

**MOORESVILLE TOWN COUNCIL  
OF MORGAN COUNTY, INDIANA**

**RESOLUTION NO. 10-2020**

**RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF MOORESVILLE, INDIANA, APPROVING A WAIVER OF  
NONCOMPLIANCE FOR POWDER PRO COATING SERVICE, INC.**

**WHEREAS**, pursuant to Indiana Code § 6-1.1-12.1-1, *et. seq.* (the “Act”), the Town of Mooresville, Indiana (the “Town”), by and through its Council acting in its capacity as the fiscal body of the Town and acting as the designating body identified in the Act (the “Council”), has the right and opportunity to abate the payment of real and personal property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area; and

**WHEREAS**, pursuant to the Act, the Council may find that a particular area within the jurisdiction of the Town is an Economic Revitalization Area and may by the adoption of a resolution declare such area to be an Economic Revitalization Area, which resolution must subsequently be confirmed, modified, or rescinded by the Council; and

**WHEREAS**, on August 26, 2020, Powder Pro Coating Service, Inc. (“Powder Pro”) filed a Statement of Benefits Personal Property Form (SB-1/PP), which is attached hereto as Exhibit A, with the Council, requesting a ten year personal property abatement for the installation of new manufacturing equipment and a Statement of Benefits Real Estate Improvements Form (CF-1/Real Property), which is attached hereto as Exhibit B, with the Council, requesting a ten year real property abatement for building improvements; and

**WHEREAS**, according to the SB-1/PP form, the installation of the new equipment for Powder Pro was completed on October 23, 2019; and

**WHEREAS**, according to the CF-1/Real Property form, the building improvements were also completed on October 23, 2019; and

**WHEREAS**, Powder Pro was required under Indiana Code § 6-1.1-12.1-9.5, to file its completed statement of benefits forms with the Council on or before May 15;<sup>1</sup> and

**WHEREAS**, Powder Pro did not comply with Indiana Code § 6-1.1-12.1-9.5;

**WHEREAS**, other than the noncompliance with the filing date, Powder Pro otherwise qualifies for the deduction; and

**WHEREAS**, Indiana Code § 6-1.1-12.1-9.5 permits noncompliance events if the taxpayer otherwise qualifies for the deduction and the document is filed before the resolution is adopted.

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<sup>1</sup> That deadline was extended to June 15, 2020, pursuant to Governor Holcomb’s Executive Order 20-23.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MOORESVILLE, INDIANA:**

**SECTION 1.** The Council has caused to be published in Mooresville Decatur Times a notice (the "Notice") pursuant to Indiana Code § 6-1.1-12.1-9.5 and Indiana Code § 5-3-1 the substance of this resolution, including notice that the Council would hold a public hearing in accordance with the Act on October 6, 2020, which Notice was published at least ten (10) days prior to the date of the public hearing on October 6, 2020.

**SECTION 2.** At the Public Hearing held on the date hereof, the Council received, heard and considered any remonstrances and objections from interested persons and heard evidence concerning the waiver of noncompliance.

**SECTION 3.** After considering the evidence, this Council hereby waives all nonconformities that are waiveable under state and local law. Therefore, Powder Pro shall be treated as if it had complied with the procedural requirements of Indiana Code § 6-1.1-12.1.

**SECTION 4.** The designating body shall certify a copy of this resolution adopted for the taxpayer and the Department of Local Government Finance.

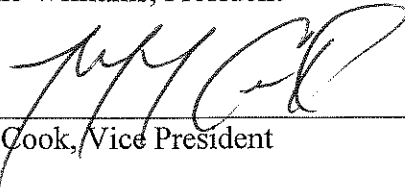
**SECTION 4.** This Resolution shall be in full force and effect from and after its passage.

*[The remainder of this page intentionally left blank.]*

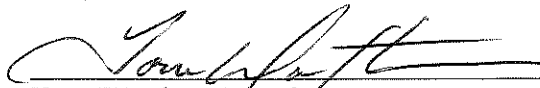
ADOPTED BY THE COUNCIL OF THE TOWN OF MOORESVILLE, INDIANA this  
6<sup>th</sup> day of October, 2020.



Shane Williams, President



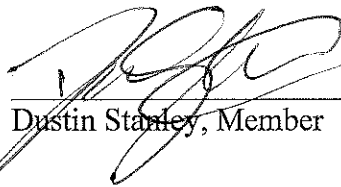
Jeff Cook, Vice President



Tom Warthen, Member


YES VIA PHONE

Jessica Hester, Member



Dustin Stanley, Member

ATTEST:



Dianna Wamsley, Clerk Treasurer

**Exhibit A**  
**Statement of Benefits Personal Property Form (SB-1/PP)**

**Exhibit B**  
**Statement of Benefits Real Estate Improvements Form (CF-1/Real Property)**

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