MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4972

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING PHOENIX MICHIGAN CITY INVESTORS LLC AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR REAL PROPERTY, PURSUANT TO INDIANA CODE 6-1.1-12.1

WHEREAS, a Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

WHEREAS, Resolution No. 4960 (the "Cooper ERA Declaratory Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on June 3, 2025 and as confirmed by resolution on August 4, 2025, that designated and established a certain area located within the City of Michigan City, Indiana (the "City"), as the Economic Revitalization Area (the "Cooper ERA"); and

WHEREAS, the Cooper ERA Resolution remains in full force and effect as adopted, approved, and confirmed such that the designation of the Cooper ERA and the effectiveness of the Cooper ERA Resolution expires on December 31, 2065; and

WHEREAS, Phoenix Michigan City Investors LLC (the "Company"), pursuant to Section 3(a) of the Act has filed with the Common Council a **Statements of Benefits Real Property (FORM SB-1/Real Property)** (the "Statement of Benefits") dated June 17, 2025, **EXHIBIT A** attached hereto, which proposes an adaptive re-use of a vacant 387,581 square foot structure and former manufacturing facility for occupation on approximately 67 acres currently zoned M1 (Light Industrial) such that the adaptive re-use has the opportunity to include the construction of an additional buildings and structures in the future, subject to public and utility infrastructure as well as business and market demand needs of the end user (the "Project"); and

WHEREAS, the Company, upon approval of economic development incentive(s) by the City, intends to implement redevelopment and rehabilitation improvements to facilities and structures related to the Project during the period of July 1, 2025 through December 31, 2065 in a total amount anticipated to be **$257,000,000** for the Project, with the existing structure improvements to be fully assessed by **January 1, 2027 (the "Assessment Date")**; and

WHEREAS, the Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body pursuant to Section 3 of the Act, the following documents related to the Company's request for an assessed valuation deduction of qualified real property within the ERA: (i) the Statement of Benefits ("FORM SB-1/Real Property") as completed and (ii) other supplemental information related to said request for an ERA assessed valuation deduction; and

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WHEREAS, the Common Council has confirmed that the facility located at located at 402 Royal Road (Real Property Key Number: 46-01-26-400-008.000-022) is within the boundaries of the Cooper ERA; and, therefore the Common Council may make a determination pursuant to Section 3 of the Act, based upon the evidence, as to whether Company shall be allowed an assessed valuation deduction of qualified real property investments made within the ERA.

NOW, THEREFORE, BE IT RESOLVED that the actions of the Common Council of the City of Michigan City, Indiana pursuant to Section 3 of the Act are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the EDCMC and upon the following findings in the affirmative also pursuant to Section 3(b) of the Act, that:

1. The value of the Project is reasonable for a project of its nature;
2. The estimated number of individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project;
3. The estimated annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to be a result of the Project; and
4. The totality of the benefits is sufficient to justify an assessed valuation deduction as a result of the Project.

BE IT FURTHER RESOLVED BE IT FURTHER RESOLVED that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26, namely the **Eastside Allocation Area** (also known as the "**212 East Economic Development Area Allocation Area**") designated pursuant to Declaratory Resolution No. 3-15 approved on February 23, 2015 as amended by amending Declaratory Resolution No. 1-22 as approved on January 24, 2022, and that this Resolution shall constitute the approval required by Section 2(k) of the Act.

BE IT FURTHER RESOLVED that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified real property investments **limited to a cost of $257,000,000 for redevelopment and rehabilitation activities to structures and facilities by the Company between July 1, 2025 and December 31, 2065**, with the existing vacant building and its real property improvements to be fully assessed by **January 1, 2027 (the "Assessment Date")**, all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits.

BE IT FURTHER RESOLVED that the final determination of the amount of assessed valuation deduction of the Project for investments in qualified real property shall be made by the appropriate Michigan Township Assessor, LaPorte County, Indiana review board, or State of Indiana agency.

BE IT FURTHER RESOLVED that the Common Council has considered the following factors under Section 17 in connection with the Project: (i) the total amount of investment in real and personal property; (ii) the number of new full-time equivalent jobs to be created as a result of the Project; (iii) the average wage of the new employees resulting from the Project compared to the state minimum wage; and (iv) the infrastructure requirements for the investment in the Project.

BE IT FURTHER RESOLVED that pursuant to Sections 3(c) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Sections 3(b) and 17 of the Act as stated above, hereby grants the Company an assessed valuation deduction period of **ten (10) years** on fully assessed real property improvements from the Assessment Date of each new structure for which said deduction percentage schedule for qualified real property applies over said ten (10) year abatement period, more specifically identified in **EXHIBIT B** attached hereto.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as set forth in **EXHIBIT B** during the ten (10) year abatement period is attached hereto in order to meet the requirements of Sections 3(c) and 17 of the Act.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as identified in **EXHIBIT B** shall begin upon the completion and the full assessment of real property improvement as a result redevelopment and rehabilitation activities related to the Project (anticipated to be not later than January 1, 2066 as the Assessment Date) by the appropriate assessing authority, regardless of the expiration date of the Cooper ERA as stated the Cooper ERA Resolution.

BE IT FURTHER RESOLVED that the Company has agreed to the following imposed reasonable conditions during the abatement period upon approval of an assessed valuation deduction for real property as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item D (page 2) of the approved FORM SB-1/Real Property:

> *Condition #1:* The Company understands and agrees that the annual deduction to be applied **shall be limited to $257,000,000 of private investment or cost of real property improvements** as assessed on the Assessment Date during the 40 year period of the Project as a result of ERA assessed valuation deductions from incremental real property improvements assessed. The City from the first year of the abatement period for which a real property improvement assessed valuation deduction is applied and for the duration of the ten (10) year abatement period shall annually cause to be prepared schedules monitoring the annual, total and cumulative tax savings realized of each real property improvement deduction applied as layered for each Project investment. This Resolution and the real property tax deductions granted herein shall be subject to the terms and conditions of the Taxpayer Agreement, between the City and Lavendar Fields Holdings LLC.

BE IT FURTHER RESOLVED that the Common Council waives the imposition of a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction.

BE IT FURTHER RESOLVED that the Common Council as the designating body at its discretion may impose a claw back provision attached hereto under **EXHIBIT C** for tax savings for any tax years in which the Company does not reasonably comply with the Statement of Benefits (FORM SB-1/RE), the annual filings required pursuant to the Act, and the conditions of this Resolution during each of the 10 (ten) year abatement periods for which an ERA assessed valuation deduction is applied.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Assessor for Michigan

Township, Indiana and the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
2. A certified copy of this Resolution; and
3. An approved and signed copy of the minutes of the meeting at which the Common Council approves this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon the signature of the Mayor of the City as the executive of the City.

INTRODUCED BY: Tracie Tillman

Tracie Tillman, President

Tracie Tillman, President

Tim Bietry, Member

Vidya Kora

Dr. Vidya Kora, Member

Bryant Dabney, Member

Passed by ~~the C~~ommon Council of the City of Michigan City, Indiana this 2nd day of September, 2025.

Tracie Tillman

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle action taken) by me, this 3 day of September, 2025.

Angie Nelson Deuitch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Harris Law Firm, P.C. Upon Request

EXHIBIT A

Economic Revitalization Area –
FORM SB-1/Real Property:
Phoenix Michigan City Investors LLC

(Pursuant to Indiana Code 6-1.1-12.1 Section 3)

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R8 / 5-25)

Prescribed by the Department of Local Government Finance

20____ PAY 20_____
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-1.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- ☐ Residentially distressed area (IC 6-1.1-12.1-4.1)
- ☐ New agricultural improvement (IC 6-1.1-12.1-4)

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 initiation of the redevelopment or rehabilitation of real property or a new agricultural improvement for which the person wishes to claim a deduction.*
2. *To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.*
3. *A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
4. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed.*

SECTION 1 — TAXPAYER INFORMATION

Name of Taxpayer: Phoenix Michigan City Investors LLC (including its affiliates and successors)

Address of Taxpayer (*number and street, city, state, and ZIP code*): 402 Royal Road, Michigan City, Indiana 46360

Name of Contact Person	Telephone Number	Email Address
Richard Hall	( ) 231-7516	rhall@btlaw.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of Designating Body		Resolution Number
Common Council of Michigan City, Indiana		

Location of Property	County	DLGF Taxing District Number
402 Royal Road, Michigan City, Indiana 46360	LaPorte	022

Description of Real Property Improvements, Redevelopment, or Rehabilitation (*use additional sheets, if necessary*):
Lavender Fields Holdings LLC may purchase an existing building and 67 acre parcel of land or lease the same, and develop a data center campus, to include without limitation one or more data center buildings, as well as certain other buildings, structures, and infrastructure that are necessarily in support of the foregoing. The estimated start date is the estimated date of the start of development of the site and is not the start of the date of the tax deductions.

Estimated Start Date (*month, day, year*): 7/31/2025

Estimated Completion Date (*month, day, year*): 7/31/2065

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES FROM PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
0	0	0	0	30	$1,971,060

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current Values	750,600	750,600
(+) Plus Estimated Values of Proposed Project	257,000,000	TBD
(–) Less Values of Any Property Being Replaced	0	0
Net Estimated Values Upon Completion of Project	257,750,600	TBD

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated Solid Waste Converted (*pounds*) ____________________ Estimated Hazardous Waste Converted (*pounds*) ____________________

Other Benefits:
Lavender Fields Holdings LLC has many environmental and sustainability initiatives including 100% renewable energy and replenishment goals.

The information in Sections 3 and 4 above reflect Taxpayer's commitments under the Taxpayer Agreement, among the City of Michigan City, Indiana, and the Common Council of Michigan City, Indiana. Pursuant to the Taxpayer Agreement, the Taxpayer may receive 50% real property tax deductions for ten years of real estate improvements exceeding the amount in Section 4. The salaries provided in Section 3 include wages and benefits.

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this schedule are true.

Signature of Authorized Representative	Date Signed (*month, day, year*)
David M Marks	6/17/25
Printed Name of Authorized Representative	**Title**
David Marks	Manager

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed 40 calendar years* *(see below)*. The date this designation expires is December 31, 2065. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☑ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☑ No

C. The amount of the deduction applicable is limited to $ Not applicable.

D. Other limitations or conditions *(specify)* See Condition #1 of ... I to $257,000,000 from July 1, 2025 to December 31, 2065. Impose fee Waived

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☑ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☑ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
Tracie Tillman, President Common Council	(219) 873-1400	9/3/2025
Printed name of authorized member of designating body	**Name of designating body**	
Tracie Tillman, President - Common Council	Common Council of the City of Michigan City, Indiana	
Attested by (signature and title of attester)	**Printed name of attester**	
Gale Neulieb	Gale Neulieb, Clerk of the City of Michigan City	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

EXHIBIT B

Assessed Valuation Deduction Schedule Pursuant to a FORM SB-1/Real Property:
Phoenix Michigan City Investors LLC

(Pursuant to Indiana Code 6-1.1-12.1 Sections 3(c) and 17)

Approved Abatement Period Schedule:

Real Property Improvement Deduction:

a. ***Redevelopment, rehabilitation and use of an approximate 387,581 square feet of vacant facilities including additional new construction of real property improvement between July 1, 2025 and December 31, 2065 with the existing vacant building and structure improvements to be fully assessed by January 1, 2027 (the "Assessment Date"), all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits;***

b. ***Limited to the assessed valuation of real property improvements upon full assessment of the Project on the First Assessment Date (with the existing vacant building and structure improvements anticipated to be fully assessed by January 1, 2027); and***

c. ***Investment cost limited to $257,000,000 (see Note B-FORM SB-1 RE); subject to submission an approval of an amended SB-1 showing higher investment and subject to the terms and conditions of the Taxpayer Agreement between the City and Lavendar Fields Holdings LLC.***

Year of Abatement Period	Anticipated Assessment Date	Deduction Percentage
Year One (1) [c]	January 1, 20__	50%
Year Two (2) [c]	January 1, 20__	50%
Year Three (3) [c]	January 1, 20__	50%
Year Four (4) [c]	January 1, 20__	50%
Year Five (5) [c]	January 1, 20__	50%
Year Six (6) [c]	January 1, 20__	50%
Year Seven (7) [c]	January 1, 20__	50%
Year Eight (8) [c]	January 1, 20__	50%
Year Nine (9) [c]	January 1, 20__	50%
Year Ten (10) [c]	January 1, 20__	50%

Note B (FORM SB-1/Real Property): The Company understands and agrees that the annual deduction to be applied **shall be limited to $257,000,000 of private investment or cost of real property improvements** as assessed on the Assessment Date during the 40 year period of the Project as a result of ERA assessed valuation deductions from incremental real property improvements assessed; provided however, that the Company may submit an amended SB-1/Real Property showing greater investment for approval by the Common Council. The City from the first year of the abatement period for which a real property improvement assessed valuation deduction is applied and for the duration of each ten (10) year abatement period shall annually cause to be prepared schedules monitoring the annual, total and cumulative tax savings realized of each real property improvement deduction applied as layered for each Project investment. The real property tax deductions granted herein shall be subject to the terms and conditions of the Taxpayer Agreement between the City and Lavendar Fields Holdings LLC.

EXHIBIT C

Clawback Provision:
Phoenix Michigan City Investors LLC

Michigan City, Indiana
City of Michigan City

Assessed Valuation Deductions (Tax Abatement): Claw Back Provision

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The Common Council of the City of Michigan, Indiana (the "City") has prepared the following Claw Back Provision in the event an entity to which an assessed valuation deduction (Tax Abatement) pursuant to Indiana Code 6-1.1-12-1 is approved vis-à-vis a FORM SB-1 or other form for which assessed valuation deductions are approved by Common Council official action and is found to be non-compliant in accordance with Indiana Code 6-1.1-12-1-5.9.

SECTION I. If an approved assessed valuation deduction applicant does not obtain or meet any one of the following criteria as identified on an approved FORM SB-1:

- Ninety percent (90%) of the level of salaries of retained and additional employees because of a project identified in Section 2 of an approved Statement of Benefits as set forth in Section 3 within the time frame (the "Estimated Completion Date") set forth in the same Statement of Benefits; and
- Ninety percent (90%) of the number of retained and additional employees because of a project identified in Section 2 of an approved Statement of Benefits as set forth in Section 3 within the time frame (the "Estimated Completion Date") set forth in the same Statement of Benefits;
- Ninety percent (90%) of the cost of tangible property because of a project identified in Section 2 of an approved Statement of Benefits as set forth in Section 4 within the time frame (the "Estimated Completion Date") set forth in the same Statement of Benefits;

the City's Common Council, as the designating body following the procedures of Indiana Code 6-1.1-12.1-5.9, *may* impose this Claw Back Provision requiring the applicant to pay back tax savings realized during the prior assessment year for taxes due and payable for non-compliance because of an assessed valuation deduction proportional to the extent of the deficiency of the criteria listed above. A determination by resolution to impose this Claw Back Provision and its provisions is at the sole discretion of the City's Common Council as the designating body and may be dependent upon various factors and variables uniquely applicable to each approved Statement of Benefits.

SECTION II. This Claw Back Provision may be imposed by the City's Common Council as the designating body during the approved period of the assessed valuation deduction as documented in the resolution approving a Statement of Benefits (FORM SB-1) and for a period of one year after and subsequent to the final assessment date applicable to the approved abatement period of an assessed valuation deduction applicant as documented in the resolution approving a Statement of Benefits (FORM SB-1).

SECTION III. Upon determination by resolution to impose this Claw Back Provision, the City's Common Council shall have an independent professional consultant calculate: (i) the tax savings realized as a result of an assessed valuation deduction to the extent of the deficiency of the criteria listed above as determined by the Common Council and (ii) the distribution of the claw back payment to the City proportional to each overlapping taxing unit for which the tax payable year the Claw Back Provision is applied, as based upon the percentage of the overlapping taxing unit's tax rate to the gross tax rate for the appropriate tax unit.

SECTION IV. Prior to notification to the approved applicant of an assessed valuation deduction for which this Claw Back Provision is imposed, the City shall notify the Office of the LaPorte County, Indiana Auditor ("Auditor") and/or the Office of the LaPorte County, Indiana Assessor ("Assessor") as to the imposition of the Claw Back Provision. The City shall also submit the calculation of the claw back payment and its distribution to the overlapping taxing units pursuant to Section III for confirmation and verification prior to final imposition and notification of this Claw Back Provision to the approved applicant of an assessed valuation deduction.

SECTION V. The Auditor shall provide written confirmation and verification as to the amount of the claw back payment and the proportional distribution of the claw back payments to the overlapping taxing units as calculated by the City pursuant to SECTION III.

SECTION VI. Upon notice from the Auditor that the claw back payment and the distribution of the claw back payment to the overlapping taxing units is confirmed and verified, the City shall notify to the approved applicant of an assessed valuation deduction that this claw back provision is imposed. Said notice shall include the calculation of the claw back payment, its distribution to the overlapping taxing units and a statement that the calculations have been confirmed and verified by the Auditor prior to notification.

SECTION VII. Prior to the distribution to the overlapping taxing units of a claw back payment made to the City, the City shall notify the Auditor and/or the Assessor as to the receipt of a claw back payment for its files pertaining to the assessed valuation deduction.

SECTION VIII. The City shall distribute claw back payments to all overlapping taxing units via USPS certified mail-return receipt no later than 30 days from the date of the receipt of the claw back payment.

SECTION IX. Upon return of all USPS certified mail-return receipts from the overlapping taxing units, the City shall provide copies of the return receipts to the following entities:

- The approved applicant of an assessed valuation deduction for which this Claw Back Provision is imposed;
- The Auditor, and
- If applicable, to the Assessor.

as documentation that the imposed claw back payment was distributed to overlapping taxing units.

Gale Neulieb

To: Proposed Ordinances/Resolutions-Council
Cc: Amber LaPaich; Kim Sliwa; Kyle Anthony Petter; Debbie Wilson; Wendy Vachet; Clarence Hulse; Liliana Franco; Mayor Angie; Kelley Smith; Izabelle Gavin Ellis
Subject: proposed resolution
Attachments: Approve Phoenix Tax Abate RE(40) (2).pdf

Good morning,
The attached proposed resolution will be on the MONDAY, August 4, 2025 Council meeting agenda.

Gale Neulieb
City Clerk
City Clerk's Office
City of Michigan City
100 E Michigan Blvd.
Michigan City, IN 46360
(219) 873-1410 ext 2010
www.emichigancity.com

CORPORATE SEAL OF MICHIGAN CITY, INDIANA