



CITY OF FRANKLIN

COMMUNITY DEVELOPMENT DEPARTMENT

Memorandum

To: Economic Development Commission

From: Dana Monson

Date: September 12, 2023

Re: EDC 2023-06: Legacy Investing – Request for Waiver of Non-Compliance

On March 2, 2020, The Franklin Common Council passed Resolution No. 2020-04, approving a 10-year tax abatement on real property with a 2% economic development fee for what was then the GDI building located at 81 Forest Road. GDI, then Core 5 began the work on the expansion, which was partially assessed by the county as of January 1, 2022. The county sent them the required Form 11 that triggers the completion of Form 322 to start the abatement.

The Form 11 was sent out to the company April 15, 2022. During this time period the building was sold again and the Form 11 was not placed in the paperwork prior to the filing deadline. Each party thought the other party had completed the Form 322 for the abatement but unfortunately this did not happen and the Form 322 was not filed by May 29, 2022 as required by the county and state law. On June 13, 2022, the Community Development Department was notified that the 322 had not been filed and therefore Legacy Investing would not receive their first year abatement for 2022 pay 2023 tax year. Ms. Monson immediately contacted Legacy Investing and discovered the new owners were not aware of the Form 11 and therefore did not file the Form 322 as Ms. Monson had instructed the previous owner to do as the next steps for the completion of the abatement once the Form 11 arrived.

Legacy Investing came before the EDC on July 12, 2022 to request a waiver of non-compliance for Form 322, which was granted by the EDC and approved by the city council on July 22, 2022.

On April 18, 2023, the county auditor sent out a new Form 11 with additional assessed property value which triggered the need for a new Form 322 to be filed, to capture the additional assessed value for the abatement. This would then have the abatement running in two timelines, with the original amount going into their second year of abatement and the additional amount beginning its first year of abatement, beginning 2023 pay 2024. Ms. Monson sent the company representative an email requesting the completion of the new Form 322 and have the form sent to the auditor.

On July 27, 2023, Ms. Monson was informed by the county auditor that Form 322 for the additional investment was not filed by the June 15, 2023 deadline. Ms. Monson contacted the company representative who stated he had filed a Form 322, but evidently, it was not for the correct amount. The auditor's office does not have a record of receiving this form. The auditor therefore stated the abatement could not be applied for this portion for the 2023 pay 2024 tax year.

The company has the opportunity to file Form 322 late, with a waiver of non-compliance given from the city of Franklin permitting the late filing. If the company files this now and receives this waiver, the abatement will begin with the 2022 pay 2023 year as scheduled and no repayments of taxes will be required of the city.

For your reference, a letter requesting the waiver of non-compliance, Form 322, and Form 11 are attached. If you have any questions regarding this request, please contact me directly at 346-1254.

LA Crossroads I Owner LLC

4201 Wilson Blvd #110-159

Arlington VA 22203

To the Franklin Economic Development Commission,

I am requesting a waiver of non-compliance for the year 2023 pay 2024 taxes as the form 322 that was due on May 28 to the county was not filed correctly. The reason for the incorrect filing was that the form 322 was submitted based on the previous assessment, rather than the new assessment effective January 1, 2023. All other forms that are required, including the CF-1 has been completed in a timely manner. We will continue to file the required forms going forward by the deadline.

Respectfully,

A handwritten signature in black ink that reads "Jay Rappaport". The signature is written in a cursive, flowing style.

Jay Rappaport

LA Crossroads I Owner LLC

Title	Waiver_Final (8.21.23)
File name	Waiver_Final (8.21.23).pdf
Document ID	2789d9ad1f9d0d6553f47893c1838d3f672a45f5
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

08 / 21 / 2023

20:35:20 UTC

Sent for signature to Jay Rappaport
(jay@legacyinvesting.com) from nate@legacyinvesting.com
IP: 151.200.33.129



VIEWED

08 / 21 / 2023

20:39:32 UTC

Viewed by Jay Rappaport (jay@legacyinvesting.com)
IP: 47.19.88.23



SIGNED

08 / 21 / 2023

20:39:45 UTC

Signed by Jay Rappaport (jay@legacyinvesting.com)
IP: 47.19.88.23



COMPLETED

08 / 21 / 2023

20:39:45 UTC

The document has been completed.



APPLICATION FOR DEDUCTION FROM ASSESSED VALUATION OF STRUCTURES IN ECONOMIC REVITALIZATION AREAS (ERA)

State Form 18379 (R14 / 6-16)

Prescribed by the Department of Local Government Finance

20 23 PAY 20 24

FORM 322 / RE

INSTRUCTIONS:

1. This form is to be filed in person or by mail with the County Auditor of the county in which the property is located.
2. To obtain this 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 (or new assessment) 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. If the property owner misses the May 10 deadline in the initial year of assessment, he can apply between January 1 and May 10 of a subsequent year for the remainder of the abatement term. (See also IC 6-1.1-12.1-11.3 concerning the failure to file a timely application.)
3. A copy of the Form 11, the approved Form SB-1 / Real Property, the resolution adopted by the designating body, and the Form CF-1 / Real Property must be attached to this application.
4. The Form CF-1 / Real Property must be updated annually and provided to the County Auditor and the designating body for each assessment year in which the deduction is applicable.
5. Please see IC 6-1.1-12.1 for further instructions.
6. Taxpayer completes Sections I, II and III below.
7. If property located in an economic revitalization area is also located in an allocation area as defined in IC 36-7-14-39 or IC 36-7-15.1-26, an application for the property tax deduction may not be approved unless the Commission that designated the allocation area adopts a resolution approving the application (IC 6-1.1-12.1-2(k)).
8. Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities (IC 6-1.1-12.1-3):
 - a. Private or commercial golf course
 - b. Country club
 - c. Massage parlor
 - d. Tennis club
 - e. Skating facility, including roller skating, skateboarding or ice skating
 - f. Racquet sport facility (including handball or racquet ball court)
 - g. Hot tub facility
 - h. Suntan facility
 - i. Racetrack
 - j. Any facility, the primary purpose of which is (a) retail food and beverage service; (b) automobile sales or service; or (c) other retail; (unless the facility is located in an economic development-target area established under IC 6-1.1-12.1-7).
 - k. Residential, unless the facility is a multi-family facility that contains at least 20% of the units available for use by low and moderate income individuals, or unless the facility is located in an economic development target area established under IC 6-1.1-12.1-7, or the area is designated as a residentially distressed area which is required to meet conditions as cited in IC 6-1.1-12.1-2(c)(1 & 2).
 - l. Package liquor store [see IC 6-1.1-12.1-3(e)(12)]

SECTION I - DESCRIPTION OF PROPERTY

The owner hereby applies to the County Auditor for a deduction pursuant to IC 6-1.1-12.1-5 beginning with the assessment date January 1, 20 23.

County Johnson	Township Franklin	DLGF taxing district number 18	Key number
Name of owner LA Crossroads Owner I LLC		Legal description from Form 11 I-65 SOUTH LOGISTICS CENTER PT LOT 1	
Property address (number and street, city, state, and ZIP code) 81 & 89 Forest Rd, Franklin, IN 46131			Date of Form 11 (month, day, year)
Type of structure Bulk Industrial Building			Use of structure Distribution
Governing body that approved ERA designation Common Council of City of Franklin		Date ERA designation approved (month, day, year) March 2, 2020	Resolution number 2020-03

SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE

Signature of owner or representative (I hereby certify that the representations on this application are true.) <i>Jay Rappaport</i>		Date signed (month, day, year) 8/21/23
Printed name of owner or representative Jay Rappaport	Address (number and street, city, state, and ZIP code) 4201 Wilson Blvd #110-159 Arlington, VA 22203	

SECTION III - STRUCTURES

AUDITOR'S USE

A. Rehabilitation structure	1. Assessed valuation AFTER rehabilitation	\$	
	2. Assessed valuation BEFORE rehabilitation	\$	
	3. Difference in assessed valuation (Line 1 minus Line 2)	\$	
	4. Assessed valuation eligible for deduction (for the increase in A/V from the rehabilitation, not including the increase in A/V from the reassessment of the entire structure)	\$	
B. New structure	1. Assessed valuation	\$	53830400
	2. Assessed valuation eligible for deduction	\$	47964100

SECTION IV - VERIFICATION OF ASSESSING OFFICIAL

I verify that the above described structure was assessed and the owner was notified on _____, with the effective date of the assessment being January 1, 20 _____, and that the assessed valuations in Section III are correct.

Signature of assessing official	Printed name of assessing official	Date (month, day, year)
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SECTION V - FOR AREAS EXCEPT FOR A RESIDENTIALLY DISTRESSED AREA WHERE THE STATEMENT OF BENEFITS WAS APPROVED BEFORE JULY 1, 2013 - DEDUCTION SCHEDULE PER IC 6-1.1-12.1-17

YEAR OF DEDUCTION / ASSESSED VALUE / PERCENTAGE / DEDUCTION*	YEAR OF DEDUCTION / ASSESSED VALUE / PERCENTAGE / DEDUCTION**
<p>(1) For deductions allowed over a one (1) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p>	
<p>(2) For deductions allowed over a two (2) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 50% * ____% \$ _____</p>	
<p>(3) For deductions allowed over a three (3) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 66% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 33% * ____% \$ _____</p>	
<p>(4) For deductions allowed over a four (4) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 75% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 50% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 25% * ____% \$ _____</p>	
<p>(5) For deductions allowed over a five (5) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 80% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 60% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 40% * ____% \$ _____</p> <p>5 20__ pay 20__ \$ _____ 20% * ____% \$ _____</p>	
<p>(6) For deductions allowed over a six (6) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 85% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 66% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 50% * ____% \$ _____</p> <p>5 20__ pay 20__ \$ _____ 34% * ____% \$ _____</p> <p>6 20__ pay 20__ \$ _____ 17% * ____% \$ _____</p>	
<p>(7) For deductions allowed over a seven (7) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 85% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 71% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 57% * ____% \$ _____</p> <p>5 20__ pay 20__ \$ _____ 43% * ____% \$ _____</p> <p>6 20__ pay 20__ \$ _____ 29% * ____% \$ _____</p> <p>7 20__ pay 20__ \$ _____ 14% * ____% \$ _____</p>	
<p>(8) For deductions allowed over a eight (8) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 88% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 75% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 63% * ____% \$ _____</p> <p>5 20__ pay 20__ \$ _____ 50% * ____% \$ _____</p> <p>6 20__ pay 20__ \$ _____ 38% * ____% \$ _____</p> <p>7 20__ pay 20__ \$ _____ 25% * ____% \$ _____</p> <p>8 20__ pay 20__ \$ _____ 13% * ____% \$ _____</p>	
<p>(9) For deductions allowed over a nine (9) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 88% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 77% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 66% * ____% \$ _____</p> <p>5 20__ pay 20__ \$ _____ 55% * ____% \$ _____</p> <p>6 20__ pay 20__ \$ _____ 44% * ____% \$ _____</p> <p>7 20__ pay 20__ \$ _____ 33% * ____% \$ _____</p> <p>8 20__ pay 20__ \$ _____ 22% * ____% \$ _____</p> <p>9 20__ pay 20__ \$ _____ 11% * ____% \$ _____</p>	
<p>(10) For deductions allowed over a ten (10) year period:</p> <p>1 20__ pay 20__ \$ _____ 100% * ____% \$ _____</p> <p>2 20__ pay 20__ \$ _____ 95% * ____% \$ _____</p> <p>3 20__ pay 20__ \$ _____ 80% * ____% \$ _____</p> <p>4 20__ pay 20__ \$ _____ 65% * ____% \$ _____</p> <p>5 20__ pay 20__ \$ _____ 50% * ____% \$ _____</p> <p>6 20__ pay 20__ \$ _____ 40% * ____% \$ _____</p> <p>7 20__ pay 20__ \$ _____ 30% * ____% \$ _____</p> <p>8 20__ pay 20__ \$ _____ 20% * ____% \$ _____</p> <p>9 20__ pay 20__ \$ _____ 10% * ____% \$ _____</p> <p>10 20__ pay 20__ \$ _____ 5% * ____% \$ _____</p>	
<p>NOTE: The deduction percentages shown in this section apply to a statement of benefits approved before July 1, 2013 that did not have an alternative deduction schedule adopted by the designating body. All other abatements shall use the percentages reflected in the abatement schedule adopted by the designating body per IC 6-1.1-12.1-17.</p>	
<p>* The amount of the deduction shall be adjusted annually to reflect changes to the assessed valuation resulting from a reassessment or an appeal of the assessment per IC 6-1.1-12.1-4(b).</p>	

**SECTION VI - FOR A RESIDENTIALLY DISTRESSED AREA WHERE THE STATEMENT OF BENEFITS WAS APPROVED BEFORE JULY 1, 2013
DEDUCTION SCHEDULE PER IC 6-1.1-12.1-17**

TYPE OF DWELLING	DEDUCTION IS THE LESSER OF: [IC 6-1.1-12.1-4.1(b)]	DEDUCTION IS ALLOWED FOR A FIVE (5) YEAR PERIOD THAT INCLUDES YEARS:
<input type="checkbox"/> One (1) family dwelling	Assessed value (after rehabilitation or redevelopment) \$ _____ or \$74,880 AV	_____ pay _____ through _____ pay _____
<input type="checkbox"/> Two (2) family dwelling	Assessed value (after rehabilitation or redevelopment) \$ _____ or \$106,080 AV	_____ pay _____ through _____ pay _____
<input type="checkbox"/> Three (3) unit multifamily dwelling	Assessed value (after rehabilitation or redevelopment) \$ _____ or \$156,000 AV	_____ pay _____ through _____ pay _____
<input type="checkbox"/> Four (4) unit multifamily dwelling	Assessed value (after rehabilitation or redevelopment) \$ _____ or \$199,680 AV	_____ pay _____ through _____ pay _____

Assessed value limits for taxes due and payable prior to January 1, 2005 were \$36,000, \$51,000, \$75,000, and \$96,000 for one to four family dwellings, respectively.

SECTION VII - APPROVAL OF COUNTY AUDITOR (COMPLETE ONLY IF APPROVED)

This application is approved in the amounts shown above.

Signature of County Auditor	Printed name of County Auditor	Date signed (month, day, year)
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Title	322 RE Form_23pay24
File name	322 RE Form_23pay24.pdf
Document ID	f6a7df8c74e20e5d666187bd91b637472c3a320a
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

08 / 21 / 2023

20:27:48 UTC

Sent for signature to Jay Rappaport
(jay@legacyinvesting.com) from nate@legacyinvesting.com
IP: 151.200.33.129



VIEWED

08 / 21 / 2023

20:34:21 UTC

Viewed by Jay Rappaport (jay@legacyinvesting.com)
IP: 47.19.88.23



SIGNED

08 / 21 / 2023

20:34:41 UTC

Signed by Jay Rappaport (jay@legacyinvesting.com)
IP: 47.19.88.23



COMPLETED

08 / 21 / 2023

20:34:41 UTC

The document has been completed.

**NOTICE OF ASSESSMENT OF LAND AND STRUCTURES / IMPROVEMENTS**

State Form 21366 (R20 / 1-23)

Prescribed by the Department of Local Government Finance

FORM 11**THIS IS NOT A TAX BILL**• The deadline to file an appeal is **June 15, 2023.**

MWPSAUTOSEQ***1 of 2***1620
LA CROSSROADS I OWNER LLC
C/O LEGACY INVESTING LLC
4075 WILSON BLVD #110-159
ARLINGTON VA 22203

Legal Description	Parcel or Identification Number
I-65 SOUTH LOGISTICS CENTER PT LOT 1	41-07-17-034-002.000-018
Property Address (number and street, city, state, and ZIP code)	
81 & 89 FOREST RD, FRANKLIN, IN 46131	

This notice indicates the assessed value of your property. Information on the valuation of your property and a copy of the property record card can be obtained from the assessing official at the telephone number and address below.

Notice to the taxpayer of the opportunity to appeal (IC 6-1.1-15-1.1, 1.2):

If the taxpayer does not agree with the action of the assessing official giving this notice, an appeal can be initiated to challenge that action. To file an appeal, the taxpayer must file a Form 130, Taxpayer's Notice to Initiate an Appeal, with the township assessor or county assessor in a timely manner. The time-frame to file an appeal on the assessment contained in this notice may have two different filing deadlines. These deadlines are based on the date that this notice is mailed. If this notice is mailed before May 1 of the assessment year, the filing deadline is June 15 of that year. If this notice is mailed on or after May 1 of the assessment year, the filing deadline is June 15 in the year that the tax statements are mailed. (IC 6-1.1-15-1.1) This form is available from the assessing official or at: <https://forms.in.gov/Download.aspx?id=6979>. An assessing official who receives a Form 130 must schedule a preliminary informal meeting with the taxpayer in order to resolve the appeal. The assessing official and taxpayer must exchange the information each party is relying on at the time of the preliminary informal meeting to support the party's respective position on each disputed issue concerning the appeal. If the taxpayer has reason to believe that the township assessor, county assessor, an employee of the township assessor or county assessor, or an appraiser has violated IC 6-1.1-35.7-3 or IC 6-1.1-35.7-4(a), the taxpayer may submit a written complaint to the Department of Local Government Finance under IC 6-1.1-35.7-4(b).

NOTE: Failure to file a timely Form 130 can be grounds for dismissal of this appeal.

PREVIOUS ASSESSMENT		NEW ASSESSMENT EFFECTIVE JANUARY 1, 2023	
LAND	4,218,500	LAND	5,866,300
STRUCTURES	30,887,100	STRUCTURES	47,964,100
TOTAL	35,105,600	TOTAL	53,830,400

Reason for Revision of Assessment: Annual Adjustment

- The purpose of this form is to provide notice of the assessed value for the above referenced parcel for the tax year 2023 pay 2024. The 2023 assessed value represents the estimate of the market value-in-use of each property based upon property sales that occurred in 2022.
- If you believe the 2023 assessment is accurate, no further action is necessary.
- You may contact the County Assessor's Office in the following ways:
 - Phone: (317) 346-4701 Fax: (317) 736-7039
 - Mail or In Person: Johnson County Assessor, 86 W. Court St. Franklin, IN 46131
 - Email: Assessor@co.johnson.in.us

If the change in assessment is due to a new home, a taxpayer should be aware that there are many property tax benefits or deductions available. Please see INDIANA PROPERTY TAX BENEFITS (State Form 51781) available on the DLGF website: www.IN.gov/dlgr. Other non-residential construction may be eligible for deductions - see Forms 322/RE and Form 322/VBD.

County	JOHNSON	Township	NEEDHAM	Date of Notice (month, day, year)	04/28/2023
Assessing Official	MIKE WATKINS			Telephone Number	(317) 346-4701
Address (number and street, city, state, and ZIP code)					
86 W. COURT ST., FRANKLIN, IN 46131					