEREAS, the Commission has selected an economic development area to be developed under IC 36-7-14 and IC 36-7-25 (collectively, "Act"); and

WHEREAS, the Commission has prepared an economic development plan ("Plan") for the selected economic development area, which Plan is attached to and incorporated by reference in this resolution; and

WHEREAS, the Commission has caused to be prepared:

(1) A map and plat showing:

(A) the boundaries of the area in which property may be acquired for, or otherwise affected by, the establishment of the economic development area, the location of various parcels of property, streets, alleys, and other features affecting any acquisition, clearance, replatting, replanning, rezoning or economic development of the area; and

(B) the parts of the acquired areas, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes

(2) Lists of the owners of any parcels of property proposed to be acquired for, or otherwise affected by, the establishment of an area; and

(3) An estimate of the costs, if any, to be incurred for the acquisition and economic development of property; and

WHEREAS, the Commission has caused to be prepared a factual report ("Report") in support of the findings contained in this resolution, which Report is attached to and incorporated by reference in this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE NOBLE COUNTY REDEVELOPMENT COMMISSION THAT:

(1) The Commission has selected as an economic development area an area within its corporate boundaries, which area the Commission is hereby designating as the Dekko Economic Development Area ("Area"), and which Area is set forth on the map attached as Exhibit A.

(2) The Commission finds that the Plan for the Area:

(A) Promotes significant opportunities for the gainful employment of the citizens of the County;

(B) Assists in the attraction of new business enterprises to the County;

(C) Benefits the public health, safety, morals and welfare of the citizens of the County; and

(D) Increases the economic well-being of the County and the State of Indiana.

(3) The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under IC 36-7-14 because of:

(A) The lack of and deterioration of local public improvements;

(B) Other similar conditions, specifically the cost of construction and reconstruction of local public improvements such as utility and road infrastructure improvements and the renovation of certain existing buildings that are necessary and contemplated by the Plan prevents the improvements from being undertaken solely by private enterprise and there is no regulatory process available to provide funds for these improvements nor to provide incentives to encourage economic growth in the Area.

(4) The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan for the Area, specifically by providing sewer and water to an existing industrial park, improving roads and existing structures and increasing potential for new development.

(5) The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by:

(A) The attraction and possible retention of permanent jobs;

(B) An increase in the property tax base;

(C) Potential improvement of the diversity of the economic base; and

(D) Other similar benefits, specifically by making the Area desirable for existing business owners and potential new companies.

(6) The plan for the Area conforms to other development and redevelopment plans for the County.

(7) (A) The Commission does not currently propose to acquire interests in real property within the boundaries of the Area (B) The Commission hereby finds that all property in the Area is expected to be positively affected by the establishment of the Area and accomplishment of the Plan because the construction/extension of water and sewer infrastructure to the Area, improvement of the roads in the Area, the renovation of existing is expected to increase property values in the Area.

(8) The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

(9) This paragraph shall be considered the allocation provision for the purposes of IC 36-7-14-39. The entire Area shall constitute an allocation area as defined in IC 36-7-14-39 ("Allocation Area"). Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area shall be allocated and distributed in accordance with IC 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 25 years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues.

(10) All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a Redevelopment Area or Urban Renewal Area may be exercised by the Commission in the Area, subject to the limitations in IC 36-7-14-43.

(11) The presiding officer of the Commission is hereby authorized and directed to submit this resolution, the Plan, and the Factual Report to the Noble County Plan Commission ("Plan Commission") for its approval.

(12) The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Board of Commissioners to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the building commissioner and any other departments or agencies of the County concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the County's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the officer authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Allocation Area.

(13) The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area, including the following:

(A) The estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

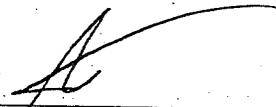
(B) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Allocation Area. A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in Section 13 of this resolution.

(14) The Commission further directs the presiding officer to submit this resolution to the Board of Commissioners for its approval of the establishment of the Area.

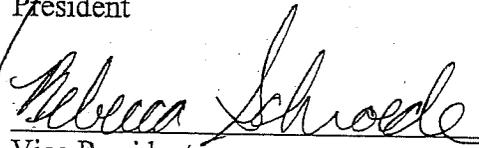
(15) This resolution shall be effective as of its date of adoption.

Adopted 2-7, 2013.

NOBLE COUNTY REDEVELOPMENT
COMMISSION



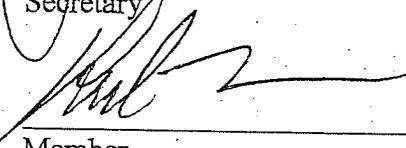
President



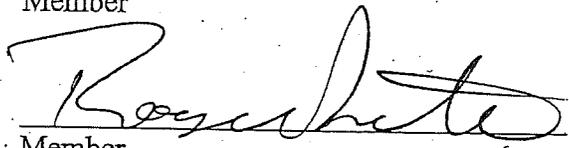
Vice President



Secretary

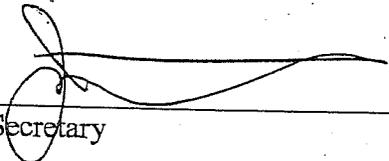


Member



Member

ATTEST:



Secretary

EXHIBIT A

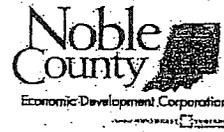
Map of Dekko Economic Development Area

Dekko Complex
US 6

Date Printed
October 11, 2012



1 inch = 300 feet



FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN
RESOLUTION NO. ____ OF THE
NOBLE COUNTY REDEVELOPMENT COMMISSION

1. The Plan for the Dekko Economic Development Area ("Area") will promote significant opportunities for the gainful employment of citizens of Noble County, Indiana ("County") by enhancing the existing industrial park, creating utility and building construction opportunities, enhancing the industrial park and stimulating private investment that will enhance the Area and attract new business to the Area.

2. The planning, replanning, development, and redevelopment of the Area will benefit the public health, safety, morals and welfare; increase the economic well-being of the County and the State of Indiana; and serve to protect and increase property values in the County and the State of Indiana and will assist in the attraction of new business enterprises to the County by providing much needed municipal water and sewer infrastructure which enhances the existing industrial park and renovating buildings which will transform the aesthetics of the Area and encourage new development.

3. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to IC 36-7-14 (the redevelopment statute) because of the lack of local public improvements and the lack of a regulatory process to provide such improvements or incentives to encourage private investment in the Area.

4. The accomplishment of the Plan for the Area will be of public utility and benefit as measured by:

- (a) The attraction of an permanent jobs;
- (b) An estimated increase in the property tax; and
- (c) Improved diversity of the economic.

5. The Commission estimates that it may need to issue bonds or enter into a lease financing to implement the.

ECONOMIC DEVELOPMENT PLAN
FOR THE DEKKO ECONOMIC DEVELOPMENT AREA

NOBLE COUNTY REDEVELOPMENT COMMISSION

Purpose and Introduction.

This document is the Economic Development Plan ("Plan") for the Dekko Economic Development Area ("Area") for Noble County, Indiana ("County"). It is intended for approval by the Board of Commissioners, the Noble County **Advisory** Plan Commission and the Noble County Redevelopment Commission ("Commission") in conformance with IC 36-7-14.

Project Objectives.

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the County; increase the economic well-being of the County and the State of Indiana; and serve to protect and increase property values in the County and the State of Indiana. The Plan is designed to: (i) promote significant opportunities for the gainful employment of citizens of the County, (ii) assist in the attraction of new business enterprises to the County, (iii) provide for local public improvements in the Area, (iv) attract and retain permanent jobs, (v) increase the property tax base, and (vi) improve the diversity of the economic base of the County.

The factual report attached to this Plan contains the supporting data for the above declared purposes of the Plan.

Description of Project Area.

The Area is located in the County and is described as that area contained in the maps and plats attached to this Plan. The general description of the Area is as follows: between 400 and 450E in Noble County, and is bounded by U.S. 6 on the north and the Norfolk and Southern Railroad on the south.

Project Description.

The economic development of the Area is described as follows ("Projects"):

1. Construct or reconstruct and extend sewer lines.
2. Increase capacity of sewer treatment facilities.
3. Construct or reconstruct and extend water lines.
4. Construct a water tower.
5. Increase capacity of water treatment systems.
6. Construct or reconstruct alleyways.
7. Construct or reconstruct sidewalks.
8. Construct or reconstruct curbs.
9. Construct or reconstruct storm water drainage systems.
10. Construct or reconstruct buffer zones/mounding.
11. Construct or reconstruct beneficial environmental projects.
12. Construct or reconstruct public buildings.
13. Purchase or lease fire equipment, which will serve the Area.
14. Parking and lighting for parking areas.
15. Site preparation, excavation and drainage.
16. Equipment that promotes economic development (subject to useful life and financing issues).
17. Construct or reconstruct facilities to house electronics and the installation of fiber optic cable.
18. Construct or reconstruct roads
20. Renovate existing structures.

All Projects will be in, physically connected to, serving or benefiting the Area.

Acquisition of Property.

The Commission does not currently plan to acquire interests in real property as set forth in Section 7(A) of the Declaratory Resolution.

The Commission shall follow procedures in IC 36-7-14-19 in any current or future acquisition of property. The Commission may not exercise the power of eminent domain in an economic development area.

Procedures with respect to the Projects.

In accomplishing the Projects, the Commission may proceed with the Projects before the acquisition of all interests in land in the Area.

All contracts for material or labor in the accomplishment of the Projects shall, to the extent required by law, be let under IC 36-1.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation and improvement of public ways; and the construction, relocation, and improvement of sewers and utility services; the Commission shall proceed in the same manner as private owners of the property. The Commission may negotiate with the proper officers and agencies of the County to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Projects may be carried out by the appropriate municipal or county department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

No real property acquired for the Projects may be set aside and dedicated for public ways, parking facilities, sewers, levees, parks, or other public purposes until the Commission has obtained the consents and approval of the department or agency under whose jurisdiction the property will be placed.

Disposal of Property.

The Commission may dispose of real property acquired, if any, by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Department of Redevelopment. The Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 5-3-1. The Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired.

Financing of the Projects.

The Commission may issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 in order to raise money for property acquisition and completion of the Projects in the Area. The amount of these bonds may not exceed the total, as estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

The total cost of all land, rights-of-way, and other property to be acquired and developed;

All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;

Interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and

Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to the issuance of bonds or in conjunction with it, the Commission may enter into a lease of any property that could be financed with the proceeds of bonds under IC 36-7-14. The lease is subject to the provisions of IC 36-7-14-25.2 and IC 36-7-14-25.3.

As a further alternative, the Commission may pledge tax increment pursuant to IC 36-7-14-39(b)(2)(D) to any bonds issued by the County.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Plan for the Area. However, any enlargement of the boundaries of the Area must be approved by the County Council.

Amendment of the Plan.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Plan for the Area. However, any enlargement of the boundaries of the Area must be approved by the County Council.

ORDER OF THE NOBLE COUNTY PLAN COMMISSION
DETERMINING THAT A DECLARATORY RESOLUTION
AND ECONOMIC DEVELOPMENT PLAN APPROVED AND ADOPTED BY THE
NOBLE COUNTY REDEVELOPMENT COMMISSION CONFORM TO THE
~~PLAN OF DEVELOPMENT AND APPROVING THAT~~
RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Noble County ("County") Redevelopment Commission ("Commission") on the 7th day of February, 2013, initially approved an Economic Development Plan ("Plan") for the Dekko Economic Development Area ("Area") in the County and adopted a Declaratory Resolution declaring that the Area is an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act"); and

WHEREAS, the Act requires approval of the Declaratory Resolution and the Plan by the Noble County Plan Commission ("Plan Commission");

NOW, THEREFORE, BE IT ORDERED BY THE NOBLE COUNTY PLAN COMMISSION, AS FOLLOWS:

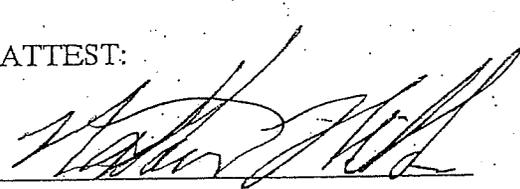
1. The Plan for the Area conforms to the plan of development for the County.
2. The Plan is in all respects approved, ratified and confirmed.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Plan with the permanent minutes of this meeting.

Passed by the Noble County Plan Commission, this 20th day of February, 2013.



President

ATTEST:



Secretary