

VIGO COUNTY COUNCIL SUNSHINE MEETING

June 6, 2023

5:00 P.M.

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VIGO COUNTY COUNCIL SUNSHINE MEETING
Agenda
Wednesday, June 6, 2023 at 5:00 P.M.
Council Chambers - Vigo County Government Center

1. Pledge of Allegiance
2. Calling of the roll
3. Communications from elected officials, other officials, or agencies of the County
 - a. Baker Tilly salary study update.
4. First reading by summary reference of proposed ordinances and resolutions
 - i. Resolution 2023-07: Entek Lithium Separator LLC – 10 year personal property tax abatement
 - ii. Resolution 2023-08: Entek Lithium Separator LLC – 10 year real property tax abatement
 - iii. Resolution 2023-09: Wabash Valley Resources LLC – 10 year personal property tax abatement
 - iv. Resolution 2023-10: Wabash Valley Resources LLC – 10 year real property tax abatement
 - v. Additional Appropriation 2023-28: Drug Free Community – Operating Expenses
 - vi. Additional Appropriation 2023-29: Juvenile Court – contractual services
 - vii. Additional Appropriation 2023-30: Courts – Legal Services
 - viii. Additional Appropriation 2023-31: Vigo County Health Department – vehicles
 - ix. Additional Appropriation 2023-32: Vigo County Health Department – new equipment
 - x. Additional Appropriation 2023-33: EDIT (Commissioners) - Special Events
 - xi. Additional Appropriation 2023-34: ARP Grant Fund – Professional Services
 - xii. Additional Appropriation 2023-35: ARP Grant Fund – Indiana State University Project
 - xiii. Additional Appropriation 2023-36: ARP Grant Fund – Reimburse Hospital Benefits
 - xiv. Additional Appropriation 2023-37: Prosecutor – Office Supplies, Contractual Services, Trials & Investigations, Office Furniture
 - xv. Additional Appropriation 2023-38: Infraction Deferral – Law Enforcement Grants
 - xvi. Resolution of Reallocation 2023-11: Clerk – Out of Series Transfer
 - xvii. Public Safety LIT: Options for Distribution to Units for Distribution in 2024
 - xviii. Annual tax abatement compliance reviews
5. Reports from committee(s)
6. Resolutions and Ordinances other than appropriations
 - i. Resolution 2023-07: Entek Lithium Separator LLC 10-year personal property tax abatement
 - ii. Resolution 2023-08: Entek Lithium Separator LLC 10-year real property tax abatement
 - iii. Resolution 2023-09: Wabash Valley Resources LLC 10-year personal property tax abatement
 - iv. Resolution 2023-10: Wabash Valley Resources LLC 10-year real property tax abatement

VIGO COUNTY COUNCIL SUNSHINE MEETING

Agenda

Wednesday, June 6, 2023 at 5:00 P.M.

Council Chambers - Vigo County Government Center

- v. Resolution of Reallocation 2023-11: Clerk – Out of Series Transfer
- vi. Public Safety LIT: Options for Distribution to Units for Distribution in 2024
- vii. Annual tax abatement compliance reviews
- 7. Ordinances relating to appropriations
 - i. Additional Appropriation 2023-28: Drug Free Community – operating expenses
 - ii. Additional Appropriation 2023-29: Juvenile Court – contractual services
 - iii. Additional Appropriation 2023-30: Courts – legal services
 - iv. Additional Appropriation 2023-31: Vigo County Health Department – vehicles
 - v. Additional Appropriation 2023-32: Vigo County Health Department – new equipment
 - vi. Additional Appropriation 2023-33: EDIT (Commissioners) – Special Events
 - vii. Additional Appropriation 2023-34: ARP Grant Fund – Professional Services
 - viii. Additional Appropriation 2023-35: ARP Grant Fund – Indiana State University Project
 - ix. Additional Appropriation 2023-36: ARP Grant Fund – Reimburse Hospital Benefits
 - x. Additional Appropriation 2023-37: Prosecutor – Office Supplies, Contractual Services, Trials & Investigations, Office Furniture
 - xi. Additional Appropriation 2023-38: Infraction Deferral – Law Enforcement Grants
- 8. Public comment
- 9. Adjournment

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given the Taxpayers of Vigo County, Indiana, that the Vigo County Council will meet at the Vigo County Government Center, 127 Oak Street, Terre Haute, Indiana at 5:00 p.m. on Tuesday, June 13, 2023 to consider the following appropriations in excess of the budget of the current year. The Vigo County Council will also meet on Tuesday, June 6, 2023, at the same location for a Sunshine Meeting.

	<u>REQUESTED</u>
<u>COUNTY GENERAL FUND/1000</u>	
<u>Juvenile Court/0234</u>	
1000.33300.000.0234 Contractual Services	\$ 20,000
Total Juvenile Court	\$ 20,000
<u>Courts/0232</u>	
1000.30700.000.0232 Legal Services	\$ 6,000
Total Courts	\$ 6,000
<u>Prosecutor/0009</u>	
1000.21100.000.0009 Office Supplies	\$ 2,000
1000.33300.000.0009 Contractual Services	\$ 8,000
1000.36900.000.0009 Trials & Investigations	\$ 10,000
1000.44480.000.0009 Office Furniture	\$ 10,000
Total Prosecutor	\$ 30,000
TOTAL COUNTY GENERAL	\$ 56,000
<u>INFRACTION DEFERRAL/2501</u>	
2501.31400.000.0000 Law Enforcement Grant	\$ 15,000
Total Law Enforcement Grant	\$ 15,000
<u>DRUG FREE COMMUNITY/1148</u>	
1148.36700.000.0000 Operating Expenses	\$ 67,065
Total Drug Free Community Fund	\$ 67,065
<u>VIGO COUNTY HEALTH DEPARTMENT/1159</u>	
1159.44460.000.0000 Vehicles	\$ 89,535
1159.44510.000.0000 New Equipment	\$ 24,511
Total Vigo County Health Department Fund	\$ 114,046
<u>EDIT/1112</u>	
1112.31001.000.0000 Special Events	\$ 25,000
Total EDIT Fund	\$ 25,000
<u>ARP GRANT FUND</u>	
8950.37850.000.0000 Professional Services	\$ 500,000
8950.44850.000.0000 Indiana State University Project	\$ 3,000,000
8950.30012.000.0000 Reimburse Hospital Benefits	\$ 693,028
Total ARP Grant Fund	\$ 4,193,028

The meeting will be made available for observance by electronic means at the following web address:

<https://www.vigocounty.in.gov/department/division.php?structureid=71>.

Unless otherwise directed or required for public health reasons,
the meetings will be open to the public. Members of the public may submit
comments prior to the meeting to county.council@vigocounty.in.gov.

JAMES W. BRAMBLE
VIGO COUNTY AUDITOR
TO BE PUBLISHED: Friday, May 26, 2023



RESOLUTION NO. 2023-8

A Resolution of the Vigo County Council
Designation an Are Within Vigo County, Indiana as an
Economic Revitalization Area
For the Purpose of a Real Property Tax Abatement

WHEREAS, a Petition for 10 year real property tax abatement has been filed with the Vigo County Council (hereinafter "Council") requesting that the property described therein be designated as Economic Revitalization Area for purposes of real property tax abatement; and

WHEREAS, ENTEK Lithium Separator LLC (hereinafter the "Petitioner,") has submitted a Statement of Benefits and provided all information and documentation necessary for the Council to make an informed decision, said information includes a description of the real property on which the project is to be located, which is more particularly described in Exhibit A (the "Subject Property").

WHEREAS, Petitioner has represented and presented evidence that in connection with the project, Petitioner expects to create approximately 640 new fulltime jobs with an annual payroll of Thirty-Eight Million Dollars and 00/100 (\$38,000,000.00) along with benefits of Fourteen Million Dollars and 00/100 (\$14,000,000.00). Petitioner has further represented and presented evidence that the cost of this project will be approximately \$1,277,200,000 for personal property improvements and \$224,000,000.00 for real property improvements. It is also anticipated that this project will require approximately 600 construction jobs over approximately 48 months.

WHEREAS, the Council is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of the County as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Council has considered the petition and Statement of Benefits and has conducted a complete and proper investigation of the Subject Property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the Council has found the Subject Property to be an area where facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues and has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings and other factors which prevent normal development of use;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Council that:

1. The Petitioner's estimate of the value of the redevelopment and rehabilitation and the project to be constructed on the Subject Property is reasonable for projects of that

nature in order to maintain, expand, update, and improve opportunities and capacity for manufacturing.

2. The Petitioner's estimate of the number of individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project, and redevelopment and rehabilitation.

3. The Petitioner's estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the redevelopment and rehabilitation.

4. That the benefits, for which information has been requested, can be expected to result from the project and the redevelopment and rehabilitation.

5. The totality of the benefits of the proposed redevelopment and rehabilitation can reasonably be expected to result from the project and are sufficient to justify a 10 year real property tax deduction from assessed valuation under Indiana statutes, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed.

6. That the Council has considered the Petitioner's total investment in real and personal property, the number of new full-time equivalent jobs created by the Project, the average wage of the new employees compared to the State minimum wage, and the infrastructure requirements for Petitioner's investment and, based on such factors, has determined that the petition for designating the Subject Property as an economic revitalization area for the purposes of 10 year real property tax abatement and the Statement of Benefits is hereby approved and the Subject Property is hereby designated as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1-1 et. seq., and Petitioner is entitled to the 10 year real property tax abatement provided therein for the proposed redevelopment and rehabilitation in accord with the Abatement Schedule hereunto attached as Exhibit B.

7. That notice hereof should be published according to law stating the adoption and substance hereof, that a copy of the description of the affected area is available for inspection in the County Assessor's Office and stating a date on which the Council will hear and receive remonstrances and objections and take final action, all as required by law.

8. That this Resolution is supplementary to and in addition to any prior resolutions.

Remainder of this page intentionally left blank.

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____

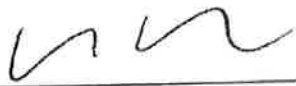

Richard J Shagley II, Wright, Shagley, & Lowery, P.C.
500 Ohio Street, Terre Haute, IN, 47807; (812) 232-3388

Exhibit A
Real Property Tax Abatement Resolution
ENTEK Lithium Separator LLC

Real Estate Description:

Situated in Vigo County, State of Indiana, to-wit:

Part of Lot 1 in Vigo County Industrial Park II, Platted Subdivision Phase I, as recorded in Instrument Number 2010002299, and part of Lot 1 in Vigo County Industrial Park II, Phase II, as recorded in Instrument Number 2011016842, all as recorded in the Office of the Recorder of Vigo County, Indiana, being within Section 33 and Section 34, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, as shown on an ALTA/NSPS Land Title Survey by Align, dated September 30th, 2022, for the purpose of a proposed transfer, and being more particularly described as follows: Beginning at the intersection of the West Right-of-Way of Carlisle Street and North Right-of-Way of Harlan Road, (being 40 feet from the East and South lines of the West Half of the Southwest Quarter of Section 34) as shown on Vigo County Industrial Park II, Platted Subdivision Phase I (VCIP II, Ph I), as recorded in Instrument Number 2010002299, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 56 minutes 05 seconds West, for a distance of 1273.43 feet to the line between Section 33 and Section 34; thence continuing along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 58 minutes 21 seconds West, for a distance of 2649.62 feet; thence continuing along said line, South 89 degrees 55 minutes 35 seconds West, for a distance of 194.83 feet to the East line of a 60 feet wide Railroad Easement as shown on VCIP II, Ph I (Instrument Number 2010002299); thence along said East line for the next seven (7) calls, (1) Northwesterly 103.45 feet along a curve to the right having a radius of 428.59 feet, having a chord bearing and distance of North 50 degrees 47 minutes 16 seconds West, 103.19 feet; (2) North 43 degrees 52 minutes 24 seconds West, for a distance of 554.90 feet; (3) Northwesterly 605.11 feet along a curve to the right having a radius of 788.65 feet, having a chord bearing and distance of North 21 degrees 53 minutes 33 seconds West, 590.37 feet; (4) North 00 degrees 05 minutes 18 seconds East, for a distance of 1448.52 feet; (5) Northeasterly 444.61 feet along a curve to the right having a radius of 429.28 feet, having a chord bearing and distance of North 29 degrees 45 minutes 34 seconds East, 425.00 feet; (6) North 59 degrees 25 minutes 49 seconds East, for a distance of 86.62 feet; (7) Northeasterly 248.84 feet along a curve to the right having a radius of 551.67 feet, having a chord bearing and distance of North 46 degrees 30 minutes 30 seconds East, 246.73 feet to the South line of Lot 4 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number

2005001057; thence along said South line, South 89 degrees 53 minutes 54 seconds East, for a distance of 1132.06 feet to the Southeast corner of said Lot 4, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along an Easterly line of said Lot 4, North 00 degrees 07 minutes 58 seconds West, for a distance of 321.80 feet; thence Easterly along a line that is 100 feet South of and parallel to the South line of Vigo County Industrial Park II, Phase V, as recorded in Instrument Number 2019013719, South 89 degrees 55 minutes 40 seconds East, for a distance of 2673.03 feet; thence South 22 degrees 20 minutes 29 seconds East, for a distance of 91.48 feet to a point on the extension of the West line of Lot 1 of Vigo County Industrial Park II, Phase IV, as recorded in Instrument Number 2020000430; thence along said West line and extension thereof, South 00 degrees 18 minutes 30 seconds East, for a distance of 957.78 feet to the South line of Lot 1 of Vigo County Industrial Park II, Phase II (VCIP 11, Ph II), as recorded in Instrument Number 2011016842; thence along the South line of a Dedicated Right-of-Way as shown on said VCIP 11, Ph II, South 89 degrees 17 minutes 19 seconds East, for a distance of 506.20 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I, also being the East line of Lot 1 on said VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 2030.62 feet to the North line of Lot 5 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said North line, South 89 degrees 56 minutes 02 seconds West, for a distance of 195.12 feet to the Northwest corner of said Lot 5; thence along the West line of said Lot 5, South 00 degrees 21 minutes 49 seconds West, for a distance of 170.00 feet to the Southwest corner of said Lot; thence along the South line of said Lot, North 89 degrees 56 minutes 02 seconds East, for a distance of 195.12 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 108.59 feet to the Point of Beginning, Containing 338.64 acres, more or less.

Subject to that certain Declaration of Development Standards, Covenants and Restrictions for Vigo County Industrial Park - Phase VII recorded July 31, 2014 as Instrument Number 2014010125, records of the Vigo County, Indiana Recorder's Office [which shall be amended to cover or apply to such 338.64 acres] and all matters of record.

**Real Property Tax Abatement Resolution
ENTEK Lithium Separator LLC
Abatement Schedule**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	100%
3rd	100%
4th	100%
5th	100%
6th	100%
7th	100%
8th	100%
9th	100%
10th	100%

**FINAL ACTION BY THE VIGO COUNTY COUNCIL
REGARDING RESOLUTION No. 2023-8
(Real Property)**

WHEREAS, the Vigo County Council (hereinafter "Council") adopted Resolution No. 2023-8 on the ____ day of _____, 2023, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the County Assessor and further stating a date on which the Council would receive and hear remonstrances and objects; and

WHEREAS, a copy of the Notice and Statement of Benefits was sent to all taxing units with authority to levy property taxes in the area where the Economic Revitalization Area is located and filed with the County Assessor; and

WHEREAS, The Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as a revitalization area or to approval of the Statement of Benefits; and

WHEREAS, said matter is before the Council for final action pursuant to Indiana Law; and

WHEREAS, the Council has received and examined, prior to such hearing, a Statement of Benefits on the forms prescribed by the Department of Local Government Finance and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the estimate of the cost of redevelopment and rehabilitation and equipment is reasonable for projects of that type.
2. That the estimate of individuals who will be employed and whose employment will be retained as a result of the redevelopment and rehabilitation and installation of the new manufacturing equipment can reasonably be expected to result from the proposed project.
3. That the estimate of the annual salaries and other benefits of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
4. That the benefits can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
5. That the totality of benefits is sufficient to justify the deduction.

6. That all qualifications for establishing an economic revitalization area have been met.

7. That the Council has considered the Petitioner's total investment in real and personal property, the number of new full-time equivalent jobs created by the Project, the average wage of the new employees compared to the State minimum wage and the infrastructure requirements for the Petitioner's investment and, based on such factors, has determined that the petition for designating the Subject Property as an Economic Revitalization Area for the purposes of 10 year real property tax abatement and the Statement of Benefits copies of which were submitted with the petitions are hereby approved and the Real Estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq., and Petitioner is entitled to the 10 year real property tax abatement provided therein for the proposed redevelopment and rehabilitation in accord with the attached schedule.

NOW, THEREFORE, for Final Actions on Resolution No. 2023-8 the Council RESOLVES, FINDS AND DETERMINES:

1. That all of the requirements for designation of the real estate described in Resolution No. 8 (the "Original Resolution") as an Economic Revitalization Area have been met, the foregoing findings and the finding in the Original Resolution are true and that all information required to be submitted has been submitted in proper form.

2. That the Original Resolution is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed project and the redevelopment and rehabilitation are sufficient to justify a 10 year real property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation described in the Petitioner's Statement of Benefits and the deduction for the proposed project and redevelopment and rehabilitation and the Statements of Benefit submitted is approved and the Council authorizes and direct the endorsement of said Statement of Benefits to show such approval and that the real estate described in the Original Resolution is declared an Economic Revitalization Area for the purposes of a 10 year real property tax abatement and that said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.0-1 et. seq. and Petitioner is entitled to a 10 year real property tax abatement as provided therein in accord with the attached Deduction Schedule in connection with the proposed redevelopment/rehabilitation and the project.

3. That this Resolution shall also serve as the Resolution required by I.C. 6-1.1-12.1-2.5 (k) approving a tax abatement in an area previously designated as an allocation area by the Vigo County Council.

4. That said Resolution supplements any other designation of the Subject Property as an Economic Revitalization Area or similar designation.

5. That this Final Action, findings, and confirmation of the Original Resolution Shall be incorporated in and be a part of the Original Resolution.

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

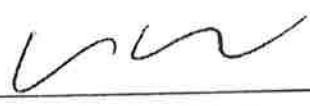
Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____


Richard J. Shagley II, Wright, Shagley & Lowery PC
500 Ohio Street, Terre Haute, IN 47807; (812-232-3388)

Real Property Tax Abatement Resolution
ENTEK Lithium Separator LLC
Abatement Schedule

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	100%
3rd	100%
4th	100%
5th	100%
6th	100%
7th	100%
8th	100%
9th	100%
10th	100%

APPLICATION FOR DECLARATION OF AN
ECONOMIC REVITALIZATION AREA AND FOR TAX ABATEMENT FOR
REAL PROPERTY

ENTEK Lithium Separator LLC ("ENTEK") applies to the Vigo County Council as the county executive designating body under I.C. §6-1.1-12.1, et seq, on behalf of Honey Creek Township, an Economic Revitalization Area ("ERA") and to provide for the abatement of taxation on such real property to be located on owned real estate within Honey Creek Township, and in support thereof, states and shows as follows:

1. ENTEK Lithium Separator LLC intends to install a new battery separator manufacturing facility. The Subject Property for the proposed Facility site is depicted in the attached Exhibit A (the "Proposed Facility Subject Property" & "Property Facility Parcel List.")
2. It is projected that the installation of equipment will begin after abatement approval with a projected construction commencement date by late 2023 and is anticipated to be completed by the end of 2027 with the initial start of production beginning in 2027.
3. It is expected that installation of the new manufacturing equipment will locally employ approximately six hundred sixty (600) on-site through the duration of the construction period over forty-eight (48) months
4. The completed Facility and installation of new manufacturing equipment will require six hundred forty (640) permanent full-time employees. All positions should be filled by the end of 2027, after a complete ramp up has occurred.
5. The total cost of the Facility is estimated to be approximately One Billion Five Hundred Million Two Hundred Thousand Dollars and 00/100 (\$1,501,200,000.00), as set forth in the Statement of Benefits / Utility Distributable (Form SB-1/UD) attached hereto as Exhibit B (with "Cost Analysis Summary.").
6. An Economic Revitalization Area designation for the purposes of tax abatement for real property is sought for the Facility to induce ENTEK Lithium Separator LLC to construct and maintain the Facility in Honey Creek Township, Vigo County, Indiana.

7. Construction and maintenance of the Facility depends on, among other things, the declaration of an ERA by the Vigo County Council and a resolution approving a subsequent tax abatement for real property for a period of ten (10) years. The abatement of taxation is a substantial incentive for ENTEK Lithium Separator LLC to construct and develop the Facility in Honey Creek Township, Vigo County, Indiana.

WHEREFORE, ENTEK Lithium Separator LLC applies to the Vigo County Council on behalf of Honey Creek Township, Indiana to adopt a resolution at its regularly constituted meeting declaring the Facility as an Economic Revitalization Area pursuant to I.C. §6-1.1-12.1, et seq. and that deductions from the facility be granted for a period of ten (10) years. ENTEK requests that a public hearing on this application be held, and requests that the Vigo County Council confirm its resolution declaring the Facility as an Economic Revitalization Area.

Respectfully submitted,

ENTEK Lithium Separator LLC

By: 

Larry Keith, CEO

Passed in open Council this ____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by

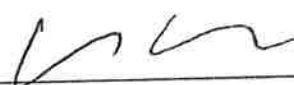

Richard J Shagley II, Wright, Shagley, & Lowery, P.C.
500 Ohio Street, Terre Haute, IN, 47807; (812) 232-3388

Exhibit A

Real Estate Description:

Situated in Vigo County, State of Indiana, to-wit:

Part of Lot 1 in Vigo County Industrial Park II, Platted Subdivision Phase I, as recorded in Instrument Number 2010002299, and part of Lot 1 in Vigo County Industrial Park II, Phase II, as recorded in Instrument Number 2011016842, all as recorded in the Office of the Recorder of Vigo County, Indiana, being within Section 33 and Section 34, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, as shown on an ALTA/NSPS Land Title Survey by Align, dated September 30th, 2022, for the purpose of a proposed transfer, and being more particularly described as follows: Beginning at the intersection of the West Right-of-Way of Carlisle Street and North Right-of-Way of Harlan Road, (being 40 feet from the East and South lines of the West Half of the Southwest Quarter of Section 34) as shown on Vigo County Industrial Park II, Platted Subdivision Phase I (VCIP 11, Ph I), as recorded in Instrument Number 2010002299, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 56 minutes 05 seconds West, for a distance of 1273.43 feet to the line between Section 33 and Section 34; thence continuing along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 58 minutes 21 seconds West, for a distance of 2649.62 feet; thence continuing along said line, South 89 degrees 55 minutes 35 seconds West, for a distance of 194.83 feet to the East line of a 60 feet wide Railroad Easement as shown on VCIP II, Ph I (Instrument Number 2010002299); thence along said East line for the next seven (7) calls, (1) Northwesterly 103.45 feet along a curve to the right having a radius of 428.59 feet, having a chord bearing and distance of North 50 degrees 47 minutes 16 seconds West, 103.19 feet; (2) North 43 degrees 52 minutes 24 seconds West, for a distance of 554.90 feet; (3) Northwesterly 605.11 feet along a curve to the right having a radius of 788.65 feet, having a chord bearing and distance of North 21 degrees 53 minutes 33 seconds West, 590.37 feet; (4) North 00 degrees 05 minutes 18 seconds East, for a distance of 1448.52 feet; (5) Northeasterly 444.61 feet along a curve to the right having a radius of 429.28 feet, having a chord bearing and distance of North 29 degrees 45 minutes 34 seconds East, 425.00 feet; (6) North 59 degrees 25 minutes 49 seconds East, for a distance of 86.62 feet; (7) Northeasterly 248.84 feet along a curve to the right having a radius of 551.67 feet, having a chord bearing and distance of North 46 degrees 30 minutes 30 seconds East, 246.73 feet to the South line of Lot 4 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said South line, South 89 degrees 53 minutes 54 seconds East, for a distance of 1132.06 feet to the Southeast corner of said Lot 4, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along an Easterly line of said Lot 4, North 00 degrees 07 minutes 58 seconds West, for a distance of 321.80 feet; thence Easterly along a line that is 100 feet South of and parallel to the South line of Vigo County Industrial Park II, Phase V, as recorded in Instrument Number 2019013719, South 89 degrees 55 minutes 40 seconds East, for a distance of 2673.03 feet; thence South 22 degrees 20 minutes 29 seconds East, for a distance of 91.48 feet to a point on the extension of the West line of Lot 1 of Vigo County Industrial Park II, Phase IV, as recorded in Instrument Number 2020000430; thence along said West line and extension thereof, South 00 degrees 18 minutes 30 seconds East, for a distance of 957.78 feet to the South line of Lot 1 of Vigo County Industrial Park II, Phase II (VCIP 11, Ph II), as recorded in Instrument

Number 2011016842; thence along the South line of a Dedicated Right-of-Way as shown on said VCIP 11, Ph II, South 89 degrees 17 minutes 19 seconds East, for a distance of 506.20 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I, also being the East line of Lot 1 on said VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 2030.62 feet to the North line of Lot 5 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said North line, South 89 degrees 56 minutes 02 seconds West, for a distance of 195.12 feet to the Northwest corner of said Lot 5; thence along the West line of said Lot 5, South 00 degrees 21 minutes 49 seconds West, for a distance of 170.00 feet to the Southwest corner of said Lot; thence along the South line of said Lot, North 89 degrees 56 minutes 02 seconds East, for a distance of 195.12 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 108.59 feet to the Point of Beginning, Containing 338.64 acres, more or less.

Subject to that certain Declaration of Development Standards, Covenants and Restrictions for Vigo County Industrial Park - Phase VII recorded July 31, 2014 as Instrument Number 2014010125, records of the Vigo County, Indiana Recorder's Office [which shall be amended to cover or apply to such 338.64 acres] and all matters of record.



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form SB-1/RE (R7/1-21)

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 6-1-1-12-1-5.1.

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)

INSTRUCTIONS

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- 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.
- 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).
- 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. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1-1-12-1-17.

SECTION 1

TAXPAYER INFORMATION

Name of taxpayer

ENTEK Lithium Separator, LLC

Address of taxpayer (number and street, city, state, and ZIP code)

250 Hansard Avenue, Lebanon OR 97355

Name of contact person

Larry Keith, CEO

Telephone number

(541) 259-3901

E-mail address

lkeith@entek.com

SECTION 2

LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body

Vigo County Council

Location of property

Vigo County Industrial Park II

County

Vigo

Resolution number

2023-8

DLGF taxing district number

84-003

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)

Construction of 4 new structures each approximately 250,000 square feet.

Estimated start date (month, day, year)

6/1/2023

Estimated completion date (month, day, year)

3/1/2027

SECTION 3

ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number

0.00

Salaries

\$0.00

Number Retained

Salaries

Number Additional

640.00

Salaries

\$38,000,000.00

SECTION 4

ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

REAL ESTATE IMPROVEMENTS

COST

ASSESSED VALUE

Current values

224,000,000.00

Plus estimated values of proposed project

Less values of any property being replaced

224,000,000.00

Net estimated values upon completion of project

SECTION 5

WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) 0.00

Estimated hazardous waste converted (pounds) 0.00

Other benefits

SECTION 6

TAXPAYER CERTIFICATION

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

Signature of authorized representative

Date signed (month, day, year)

05/10/2023

Printed name of authorized representative

Larry Keith

Title

CEO of ENTEK Lithium Separators, LLC

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 _____ calendar years* (see below). The date this designation expires is _____. *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 \$ _____.
- D. Other limitations or conditions (specify) _____
- 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)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* 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.)

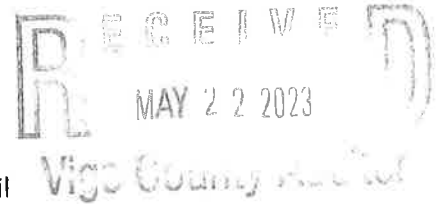
IC 6-1.1-12.1-17

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.



RESOLUTION NO. 2023-7

A Resolution of the Vigo County Council
Designation an Are Within Vigo County, Indiana as an
Economic Revitalization Area
For the Purpose of a Personal Property Tax Abatement

WHEREAS, a Petition for 10 year personal property tax abatement has been filed with the Vigo County Council (hereinafter "Council") requesting that the property described therein be designated as Economic Revitalization Area for purposes of personal property tax abatement; and

WHEREAS, ENTEK Lithium Separator LLC (hereinafter the "Petitioner,") has submitted a Statement of Benefits and provided all information and documentation necessary for the Council to make an informed decision, said information includes a description of the real property on which the project will be located, a copy of which is attached hereto as Exhibit A (the "Subject Property"), and the personal property to be abated.

WHEREAS, Petitioner has represented and presented evidence that in connection with the project, Petitioner will create approximately 642 new permanent full-time jobs with an annual payroll of Thirty-Eight Million Dollars and 00/100 (\$38,000,000.00) along with benefits of Fourteen Million Dollars and 00/100 (\$14,000,000.00). The Petitioner has further represented and presented evidence that the cost of this project will approximately \$1,277,200,000.00 for acquisition and installation of personal property and \$224,000,000 for real property improvements. It is also anticipated that this project will require approximately 600 construction jobs over the construction period anticipated to take place over four years.

WHEREAS, the Council is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of the County as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Council has found the Subject Property to be located in an area where facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues, and has become undesirable for or impossible of normal development and occupancy because of a lack of development, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings and other factors which prevent normal development or use;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Council that:

1. The Petitioner's estimate of the cost of new manufacturing equipment is reasonable for manufacturing equipment of that type in view of current technologies.

2. The Petitioner's estimate of the number of individuals who will be employed and retained, and the benefits thereby, can reasonably be expected to result from the project and installation of new manufacturing equipment.

3. The Petitioner's estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the installation of the new manufacturing equipment.

4. That the benefits for which information has been requested can reasonably be expected to result from the installation of the new manufacturing equipment.

5. Based upon: (1) the Petitioner's total investment in real and personal property; (2) the number of new full-time equivalent jobs created or retained; (3) the average wage of the new employees compared to the State minimum wage; and (4) the infrastructure requirements for Petitioner's investment and the totality of the benefits of the proposed project and installation of the new manufacturing equipment are sufficient to justify personal property tax abatement for a 10 year deduction period, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby allowed in accord with the attached Abatement Schedule.

6. That the Council has considered the Petitioner's total investment in real and personal property, the number of new full-time equivalent jobs created by the project, the average wage of the new employees compared to the State minimum wage and the infrastructure requirements for Petitioner's investments and, based on such factors, has determined that the petition for designating the Subject Property as an Economic Revitalization Area for the purposes of 10 year personal property tax abatement and the Statement of Benefits is hereby approved and the Subject Property is hereby designated as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1-1 et. seq., and Petitioner is entitled to the 10 year personal property tax abatement provided therein for the proposed project in accord with the Abatement Schedule attached as Exhibit B.

7. That notice hereof should be published according to law stating the adoption and substance hereof, that a copy of the description of the affected area is available for inspection in the County Assessor's Office and stating a date on which the Council will hear and receive remonstrances and objections and take final action, all as required by law.

8. That this Resolution is supplementary to and in addition to any prior resolutions.

Remainder of this page intentionally left blank.

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____

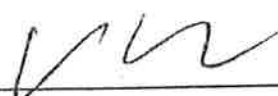

Richard J Shagley II, Wright, Shagley, & Lowery, P.C.
500 Ohio Street, Terre Haute, IN, 47807; (812) 232-3388

Exhibit A
Personal Property Tax Abatement Resolution
ENTEK

Real Estate Description:

Situated in Vigo County, State of Indiana, to-wit:

Part of Lot 1 in Vigo County Industrial Park II, Platted Subdivision Phase I, as recorded in Instrument Number 2010002299, and part of Lot 1 in Vigo County Industrial Park II, Phase II, as recorded in Instrument Number 2011016842, all as recorded in the Office of the Recorder of Vigo County, Indiana, being within Section 33 and Section 34, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, as shown on an ALTA/NSPS Land Title Survey by Align, dated September 30th, 2022, for the purpose of a proposed transfer, and being more particularly described as follows: Beginning at the intersection of the West Right-of-Way of Carlisle Street and North Right-of-Way of Harlan Road, (being 40 feet from the East and South lines of the West Half of the Southwest Quarter of Section 34) as shown on Vigo County Industrial Park II, Platted Subdivision Phase I (VCIP 11, Ph I), as recorded in Instrument Number 2010002299, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 56 minutes 05 seconds West, for a distance of 1273.43 feet to the line between Section 33 and Section 34; thence continuing along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 58 minutes 21 seconds West, for a distance of 2649.62 feet; thence continuing along said line, South 89 degrees 55 minutes 35 seconds West, for a distance of 194.83 feet to the East line of a 60 feet wide Railroad Easement as shown on VCIP II, Ph I (Instrument Number 2010002299); thence along said East line for the next seven (7) calls, (1) Northwesterly 103.45 feet along a curve to the right having a radius of 428.59 feet, having a chord bearing and distance of North 50 degrees 47 minutes 16 seconds West, 103.19 feet; (2) North 43 degrees 52 minutes 24 seconds West, for a distance of 554.90 feet; (3) Northwesterly 605.11 feet along a curve to the right having a radius of 788.65 feet, having a chord bearing and distance of North 21 degrees 53 minutes 33 seconds West, 590.37 feet; (4) North 00 degrees 05 minutes 18 seconds East, for a distance of 1448.52 feet; (5) Northeasterly 444.61 feet along a curve to the right having a radius of 429.28 feet, having a chord bearing and distance of North 29 degrees 45 minutes 34 seconds East, 425.00 feet; (6) North 59 degrees 25 minutes 49 seconds East, for a distance of 86.62 feet; (7) Northeasterly 248.84 feet along a curve to the right having a radius of 551.67 feet, having a chord bearing and distance of North 46 degrees 30 minutes 30 seconds East, 246.73 feet to the South line of Lot 4 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said South line, South 89 degrees 53 minutes 54 seconds East, for a distance of 1132.06 feet to the Southeast corner of said Lot 4, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along an Easterly line of said Lot 4, North 00 degrees 07 minutes 58 seconds West, for a distance of 321.80 feet; thence Easterly along a line that is 100 feet South of and parallel to the South line of Vigo County Industrial Park II, Phase V, as recorded in Instrument Number 2019013719, South 89 degrees 55 minutes 40 seconds East, for a distance of 2673.03 feet; thence South 22 degrees 20 minutes 29 seconds East, for a distance of 91.48 feet to a point on the

extension of the West line of Lot 1 of Vigo County Industrial Park II, Phase IV, as recorded in Instrument Number 2020000430; thence along said West line and extension thereof, South 00 degrees 18 minutes 30 seconds East, for a distance of 957.78 feet to the South line of Lot 1 of Vigo County Industrial Park II, Phase II (VCIP 11, Ph II), as recorded in Instrument Number 2011016842; thence along the South line of a Dedicated Right-of-Way as shown on said VCIP 11, Ph II, South 89 degrees 17 minutes 19 seconds East, for a distance of 506.20 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I, also being the East line of Lot 1 on said VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 2030.62 feet to the North line of Lot 5 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said North line, South 89 degrees 56 minutes 02 seconds West, for a distance of 195.12 feet to the Northwest corner of said Lot 5; thence along the West line of said Lot 5, South 00 degrees 21 minutes 49 seconds West, for a distance of 170.00 feet the Southwest corner of said Lot; thence along the South line of said Lot, North 89 degrees 56 minutes 02 seconds East, for a distance of 195.12 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 108.59 feet to the Point of Beginning, Containing 338.64 acres, more or less.

Subject to that certain Declaration of Development Standards, Covenants and Restrictions for Vigo County Industrial Park - Phase VII recorded July 31, 2014 as Instrument Number 2014010125, records of the Vigo County, Indiana Recorder's Office [which shall be amended to cover or apply to such 338.64 acres] and all matters of record.

Personal Property Tax Abatement Resolution
ENTEK
Abatement Schedule

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	100%
3rd	100%
4th	100%
5th	100%
6th	100%
7th	100%
8th	100%
9th	100%
10th	100%

**FINAL ACTION BY THE VIGO COUNTY COUNCIL
REGARDING RESOLUTION No. 2023-7
(Personal Property)**

WHEREAS, the Vigo County Council (hereinafter "Council") adopted Resolution No. 2023-7 on the ____ day of _____, 2023, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the County Assessor and further stating a date on which the Council would receive and hear remonstrances and objects; and

WHEREAS, a copy of the Notice and Statement of Benefits was sent to all taxing units with authority to levy property taxes in the area where the Economic Revitalization Area is located and filed with the County Assessor; and

WHEREAS, said matter is before the Council for final action pursuant to Indiana Law; and

WHEREAS, the Council has received and examined, prior to such hearing, a Statement of Benefits on the forms prescribed by the Department of Local Government Finance and proper project and has found and does find:

1. The Petitioner's estimate of the cost of new manufacturing equipment is reasonable for manufacturing equipment of that type in view of current technologies.
2. The Petitioner's estimate of the number of individuals who will be employed and retained, and the benefits thereby, can reasonably be expected to result from the project and installation of new manufacturing equipment.
3. The Petitioner's estimate of the annual salaries or wages and all benefits of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the installation of the new manufacturing equipment.
4. That the benefits about which information has been requested can reasonably be expected to result from the installation of the new manufacturing equipment.
5. Based upon: (1) the Petitioner's total investment in real and personal property; (2) the number of new full-time equivalent jobs created or retained; (3) the average wage of the new employees compared to the State minimum wage; and (4) the infrastructure requirements for Petitioner's investment and the totality of the benefits of the proposed project and installation of the new manufacturing equipment are sufficient to justify personal property tax abatement for a 10 year deduction period, in accord with the attached Deduction

Schedule and each such deduction should be, and they are hereby, allowed in accord with the attached Abatement Schedule.

6. That the Council has considered the Petitioner's total investment in real and personal property, the number of new full-time equivalent jobs created by the project, the average wage of the new employees compared to the State minimum wage and the infrastructure requirements for the Petitioner's investment and, based on such factors, has determined that the petition for designating the Subject Property as an Economic Revitalization Area for the purposes of 10 year personal property tax abatement and the Statement of Benefits copies of which were submitted with the petitions are hereby approved and the Subject Property is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq., and Petitioner is entitled to the 10 year personal property tax abatement provided therein for the proposed project in accord with the schedule attached hereto.

7. That the totality of benefits is sufficient to justify the deduction.

8. That all qualifications for an established Economic Revitalization Area have been met.

NOW, THEREFORE, for Final Actions on Resolution No. 2023-7 the Council RESOLVES, FINDS AND DETERMINES:

1. That all of the requirements for designation of the real estate described in Resolution No. 2023-7 (the "Original Resolution") as an Economic Revitalization Area have been met, the foregoing findings and the finding in the Original Resolution are true and that all information required to be submitted has been submitted in proper form.

2. That the Original Resolution is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed project and the redevelopment and rehabilitation are sufficient to justify a 10 year personal property tax abatement under Indiana statutes for the proposed project and redevelopment and rehabilitation described in the Petitioner's Statement of Benefits and the deduction for the proposed project and Council authorizes and direct the endorsement of said Statement of Benefits to show such approval and that the real estate described in the Original Resolution is declared an Economic Revitalization Area for the purposes of a 10 year personal property tax abatement and that said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.0-1 et. seq. and Petitioner is entitled to a 10 year personal property tax abatement as provided therein in accord with the attached Deduction Schedule in connection with the acquisition of the redevelopment/rehabilitation and the project.

3. That this Resolution shall also serve as the Resolution required by I.C. 6-1.1-12.1-2.5 (k) approving a tax abatement in an area previously designated as an allocation area by the Vigo County Council.

4. That said Resolution supplements any other designation of the Subject Property as an Economic Revitalization Area or similar designation.

5. That this Final Action, findings, and confirmation of the Original Resolution shall be incorporated in and be a part of the Original Resolution.

Passed in open Council this ____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz


Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____


Richard J. Shagley II, Wright, Shagley & Lowery PC
500 Ohio Street, Terre Haute, IN 47807; (812-232-3388)

**Personal Property Tax Abatement Resolution
ENTEK
Abatement Schedule**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	100%
3rd	100%
4th	100%
5th	100%
6th	100%
7th	100%
8th	100%
9th	100%
10th	100%

APPLICATION FOR DECLARATION OF AN
ECONOMIC REVITALIZATION AREA AND FOR TAX ABATEMENT FOR
PERSONAL PROPERTY

ENTEK Lithium Separators LLC ("ENTEK") applies to the Vigo County Council as the county executive designating body under I.C. §6-1.1-12.1, et seq, on behalf of Honey Creek Township, an Economic Revitalization Area ("ERA") and to provide for the abatement of taxation on such personal property to be located on owned real estate within Honey Creek Township, and in support thereof, states and shows as follows:

1. ENTEK Lithium Separator LLC intends to install a new battery separator manufacturing facility. The Subject Property for the proposed Facility site is depicted in the attached Exhibit A ("Proposed Facility Subject Property" & "Property Facility Parcel List.")
2. It is projected that installation of equipment will begin after abatement approval with a projected construction commencement date of late 2023 and is anticipated to be completed before the end of 2027 with the initial start of production beginning 2027.
3. It is expected that installation of the new manufacturing equipment will locally employ approximately six hundred (600) on-site during the duration of the construction period over forty-eight (48) months.
4. The completed Facility will require approximately six hundred forty (640) permanent full-time operations, maintenance, and support employees.
5. The total cost of the new manufacturing equipment installed is estimated approximately One Billion Two Hundred Seventy Seven Million Two Hundred Thousand Dollars and 00/100 (\$1,277,200,000.00), as set forth in the Statement of Benefits /Utility Distributable (Form SB-1/UD), attached hereto as Exhibit B (with "Cost Analysis Summary.")
6. An Economic Revitalization Area designation for the purposes of tax abatement for personal property is sought for the Facility in order to induce ENTEK Lithium Separator LLC to construct and maintain the Facility in Honey Creek Township, Vigo County, Indiana.

7. Construction and maintenance of the Facility depends on, among other things, the declaration of an ERA by the Vigo County Council and a resolution approving a subsequent tax abatement for personal property for a period of ten (10) years. The abatement of taxation is a substantial incentive for ENTEK Lithium Separator LLC to construct and develop the Facility in Honey Creek Township, Vigo County, Indiana.

WHEREFORE, ENTEK Lithium Separator LLC applies to the Vigo County Council on behalf of Honey Creek Township, Indiana to adopt a resolution at its regularly constituted meeting declaring the Facility as an Economic Revitalization Area pursuant to I.C. §6-1.1-12.1, et seq. and that deductions from the Facility be granted for a period of ten (10) years. ENTEK Lithium Separator LLC requests that a public hearing on this application be held, and requests that the Vigo County Council confirm its resolution declaring the Facility as an Economic Revitalization Area.

Respectfully submitted,

ENTEK Lithium Separator LLC

By: 

Larry Keith, CEO

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____



Richard J Shagley II, Wright, Shagley, & Lowery, P.C.
500 Ohio Street, Terre Haute, IN, 47807; (812) 232-3388

Exhibit A

Real Estate Description:

Situated in Vigo County, State of Indiana, to-wit:

Part of Lot 1 in Vigo County Industrial Park II, Platted Subdivision Phase I, as recorded in Instrument Number 2010002299, and part of Lot 1 in Vigo County Industrial Park II, Phase II, as recorded in Instrument Number 2011016842, all as recorded in the Office of the Recorder of Vigo County, Indiana, being within Section 33 and Section 34, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, as shown on an ALTA/NSPS Land Title Survey by Align, dated September 30th, 2022, for the purpose of a proposed transfer, and being more particularly described as follows: Beginning at the intersection of the West Right-of-Way of Carlisle Street and North Right-of-Way of Harlan Road, (being 40 feet from the East and South lines of the West Half of the Southwest Quarter of Section 34) as shown on Vigo County Industrial Park II, Platted Subdivision Phase I (VCIP II, Ph I), as recorded in Instrument Number 2010002299, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 56 minutes 05 seconds West, for a distance of 1273.43 feet to the line between Section 33 and Section 34; thence continuing along said North Right-of-Way of Harlan Road and the South line of Lot 1 of VCIP II, Ph I, South 89 degrees 58 minutes 21 seconds West, for a distance of 2649.62 feet; thence continuing along said line, South 89 degrees 55 minutes 35 seconds West, for a distance of 194.83 feet to the East line of a 60 feet wide Railroad Easement as shown on VCIP II, Ph I (Instrument Number 2010002299); thence along said East line for the next seven (7) calls, (1) Northwesterly 103.45 feet along a curve to the right having a radius of 428.59 feet, having a chord bearing and distance of North 50 degrees 47 minutes 16 seconds West, 103.19 feet; (2) North 43 degrees 52 minutes 24 seconds West, for a distance of 554.90 feet; (3) Northwesterly 605.11 feet along a curve to the right having a radius of 788.65 feet, having a chord bearing and distance of North 21 degrees 53 minutes 33 seconds West, 590.37 feet; (4) North 00 degrees 05 minutes 18 seconds East, for a distance of 1448.52 feet; (5) Northeasterly 444.61 feet along a curve to the right having a radius of 429.28 feet, having a chord bearing and distance of North 29 degrees 45 minutes 34 seconds East, 425.00 feet; (6) North 59 degrees 25 minutes 49 seconds East, for a distance of 86.62 feet; (7) Northeasterly 248.84 feet along a curve to the right having a radius of 551.67 feet, having a chord bearing and distance of North 46 degrees 30 minutes 30 seconds East, 246.73 feet to the South line of Lot 4 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said South line, South 89 degrees 53 minutes 54 seconds East, for a distance of 1132.06 feet to the Southeast corner of said Lot 4, being marked by a 5/8 inch rebar with plastic cap stamped "YELLIG LS 20100047"; thence along an Easterly line of said Lot 4, North 00 degrees 07 minutes 58 seconds West, for a distance of 321.80 feet; thence Easterly along a line that is 100 feet South of and parallel to the South line of Vigo County Industrial Park II, Phase V, as recorded in Instrument Number 2019013719, South 89 degrees 55 minutes 40 seconds East, for a distance of 2673.03 feet; thence South 22 degrees 20 minutes 29 seconds East, for a distance of 91.48 feet to a point on the extension of the West line of Lot 1 of Vigo County Industrial Park II, Phase IV, as recorded in Instrument Number 2020000430; thence along said West line and extension thereof, South 00 degrees 18 minutes 30 seconds East, for a distance of 957.78 feet to the

South line of Lot 1 of Vigo County Industrial Park II, Phase II (VCIP 11, Ph II), as recorded in Instrument Number 2011016842; thence along the South line of a Dedicated Right-of-Way as shown on said VCIP 11, Ph II, South 89 degrees 17 minutes 19 seconds East, for a distance of 506.20 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I, also being the East line of Lot 1 on said VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 2030.62 feet to the North line of Lot 5 of Pfizer/Danisco Industrial Subdivision Third Replat, as recorded in Instrument Number 2005001057; thence along said North line, South 89 degrees 56 minutes 02 seconds West, for a distance of 195.12 feet to the Northwest corner of said Lot 5; thence along the West line of said Lot 5, South 00 degrees 21 minutes 49 seconds West, for a distance of 170.00 feet to the Southwest corner of said Lot; thence along the South line of said Lot, North 89 degrees 56 minutes 02 seconds East, for a distance of 195.12 feet to the West Right-of-Way of Carlisle Street (being 40 feet from the East line of the West Half of the Southwest Quarter of Section 34) as shown on aforementioned VCIP 11, Ph I; thence along said Right-of-Way, South 00 degrees 21 minutes 49 seconds West, for a distance of 108.59 feet to the Point of Beginning, Containing 338.64 acres, more or less.

Subject to that certain Declaration of Development Standards, Covenants and Restrictions for Vigo County Industrial Park - Phase VII recorded July 31, 2014 as Instrument Number 2014010125, records of the Vigo County, Indiana Recorder's Office [which shall be amended to cover or apply to such 338.64 acres] and all matters of record.



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51704 (RS 1-1-21)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

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 6-1.1-12.1-5.1.

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 a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer ENTEK Lithium Separator, LLC		Name of contact person Larry Keith, CEO	
Address of taxpayer (number and street, city, state, and ZIP code) 250 Hansard Avenue, Lebanon, OR 97355		Telephone number (541) 259-3901	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body Vigo County Council		Resolution number (s)	
Location of property Vigo County Industrial Park II		County Vigo	
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Manufacturing of new battery separator facility.		DLGF taxing district number 84-003	
		ESTIMATED	
		START DATE	COMPLETION DATE
		06/01/2023	03/01/2027
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT	
Current Number	Salaries	Number Retained	Salaries
		640	38000000
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT	
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT	
		COST	ASSESSED VALUE
Current values			
Plus estimated values of proposed project		1,277,200,000	1,277,200,000
Less values of any property being replaced			
Net estimated values upon completion of project		1,277,200,000	1,277,200,000
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds)		0	Estimated hazardous waste converted (pounds)
			0
Other benefits: Company is currently working through due diligence related to the project and does not expect material solid or hazardous waste conversions and will provide an update if there are any changes.			
SECTION 6		TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.			
Signature of authorized representative 		Date signed (month, day, year) 05/10/2023	
Printed name of authorized representative Larry Keith,		Title CEO of ENTEK Lithium Separator, LLC	

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____. *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. Installation of new manufacturing equipment;
2. Installation of new research and development equipment;
3. Installation of new logistical distribution equipment.
4. Installation of new information technology equipment;

☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18
 Check box if an enhanced abatement was approved for one or more of these types.

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18
 Number of years approved: _____
 (Enter one to twenty (1-20) years; may not exceed twenty (20) years.)

I. 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.

Also we have 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 by: (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* 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.

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.



RESOLUTION NO. 2023-10

A Resolution of the Vigo County Council
Designation of an Area Within Vigo County, Indiana as an
Economic Revitalization Area
For the Purpose of a Real Property Tax Abatement

WHEREAS, a Petition for 10 year real property tax abatement has been filed with the Vigo County Council (hereinafter "Council") requesting that the property described therein be designated as Economic Revitalization Area for purposes of real property tax abatement; and

WHEREAS, Wabash Valley Resources LLC (hereinafter the "Petitioner,") has submitted a Statement of Benefits and provided all information and documentation necessary for the Council to make an informed decision, said information includes a description of the real property on which the project is to be located, which is more particularly described in Exhibit A (the "Subject Property").

WHEREAS, Petitioner has represented and presented evidence that in connection with the project, Petitioner has 17 existing employees and will create approximately 107 new permanent full-time jobs with a total incremental annual payroll and benefit package of approximately \$13,450,596. Petitioner has further represented and presented evidence that the cost Phase I of this project will be approximately \$703,000,000 for personal property improvements and \$67,600,000 for real property improvements. It is also anticipated that this project will require approximately 360 construction jobs on average with an annual payroll and benefit package of approximately \$28,000,000 for up to 30 months.

WHEREAS, the Council is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of the County as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Council has considered the petition and Statement of Benefits and has conducted a complete and proper investigation of the Subject Property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the Council has found the Subject Property to be an area where facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues and has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings and other factors which prevent normal development of use;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Council that:

1. The Petitioner's estimate of the value of the redevelopment and rehabilitation and the project to be constructed on the Subject Property is reasonable for projects of that

nature in order to maintain, expand, update, and improve opportunities and capacity for manufacturing.

2. The Petitioner's estimate of the number of individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project, and redevelopment and rehabilitation.

3. The Petitioner's estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefit thereby, can reasonably be expected to result from the project and the redevelopment and rehabilitation.

4. That the benefits, for which information has been requested, can be expected to result from the project and the redevelopment and rehabilitation.

5. The totality of the benefits of the proposed redevelopment and rehabilitation can reasonably be expected to result from the project and are sufficient to justify a 10 year real property tax deduction from assessed valuation under Indiana statutes, in accord with the attached Deduction Schedule and each such deduction should be, and they are hereby, allowed.

6. That the Council has considered the Petitioner's total investment in real and personal property, the number of new full-time equivalent jobs created by the Project, the average wage of the new employees compared to the State minimum wage, and the infrastructure requirements for Petitioner's investment and, based on such factors, has determined that the petition for designating the Subject Property as an economic revitalization area for the purposes of 10 year real property tax abatement and the Statement of Benefits is hereby approved and the Subject Property is hereby designated as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1-1 et. seq., and Petitioner is entitled to the 10 year real property tax abatement provided therein for the proposed redevelopment and rehabilitation in accord with the Abatement Schedule hereunto attached as Exhibit B.

7. That notice hereof should be published according to law stating the adoption and substance hereof, that a copy of the description of the affected area is available for inspection in the County Assessor's Office and stating a date on which the Council will hear and receive remonstrances and objections and take final action, all as required by law.

8. That this Resolution is supplementary to and in addition to any prior resolutions.

Remainder of this page intentionally left blank.

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____


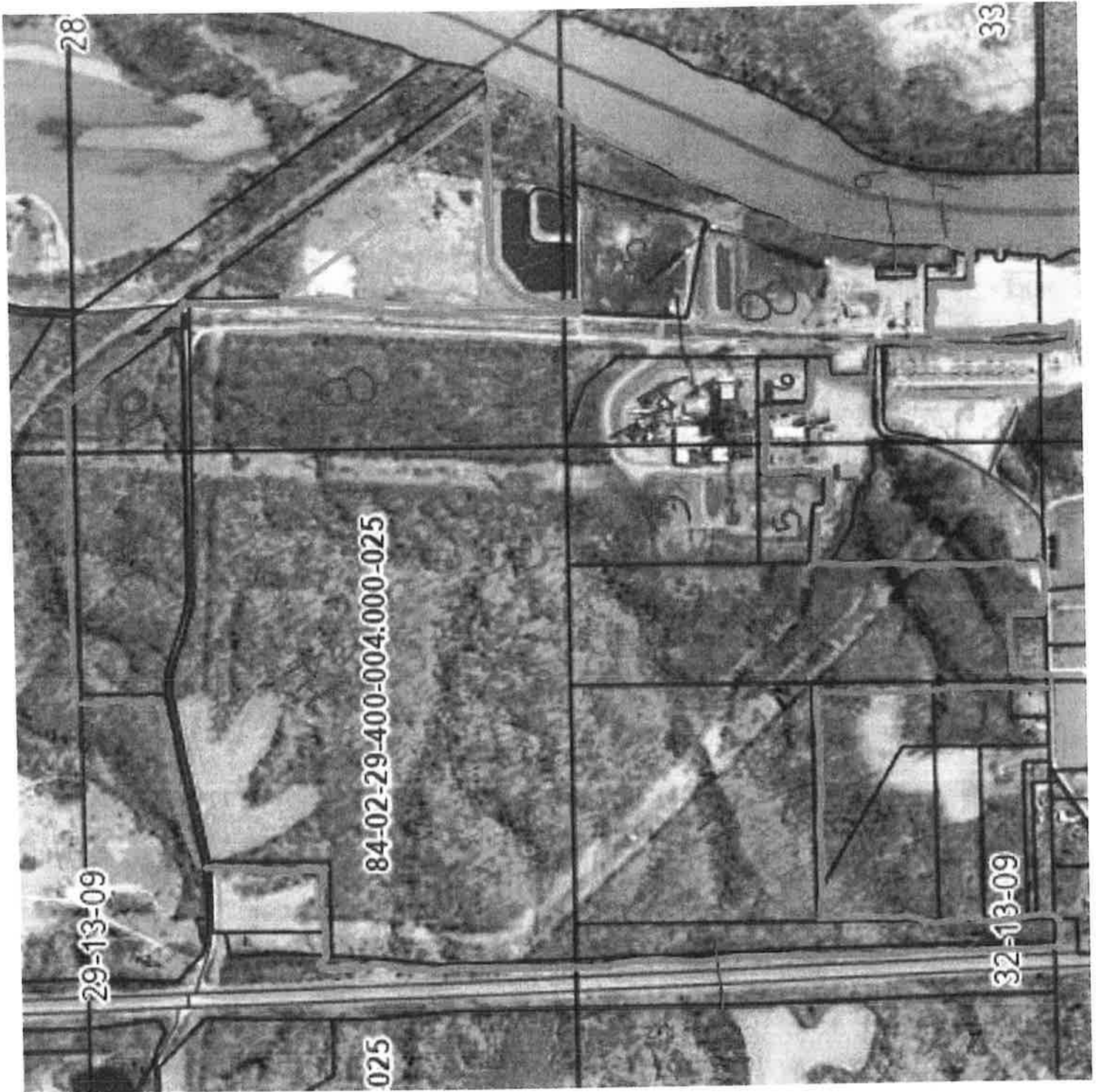

Richard J Shagley II, Wright, Shagley, & Lowery, P.C.
500 Ohio Street, Terre Haute, IN, 47807; (812) 232-3388

Exhibit A
Real Property Tax Abatement Resolution
Wabash Valley Resources LLC
Vigo County Project Campus
Parcel List

1. Parcel No. 84-02-28-300-005.000-025, 9.85 acres
2. Parcel No. 84-02-28-300-006.000-025, 1.66 acres
3. Parcel No. 84-02-32-200-008.000-025, 15.67 acres
4. Parcel No. 84-02-33-101-001.000-025, 10.42 acres
5. Parcel No. 84-02-32-200-013.000-025, 3.47 acres
6. Parcel No. 84-02-33-101-005.000-025, 1.59 acres
7. Parcel No. 84-02-33-154-005.000-025, 0.498 acres
8. Parcel No. 84-02-33-101-010.000-025, 70.581 acres
9. Parcel No. 84-02-33-101-011.000-025, 0.281 acres
10. Parcel No. 84-02-28-300-001.000-025, 6.81 acres
11. Parcel No. 84-02-32-200-001.000-025, 40 acres
12. Parcel No. 84-02-32-100-005.000-025, 6.9 acres
13. Parcel No. 84-02-32-200-007.000-025, 39.1 acres
14. Parcel No. 84-02-29-400-004.000-025, 141.2 acres
15. Parcel No. 84-02-33-101-009.000-025, 9.687 acres



(1) Parcel No. 84-28-300-005.000-025

Acreage: 9.85

Commonly Known As: Sandford Rd.

West Terre Haute, IN 47885

Legal Description:

1. Stormwater Pond Real Estate

PART OF THE SOUTHWEST QUARTER OF SECTION 28 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH REBAR IN CONCRETE MARKING THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE ALONG THE WEST LINE OF SAID SECTION, NORTH 00 DEGREES 17 MINUTES 22 SECONDS WEST, 409.98 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1049.68 FEET TO A 5/8 INCH REBAR WITH CAP INSCRIBED "ROWLAND L.S. 29600015" AND HEREON CALLED AN "IRON MONUMENT", MARKING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 19 MINUTES 11 SECONDS EAST, 114.81 FEET TO AN "IRON MONUMENT"; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 930.96 FEET TO THE WEST BANK OF THE WABASH RIVER (WITNESSED BY AN "IRON MONUMENT" NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 24.02 FEET); THENCE ALONG SAID RIVER THE FOLLOWING TWO (2) COURSES: SOUTH 24 DEGREES 21 MINUTES 42 SECONDS WEST, 97.82 FEET; SOUTH 31 DEGREES 56 MINUTES 32 SECONDS WEST, 446.41 FEET (WITNESSED BY AN "IRON MONUMENT" NORTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 33.93 FEET); THENCE NORTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 422.38 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 119.53 FEET, AN ARC LENGTH OF 65.92 FEET, A CHORD BEARING OF NORTH 34 DEGREES 19 MINUTES 56 SECONDS EAST, AND A CHORD DISTANCE OF 65.08 FEET; THENCE NORTH 18 DEGREES 14 MINUTES 19 SECONDS EAST, 101.91 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 130.84 FEET, AN ARC LENGTH OF 60.67 FEET, A CHORD BEARING OF NORTH 05 DEGREES 33 MINUTES 33 SECONDS EAST, AND A CHORD DISTANCE OF 60.13 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 62.90 FEET, AN ARC LENGTH OF 68.60 FEET, A CHORD BEARING OF NORTH 46 DEGREES 43 MINUTES 36 SECONDS WEST, AND A CHORD DISTANCE OF 65.25 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 11 SECONDS WEST, 200.24 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 83.18 FEET, AN ARC LENGTH OF 96.69 FEET, A CHORD BEARING OF SOUTH 42 DEGREES 32 MINUTES 46 SECONDS WEST, AND A CHORD DISTANCE OF 91.34 FEET; THENCE SOUTH 02 DEGREES 37 MINUTES 38 SECONDS WEST, 133.91 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 45.17 FEET, AN ARC LENGTH OF 64.81 FEET, A CHORD BEARING OF SOUTH 35 DEGREES 49 MINUTES 42 SECONDS WEST, AND A CHORD DISTANCE OF 59.39 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 295.85 FEET TO AN "IRON MONUMENT"; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 86.19 FEET TO AN "IRON MONUMENT"; THENCE NORTH 05 DEGREES 27 MINUTES 31 SECONDS EAST, 171.58 FEET TO AN "IRON MONUMENT"; THENCE NORTH 43 DEGREES 39 MINUTES 49 SECONDS EAST, 153.96 FEET TO AN "IRON MONUMENT"; THENCE NORTH 52 DEGREES 12 MINUTES 02 SECONDS EAST, 129.73 FEET TO THE POINT OF BEGINNING, CONTAINING 9.85 ACRES, MORE OR LESS.

(2) Parcel No. 84-28-300-006.000-025

Acreage: 1.66

Commonly Known As: W Sandford Rd.

West Terre Haute, IN 47885

Legal Description:

2. Wastewater Pond Real Estate

Part of the Southwest Quarter of Section 28 and Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West, Vigo County, Indiana, and more particularly described as follows:

Commencing at a 5/8 inch rebar in concrete marking the Southwest corner of said section 28; thence along the West line of said section, North 00 degrees 17 minutes 22 seconds West, 140.24 feet; thence North 90 degrees 00 minutes 00 seconds East, 1159.91 feet to the POINT OF BEGINNING; thence South 02 degrees 37 minutes 38 seconds West, 133.91 feet; thence along a non-tangent curve to the right, having a radius of 45.17 feet, an arc length of 64.81 feet, a chord bearing of South 35 degrees 49 minutes 42 seconds West, and a chord distance of 59.39 feet; thence South 89 degrees 16 minutes 10 seconds East, 275.99 feet; thence along a non-tangent curve to the left, having a radius of 119.53 feet, an arc length of 65.92 feet, a chord bearing of North 34 degrees 19 minutes 56 seconds East, and a chord distance of 65.08 feet; thence North 18 degrees 14 minutes 19 seconds East, 101.91 feet; thence along a non-tangent curve to the left, having a radius of 130.84 feet, an arc length of 60.67 feet, a chord bearing of North 05 degrees 33 minutes 33 seconds East, and a chord distance of 60.13 feet; thence along a non-tangent curve to the left, having a radius of 62.90 feet, an arc length of 68.60 feet, a chord bearing of North 46 degrees 43 minutes 36 seconds West, and a chord distance of 65.25 feet; thence South 89 degrees 19 minutes 11 seconds West, 200.24 feet; thence along a non-tangent curve to the left, having a radius of 83.18 feet, an arc length of 96.69 feet, a chord bearing of South 42 degrees 32 minutes 46 seconds West, and a chord distance of 91.34 feet to the point of beginning, containing 1.66 acres, more or less.

(3) Parcel No. 84-02-32-200-008.000-025

Acreage: 15.67 (part of the 26.09 "Gasification Real Estate")

Commonly Known As: Bolton Road

West Terre Haute, IN 47885

Legal Description:

1. Gasification Property Legal Description:

PART OF THE NORTHEAST QUARTER OF SECTION 32 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH REBAR IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 33, THENCE ALONG THE NORTH LINE OF SAID SECTION, NORTH 89 DEGREES 58 MINUTES 05 SECONDS EAST, 63.12 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, SOUTH 71 DEGREES 37 MINUTES 21 SECONDS WEST, 0.25 FEET FROM CORNER; THENCE ALONG THE NORTH AND EAST LINES OF A TRACT OF LAND DESCRIBED AS "TRACT 1" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY, THE FOLLOWING THREE (3) COURSES: SOUTH 67 DEGREES 34 MINUTES 34 SECONDS EAST, 292.31 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, NORTH 78 DEGREES 54 MINUTES 54 SECONDS WEST, 0.25 FEET FROM CORNER; SOUTH 38 DEGREES 57 MINUTES 34 SECONDS EAST 238.00 FEET TO A 5/8 INCH REBAR WITH CAP INSCRIBED "ROWLAND L.S. 29600015" AND HEREON CALLED AN "IRON MONUMENT"; SOUTH 00 DEGREES 37 MINUTES 33 SECONDS EAST, 741.38 FEET TO AN "IRON MONUMENT"; THENCE NORTH 89 DEGREES 33 MINUTES 08 SECONDS WEST 1145.62 FEET TO AN "IRON MONUMENT"; ON THE WEST LINE OF A TRACT OF LAND DESCRIBED AS "TRACT 2" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 18 MINUTES 11 SECONDS WEST 1031.72 FEET TO A 5/8 INCH REBAR ON THE NORTH LINE OF SAID SECTION 32; THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 28 SECONDS EAST 659.97 FEET TO THE POINT OF BEGINNING, CONTAINING 26.09 ACRES MORE OR LESS.

(4) Parcel No. 84-02-33-101-001.000-025

Acreage: 10.42 (part of the 26.09 "Gasification Real Estate")

Commonly Known As: 444 W Sandford Rd.

West Terre Haute, IN 37885

Legal Description:

1. Gasification Property Legal Description:

PART OF THE NORTHEAST QUARTER OF SECTION 32 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH REBAR IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 33, THENCE ALONG THE NORTH LINE OF SAID SECTION, NORTH 89 DEGREES 58 MINUTES 05 SECONDS EAST, 63.12 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, SOUTH 71 DEGREES 37 MINUTES 21 SECONDS WEST, 0.25 FEET FROM CORNER; THENCE ALONG THE NORTH AND EAST LINES OF A TRACT OF LAND DESCRIBED AS "TRACT 1" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY, THE FOLLOWING THREE (3) COURSES: SOUTH 67 DEGREES 34 MINUTES 34 SECONDS EAST, 292.31 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, NORTH 78 DEGREES 54 MINUTES 54 SECONDS WEST, 0.25 FEET FROM CORNER; SOUTH 38 DEGREES 57 MINUTES 34 SECONDS EAST 238.00 FEET TO A 5/8 INCH REBAR WITH CAP INSCRIBED "ROWLAND L.S. 29600015" AND HEREON CALLED AN "IRON MONUMENT"; SOUTH 00 DEGREES 37 MINUTES 33 SECONDS EAST, 741.38 FEET TO AN "IRON MONUMENT"; THENCE NORTH 89 DEGREES 33 MINUTES 08 SECONDS WEST 1145.62 FEET TO AN "IRON MONUMENT"; ON THE WEST LINE OF A TRACT OF LAND DESCRIBED AS "TRACT 2" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 18 MINUTES 11 SECONDS WEST 1031.72 FEET TO A 5/8 INCH REBAR ON THE NORTH LINE OF SAID SECTION 32; THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 28 SECONDS EAST 659.97 FEET TO THE POINT OF BEGINNING, CONTAINING 26.09 ACRES MORE OR LESS.

(5) Parcel No. 84-02-32-200-013.000-025

Acreage: 3.47

Commonly Known As: Sandford Rd.

West Terre Haute, IN 37885

Legal Description:

2. Tract 1 (par of Unit 1 Real Property)

Commencing at a 1 inch Iron Pin marking the Southwest Corner of the East Half of the Southeast Quarter of the Northeast Quarter of said Section 32; thence along the West line of said East Half, North 00 degrees 18 minutes 11 seconds West 1162.11 feet; thence continuing North 00 degrees 18 minutes 11 seconds West 139.94 Feet to a 5/8" rebar with yellow cap stamped "Schneider Firm#0001" hereafter referred To as "Rebar" and the Point of Beginning; thence continuing North 00 degrees 18 minutes 11 seconds West 268.99 feet to the Northwest corner of a tract of land recorded as Instrument Number 2008000499 in the Office of the Vigo County Recorder; thence South 89 degrees 33 minutes 08 seconds East along the North line of said tract 494.09 feet to a "Rebar"; thence South 00 degrees 39 minutes 56 seconds West 355.06 feet to a "Rebar"; thence North 88 degrees 48 minutes 44 seconds West 168.26 feet to a "Rebar"; thence North 01 degrees 59 minutes 51 seconds West 56.66 feet to a "Rebar"; thence North 84 degrees 39 minutes 09 seconds West 319.72 feet to a "Rebar" and the point of beginning. Containing 3.47 acres, more or less.

(6) Parcel No. 84-02-33-101-005.000-025

Acreage: 1.59

Commonly Known As: 444 Sandford Rd.

West Terre haute, IN 47885

Legal Description:

Tract 2 (Part of Unit 1 Real Property) (Corrected Legal Description)

Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West, Vigo County, Indiana, being more particularly described as follows:

Commencing at a 1 inch Iron Pin marking the Southwest Corner of the of the East Half of The Southeast Quarter of the Northeast Quarter of said Section 32; Thence along the West line of said East Half; thence North 00 degrees 18 minutes 11 seconds West 1571.04 feet to the Northwest corner of a tract of land recorded as Instrument Number 2008000499 in the Office of the Vigo County Recorder; thence South 89 degrees 33 minutes 08 seconds East 1145.62 feet to he northeast corner thereof and the Point of Beginning; thence South 00 degrees 37 minutes 33 seconds East 267.04 feet to a 5/8" rebar with yellow cap stamped "Schneider Firm#0001" hereafter referred to as "Rebar"; thence South 89 degrees 22 minutes 27 seconds West 259.20 feet to a Mag Nail with Washer stamped "Schneider Firm#0001"; thence North 00 degrees 14 minutes 20 seconds East 271.86 feet to a Mag Nail with a Washer stamped "Schneider Firm#0001" and the north line of said tract; thence South 89 degrees 33 minutes 08 seconds East along said north line 255.14 feet; to the point of beginning. Containing 1.59 acres, more or less.

(7) Parcel No. 84-02-33-154-005.000-025

Acreage: 0.498

Commonly Known As: N/a

Legal Description:

Land Description – Water Intake Parcel

(Parcel No. 84-02-33-101-009.000-025)

Part of the West Half of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana, being that 0.498-acre tract of land shown on a survey entitled "Wabash River Station WVR Transaction Boundary Survey" certified by Joshua David Werner, Professional Surveyor #LS21200020 on June 29, 2021 (Schneider Geomatics project number 13146) and being described as follows (all reference monuments, bearings, and distances are as shown on said survey):

COMMENCING at a 1/2-inch bolt in concrete marking the Southwest Corner of the Northwest Quarter of said Section 33, thence South 89 degrees 59 minutes 33 seconds East (basis of bearings is the Indiana State Plane Coordinate System -West Zone, NAD 83) 607.25 feet (all distances in this description are horizontal ground distances) to a point on an easterly line of a tract of land recorded in Instrument #2020005216 in the Office of the Recorder of Vigo County, Indiana, said point being on a non-tangent curve to the right having a radius of 1,350.00 feet, the radius point of which bears North 84 degrees 37 minutes 54 seconds East from said point; the next 6 courses being along the easterly line, southerly lines, and westerly line of said tract of land; (1) thence northerly along said curve an arc distance of 136.85 feet to a point which bears North 89 degrees 33 minutes 37 seconds West from said radius point, said point being marked by a found 5/8-inch rebar with cap stamped "Schneider Firm#0001" (hereinafter referred to as a "Rebar"); (2) thence North 00 degrees 27 minutes 47 seconds East 489.63 feet to a found Rebar; (3) thence South 89 degrees 29 minutes 02 seconds East 306.55 feet to a set Rebar being the POINT OF BEGINNING; (4) thence continuing South 89 degrees 29 minutes 02 seconds East 77.92 feet to a set Rebar; (5) thence South 00 degrees 57 minutes 28 seconds West 154.12 feet to a cut "X" set; (6) thence North 90 degrees 00 minutes 00 seconds East 80.17 feet to a set Rebar on the west bank of the Wabash River; thence along the west bank of the Wabash River the following 7 courses; (1) thence South 27 degrees 01 minute 05 seconds East 6.76 feet; (2) thence South 47 degrees 48 minutes 48 seconds West 4.34 feet; (3) thence South 56 degrees 32 minutes 49 seconds West 8.38 feet; (4) thence South 33 degrees 43 minutes 33 seconds West 7.11 feet; (5) thence South 19 degrees 40 minutes 00 seconds West 20.32 feet; (6) thence South 04 degrees 52 minutes 40 seconds West 9.83 feet; (7) thence South 06 degrees 07 minutes 11 seconds East 20.47 feet to a set Rebar; thence leaving said West bank North 88 degrees 52 minutes 15 seconds West 140.95 feet to a set Rebar; thence North 00 degrees 30 minutes 58 seconds East 220.79 feet to the POINT OF BEGINNING; containing 0.498 acres, more or less.

(8) Parcel No. 84-02-33-101-010.000-025

Acreage: 70.3 acres

Commonly Known As: 444 W Sandford Rd.

West Terre Haute, IN 47885

Legal Description:

PURCHASED REAL ESTATE-LAND DESCRIPTION

PARCEL 1 - FEE

Part of the Southwest Quarter of Section 28 and part of the West half of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana, being that 70.581 acre tract of land shown on a survey entitled "Wabash River Generating Station – WVR Transfer Survey" certified by William A. Schmidt, Professional Surveyor #LS87001 on November 12, 2019 (The Schneider Corporation project number 9141.069) and being described as follows (all references to monuments, bearings and distances are as shown on said survey):

Beginning at a 5/8 inch rebar marking the Southwest corner of said Section 28; thence North 00 degrees 17 minutes 15 seconds West (basis of bearings is the Indiana State Plane Coordinate System – West Zone, NAD 83) along the West line of said Section 28 a distance of 2090.00 feet to a point (witnessed by a Mag nail with washer stamped "Hennessy 20200026, South 89 degrees 52 minutes 08 seconds West, 0.25 feet from said point) ; thence North 89 degrees 52 minutes 08 seconds East 856.01 feet to a 5/8 inch rebar with cap stamped "Schneider Firm #0001" and hereon called an "iron monument"; thence South 00 degrees 22 minutes 33 seconds East 514.58 feet to an "iron monument"; thence South 03 degrees 51 minutes 29 seconds West 627.53 feet to an "iron monument"; thence South 03 degrees 24 minutes 06 seconds West 954.82 feet to an "iron monument"; thence South 03 degrees 41 minutes 52 seconds West 35.52 feet to an "iron monument" on the westerly extension of the South line of a tract of land as described in Instrument #2019000831 in said recorder's office; thence South 89 degrees 17 minutes 29 seconds East along said extension and South line of said tract of land 1070.20 feet to a point on the West bank of the Wabash River (witnessed by an "iron monument" North 89 degrees 17 minutes 29 seconds West 1.50 feet from said point); thence along the West bank of the Wabash River the following twenty-one (21) courses and distances: South 43 degrees 40 minutes 26 seconds West 28.42 feet; thence South 30 degrees 54 minutes 55 seconds West 291.88 feet; thence South 23 degrees 49 minutes 39 seconds West 119.15 feet; thence South 33 degrees 05 minutes 06 seconds West 47.77 feet; thence South 28 degrees 35 minutes 25 seconds West 144.81 feet; thence South 20 degrees 51 minutes 21 seconds West 84.88 feet; thence South 24 degrees 17 minutes 59 seconds West 90.03 feet; thence South 44 degrees 07 minutes 03 seconds West 33.20 feet; thence South 23 degrees 09 minutes 31 seconds West 65.45 feet; thence South 01 degrees 28 minutes 52 seconds East 28.19 feet; thence South 24 degrees 52 minutes 28 seconds West 91.68 feet; thence South 28 degrees 28 minutes 01 seconds West 79.43 feet; thence South 18 degrees 03 minutes 58 seconds West 147.85 feet; thence South 22 degrees 37 minutes 53 seconds West 135.80 feet; thence South 18 degrees 12 minutes 56 seconds West 227.77 feet; thence South 04 degrees 40 minutes 47 seconds West 43.64 feet; thence South 11 degrees

37 minutes 03 seconds West 199.05 feet; thence South 02 degrees 33 minutes 53 seconds West 170.56 feet; thence South 06 degrees 30 minutes 02 seconds West 52.09 feet; thence South 10 degrees 40 minutes 34 seconds East 72.16 feet; thence South 08 degrees 07 minutes 35 seconds West 87.66 feet to a point (witnessed by an "iron monument North 08 degrees 07 minutes 35 seconds East 87.66 feet from said point; thence leaving said West bank a bearing of North 90 degrees 00 minutes 00 seconds West 87.22 feet to the East line of the existing Wabash Generating Station building; thence North 00 degrees 57 minutes 28 seconds East along said East line and the northerly extension thereof a distance of 154.12 feet to the easterly extension of the North line of the existing line of said building; thence North 89 degrees 29 minutes 02 seconds West along the North line of said building and the extension thereof 384.47 feet to an "iron monument"; thence South 00 degrees 27 minutes 47 seconds West 489.63 feet to an "iron monument on a non-tangent curve having a radius of 1350.00 feet, the radius point of which bears South 89 degrees 33 minutes 37 seconds East; thence southerly along said curve to the left an arc distance of 200.74 feet to an "iron monument" which bears South 81 degrees 55 minutes 13 seconds West from said radius point; thence South 08 degrees 04 minutes 47 seconds East 86.28 feet to a Mag Nail with washer stamped "Schneider Firm #0001"; thence South 81 degrees 55 minutes 13 seconds East; thence northerly along said curve to the right an arc distance of 208.17 feet to an "iron monument" which bears North 89 degrees 33 minutes 37 seconds West from said radius point; thence North 00 degrees 26 minutes 23 seconds East 434.84 feet to an "iron monument"; thence North 00 degrees 38 minutes 53 seconds East 169.17 feet to an "iron monument" on a tangent curve having a radius of 1250.00 feet, the radius point of which bears North 89 degrees 21 minutes 07 seconds West; thence northerly along said curve to the left an arc distance 74.84 feet to an "iron monument" which bears North 87 degrees 13 minutes 04 seconds East from said radius point; thence North 02 degrees 46 minutes 56 seconds West 56.67 feet to an "iron monument" on a tangent curve having a radius of 1475.00 feet, the radius point of which bears North 87 degrees 13 minutes 04 seconds East; thence northerly along said curve to the right an arc distance of 71.51 feet to an "iron monument" which bears South 89 degrees 59 minutes 43 seconds West from said radius point; thence North 89 degrees 29 minutes 53 seconds West 176.87 feet to an "iron monument" on the East line of a tract of land described in Instrument #2008000449 in said recorder's office; thence along the Easterly lines of said tract the following three (03) courses and distances: North 00 degrees 02 minutes 56 seconds West 213.74 feet to a 5/8 inch rebar with cap inscribed "LS29600015 Rowland"; thence North 89 degrees 54 minutes 09 seconds East a distance of 108.60 feet to a 5/8 inch rebar; thence North 00 degrees 36 minutes 17 seconds West 396.10 feet to a 5/8 inch rebar with cap inscribed "LS29600015 Rowland" marking the Southeast corner of a tract of land as described in Instrument #2019000830 in said recorder's office; thence along the Easterly lines of said tract of land the following four (04) courses and distances: North 00 degrees 38 minutes 33 seconds West 741.38 feet to an "iron monument"; thence North 38 degrees 54 minutes 10 seconds West 238.00 feet to a 5/8 inch rebar; thence North 67 degrees 34 minutes 41 seconds West 292.40 feet to a 5/8 inch rebar; thence North 89 degrees 59 minutes 50 seconds West a distance of 63.05 feet to the point of beginning. Containing 80.268 acres, more or less.

Excepting therefrom the following described real estate:

Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana and being described as follows:

Commencing at a 5/8 inch rebar marking the Northwest corner of said Section 33; thence South 89 degrees 59 minutes 50 seconds East (basis of bearing is the Indiana State Plane Coordinate System –

West Zone, NAD 83) along the North line of said section 33 a distance of 750.13 feet; thence South 03 degrees 41 minutes 52 seconds West 62.90 feet to a 5/8 inch rebar with cap stamped "Schneider Firm #0001" and hereon called an "iron monument" marking the Point of Beginning; thence South 89 degrees 18 minutes 52 seconds East 722.47 feet to an "iron

monument"; thence South 17 degrees 36 minutes 38 seconds West 742.11 feet to an "iron monument"; thence North 78 degrees 33 minutes 09 seconds West 550.64 feet to an "iron monument"; thence North 04 degrees 22 minutes 36 seconds East 217.28 feet to an "iron monument"; thence North 03 degrees 41 minutes 52 seconds East 390.86 feet to the point of beginning. Containing 9.687 acres, more or less.

Leaving after said exception, 70.581 acres, more or less.

PARCEL 2 - EASEMENT

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS KNOWN AS THE WVR POTTSVILLE STREET EASEMENT RECORDED 5/11, 2020 AS INSTRUMENT NO. 2020005214, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA.

PARCEL 3 - EASEMENT

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS KNOWN AS THE WVR BOLTON ROAD EASEMENT RECORDED 5/11, 2020 AS INSTRUMENT NO. 2020005215, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA.

PARCEL 4 - EASEMENT

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS KNOWN AS THE POTTSVILLE STREET EASEMENT RECORDED 5/11, 2020 AS INSTRUMENT NO. 2020005218, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA.

(9) Parcel No. 84-02-33-101-011.000-025

Acreage: 0.281

Commonly Known As: n/a

Legal Description:

(Parcel No. 84-02-33-101-010.000-025)

Part of the West Half of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana, being that 0.281-acre tract of land shown on a survey entitled "Wabash River Station WVR Transaction Boundary Survey" certified by Joshua David Werner, Professional Surveyor #LS21200020 on June 29, 2021 (Schneider Geomatics project number 13146) and being described as follows (all reference monuments, bearings, and distances are as shown on said survey):

COMMENCING at a 1/2-inch bolt in concrete marking the Southwest Corner of the Northwest Quarter of said Section 33; thence South 89 degrees 59 minutes 33 seconds East (basis of bearings is the Indiana State Plane Coordinate System – West Zone, NAD 83) 607.25 feet (all distances in this description are horizontal ground distances) to a point on an easterly line of a tract of land recorded in Instrument #2020005216 in the Office of the Recorder of Vigo County, Indiana, said point being on a non-tangent curve to the right having a radius of 1,350.00 feet, the radius point of which bears North 84 degrees 37 minutes 54 seconds East from said point; the next 3 courses being along the easterly line, southerly lines, and westerly line of said tract of land; (1) thence northerly along said curve an arc distance of 136.85 feet to a point which bears North 89 degrees 33 minutes 37 seconds West from said radius point, said point being marked by a found 5/8-inch rebar with cap stamped "Schneider Firm #0001" (hereinafter referred to as a "Rebar"); (2) thence North 00 degrees 27 minutes 47 seconds East 489.63 feet to a found Rebar; (3) thence South 89 degrees 29 minutes 02 seconds East 325.20 feet; thence North 00 degrees 36 minutes 23 seconds East 53.60 feet to a set Mag nail with washer stamped "Schneider Firm #0001" (hereinafter referred to as "Mag Nail") being the POINT OF BEGINNING; thence continuing North 00 degrees 36 minutes 23 seconds East 174.05 feet to a set Mag Nail; thence North 89 degrees 43 minutes 58 seconds West 10.08 feet to a set Mag Nail; thence North 00 degrees 10 minutes 36 seconds West 39.36 feet to a set Mag Nail; thence South 89 degrees 12 minutes 51 seconds East 44.23 feet; thence South 68 degrees 02 minutes 29 seconds East 30.16 feet to a set Rebar; thence South 18 degrees 21 minutes 49 seconds West 23.64 feet to a set Rebar; thence South 00 degrees 49 minutes 54 seconds West 72.70 feet to a set Rebar; thence South 89 degrees 10 minutes 06 seconds East 9.27 feet to a set Rebar; thence South 00 degrees 49 minutes 54 seconds West 25.00 feet to a set Rebar; thence North 89 degrees 10 minutes 06 seconds West 9.27 feet to a set Rebar; thence South 00 degrees 49 minutes 54 seconds West 83.45 feet, passing a set rebar at 78.45 feet; thence North 87 degrees 52 minutes 48 seconds West 53.79 feet, passing a cut "X" set at 5.00 feet, to the POINT OF BEGINNING, containing 0.281 acres, more or less.

(10) Parcel No. 84-02-28-300-001.000-025

Acreage: 6.81 acres

Commonly Known As: N/a

Legal Description:

PARCEL 2

S SURFACE ONLY OF PART OF THE WEST HALF OF THE WEST HALF OF SECTION TWENTY-EIGHT (28); AND, PART OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28, TOWNSHIP 13 NORTH, RANGE 9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD, EXCEPT A TRACT CONVEYED TO THE SOUTHERN INDIANA RAILROAD COMPANY, BY DEED RECORDED IN DEED RECORD 113, PAGE 328 DESCRIBED AS FOLLOWS: A TRIANGULAR TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28-13-9 WEST, BEING ALL THAT PART OF SAID QUARTER SECTION LYING WEST OF THE CENTER LINE OF DURKEE'S FERRY ROAD, AND NORTH AND EAST OF A LINE PARALLEL TO AND 150 FEET SOUTHWESTERLY FROM THE CENTER LINE OF THE GRANTEE'S EXTENSION THROUGH VIGO COUNTY AS NOW LOCATED; ALSO EXCEPTING A TRACT CONVEYED TO

SOUTHERN CONSTRUCTION COMPANY, BY DEED RECORDED IN DEED RECORD 267, PAGE 7, DESCRIBED AS FOLLOWS: ALL THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28-13-9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD AND SOUTH OF THE FRANK LEEK GRAVEL ROAD, AS SAID ROADS ARE NOW LAID OUT AND ESTABLISHED, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF WEST FRACTIONAL SECTION 28-13-9 WEST, 1,549.95 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 540 FEET TO THE CENTER OF THE FRANK LEEK GRAVEL ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE EASTWARDLY ALONG THE CENTERLINE OF SAID ROAD 769 FEET TO THE CENTER OF THE DURKEE'S FERRY ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE SOUTHWARDLY ALONG THE CENTER OF SAID ROAD 550 FEET TO AN IRON PIN; THENCE WESTWARDLY 805 FEET TO THE POINT OF BEGINNING, LEAVING AFTER EXCEPTIONS 7.0 ACRES, MORE OR LESS.

THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST, EXCEPT THE FOLLOWING: A TRACT CONVEYED TO VICTORY SERVICES CORPORATION AND IS DESCRIBED AS THAT PART LYING NORTH OF THE THOMAS LEEK GRAVEL ROAD IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29-13-9 WEST; ALSO EXCEPTING A TRACT CONVEYED TO THOMAS AND MARY LEEK, BY DEED RECORDED IN DEED RECORD 211, PAGE 573, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 679 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; RUNNING THENCE DUE EAST 388.4 FEET; THENCE SOUTH 673 FEET; THENCE WEST 388.4 FEET; THENCE NORTH 673 FEET TO THE PLACE OF

BEGINNING, LEAVING AFTER EXCEPTIONS 136 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 5.2 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM EACH OF THE ABOVE TRACTS OR INTERESTS IN SAID TRACTS: PIPELINE EASEMENTS HERETOFORE GRANTED TO SHELL OIL COMPANY AND EASEMENTS HERETOFORE GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 148.2 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY EASEMENT BETWEEN PEABODY COAL COMPANY, A DELAWARE CORPORATION AND MIDWESTERN GAS TRANSMISSION COMPANY, A DELAWARE CORPORATION, AS SHOWN BY INSTRUMENT DATED DECEMBER 20, 2000 AND RECORDED ON JANUARY 9, 2001 AS INSTRUMENT NUMBER 20010494 IN RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE

(11) Parcel No. 84-02-32-200-001.000-025

Acreage: 40

Commonly Known As: N/a

Legal Description:

PARCEL 1

SURFACE ONLY OF PARTS OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER CONTAINING 40 ACRES, MORE OR LESS, AND THE EAST HALF OF THE NORTHEAST QUARTER WITH THE FOLLOWING THREE EXCEPTIONS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER 30 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND RUNNING NORTHWARDLY PARALLEL TO, AND 30 FEET EAST OF THE WEST LINE OF SAID HALF QUARTER SECTION A DISTANCE OF 208.71 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL TO THE WEST LINE OF SAID HALF QUARTER SECTION TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 208.71 FEET; THENCE WESTWARDLY ON AND ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO THE PLACE OF BEGINNING; CONTAINING IN ALL 1.5 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND RUNNING THENCE SOUTH 0 DEGREES 38 MINUTES WEST ON AND ALONG THE EAST LINE OF SAID SECTION 32, 1,435.0 FEET TO A POINT; THENCE WEST 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST 1,440.2 FEET, PLUS OR MINUS, TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 32 MINUTES EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 32, 660.0 FEET PLUS OR MINUS, TO THE PLACE OF BEGINNING CONTAINING 21.78 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; RUNNING THENCE SOUTH 89 DEGREES 37 MINUTES WEST ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST, 1,162.8 FEET TO A POINT WHICH IS 1,440.2 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTH LINE OF SAID SECTION 32; THENCE EAST 660 FEET TO A POINT ON THE EAST LINE OF SECTION 32 WHICH POINT IS 1,435.0 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32, 1,158.45 FEET TO THE PLACE OF BEGINNING; CONTAINING 17.62 ACRES, MORE OR LESS.

CONTAINING AFTER EXCEPTIONS 37.9 ACRES, MORE OR LESS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 4.3 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63 CONTAINING 2.6 ACRES, MORE OR LESS.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 84.8 ACRES, MORE OR LESS.

SUBJECT TO RIGHTS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED DECEMBER 7, 1954, AND RECORDED IN DEED RECORD 287 AT PAGE 245 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE SURFACE OWNER, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR SUBSIDENCE OR REMOVAL OF SUBJACENT OR LATERAL SUPPORT.

(12) Parcel No. 84-02-32-100-005.000-025

Acreage: 6.9

Commonly Known As: N/a

Legal Description:

PARCEL 1

PARCEL 1

SURFACE ONLY OF PARTS OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER CONTAINING 40 ACRES, MORE OR LESS, AND THE EAST HALF OF THE NORTHEAST QUARTER WITH THE FOLLOWING THREE EXCEPTIONS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER 30 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND RUNNING NORTHWARDLY PARALLEL TO, AND 30 FEET EAST OF THE WEST LINE OF SAID HALF QUARTER SECTION A DISTANCE OF 208.71 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL TO THE WEST LINE OF SAID HALF QUARTER SECTION TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 208.71 FEET; THENCE WESTWARDLY ON AND ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO THE PLACE OF BEGINNING; CONTAINING IN ALL 1.5 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND RUNNING THENCE SOUTH 0 DEGREES 38 MINUTES WEST ON AND ALONG THE EAST LINE OF SAID SECTION 32, 1,435.0 FEET TO A POINT; THENCE WEST 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST 1,440.2 FEET, PLUS OR MINUS, TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 32 MINUTES EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 32, 660.0 FEET PLUS OR MINUS, TO THE PLACE OF BEGINNING CONTAINING 21.78 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; RUNNING THENCE SOUTH 89 DEGREES 37 MINUTES WEST ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST, 1,162.8 FEET TO A POINT WHICH IS 1,440.2 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTH LINE OF SAID SECTION 32; THENCE EAST 660 FEET TO A POINT ON THE EAST LINE OF SECTION 32 WHICH POINT IS 1,435.0 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32, 1,158.45 FEET TO THE PLACE OF BEGINNING; CONTAINING 17.62 ACRES, MORE OR LESS.

CONTAINING AFTER EXCEPTIONS 37.9 ACRES, MORE OR LESS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 4.3 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63 CONTAINING 2.6 ACRES, MORE OR LESS.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 84.8 ACRES, MORE OR LESS.

SUBJECT TO RIGHTS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED DECEMBER 7, 1954, AND RECORDED IN DEED RECORD 287 AT PAGE 245 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE SURFACE OWNER, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR SUBSIDENCE OR REMOVAL OF SUBJACENT OR LATERAL SUPPORT.

(13) Parcel No. 84-02-32-200-007.000-025

Acreage: 39.1

Commonly Known As: N/a

Legal Description:

PARCEL 1

SURFACE ONLY OF PARTS OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER CONTAINING 40 ACRES, MORE OR LESS, AND THE EAST HALF OF THE NORTHEAST QUARTER WITH THE FOLLOWING THREE EXCEPTIONS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER 30 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND RUNNING NORTHWARDLY PARALLEL TO, AND 30 FEET EAST OF THE WEST LINE OF SAID HALF QUARTER SECTION A DISTANCE OF 208.71 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL TO THE WEST LINE OF SAID HALF QUARTER SECTION TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 208.71 FEET; THENCE WESTWARDLY ON AND ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO THE PLACE OF BEGINNING; CONTAINING IN ALL 1.5 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND RUNNING THENCE SOUTH 0 DEGREES 38 MINUTES WEST ON AND ALONG THE EAST LINE OF SAID SECTION 32, 1,435.0 FEET TO A POINT; THENCE WEST 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST 1,440.2 FEET, PLUS OR MINUS, TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 32 MINUTES EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 32, 660.0 FEET PLUS OR MINUS, TO THE PLACE OF BEGINNING CONTAINING 21.78 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; RUNNING THENCE SOUTH 89 DEGREES 37 MINUTES WEST ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST, 1,162.8 FEET TO A POINT WHICH IS 1,440.2 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTH LINE OF SAID SECTION 32; THENCE EAST 660 FEET TO A POINT ON THE EAST LINE OF SECTION 32 WHICH POINT IS 1,435.0 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32, 1,158.45 FEET TO THE PLACE OF BEGINNING; CONTAINING 17.62 ACRES, MORE OR LESS.

CONTAINING AFTER EXCEPTIONS 37.9 ACRES, MORE OR LESS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 4.3 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63 CONTAINING 2.6 ACRES, MORE OR LESS.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 84.8 ACRES, MORE OR LESS.

SUBJECT TO RIGHTS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED DECEMBER 7, 1954, AND RECORDED IN DEED RECORD 287 AT PAGE 245 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE SURFACE OWNER, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR SUBSIDENCE OR REMOVAL OF SUBJACENT OR LATERAL SUPPORT.

(14) Parcel No. 84-02-29-400-004.000-025

Acreage: 141.2

Commonly Known As: N/a

Legal Description:

PARCEL 2

SURFACE ONLY OF PART OF THE WEST HALF OF THE WEST HALF OF SECTION TWENTY-EIGHT (28); AND, PART OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28, TOWNSHIP 13 NORTH, RANGE 9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD, EXCEPT A TRACT CONVEYED TO THE SOUTHERN INDIANA RAILROAD COMPANY, BY DEED RECORDED IN DEED RECORD 113, PAGE 328 DESCRIBED AS FOLLOWS: A TRIANGULAR TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28-13-9 WEST, BEING ALL THAT PART OF SAID QUARTER SECTION LYING WEST OF THE CENTER LINE OF DURKEE'S FERRY ROAD, AND NORTH AND EAST OF A LINE PARALLEL TO AND 150 FEET SOUTHWESTERLY FROM THE CENTER LINE OF THE GRANTEE'S EXTENSION THROUGH VIGO COUNTY AS NOW LOCATED; ALSO EXCEPTING A TRACT CONVEYED TO

SOUTHERN CONSTRUCTION COMPANY, BY DEED RECORDED IN DEED RECORD 267, PAGE 7, DESCRIBED AS FOLLOWS: ALL THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28-13-9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD AND SOUTH OF THE FRANK LEEK GRAVEL ROAD, AS SAID ROADS ARE NOW LAID OUT AND ESTABLISHED, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF WEST FRACTIONAL SECTION 28-13-9 WEST, 1,549.95 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 540 FEET TO THE CENTER OF THE FRANK LEEK GRAVEL ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE EASTWARDLY ALONG THE CENTERLINE OF SAID ROAD 769 FEET TO THE CENTER OF THE DURKEE'S FERRY ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE SOUTHWARDLY ALONG THE CENTER OF SAID ROAD 550 FEET TO AN IRON PIN; THENCE WESTWARDLY 805 FEET TO THE POINT OF BEGINNING, LEAVING AFTER EXCEPTIONS 7.0 ACRES, MORE OR LESS.

THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST, EXCEPT THE FOLLOWING: A TRACT CONVEYED TO VICTORY SERVICES CORPORATION AND IS DESCRIBED AS THAT PART LYING NORTH OF THE THOMAS LEEK GRAVEL ROAD IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29-13-9 WEST; ALSO EXCEPTING A TRACT CONVEYED TO THOMAS AND MARY LEEK, BY DEED RECORDED IN DEED RECORD 211, PAGE 573, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 679 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; RUNNING THENCE DUE EAST 388.4 FEET; THENCE SOUTH 673 FEET; THENCE WEST 388.4 FEET; THENCE NORTH 673 FEET TO THE PLACE OF

BEGINNING, LEAVING AFTER EXCEPTIONS 136 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 5.2 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM EACH OF THE ABOVE TRACTS OR INTERESTS IN SAID TRACTS: PIPELINE EASEMENTS HERETOFORE GRANTED TO SHELL OIL COMPANY AND EASEMENTS HERETOFORE GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 148.2 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY EASEMENT BETWEEN PEABODY COAL COMPANY, A DELAWARE CORPORATION AND MIDWESTERN GAS TRANSMISSION COMPANY, A DELAWARE CORPORATION, AS SHOWN BY INSTRUMENT DATED DECEMBER 20, 2000 AND RECORDED ON JANUARY 9, 2001 AS INSTRUMENT NUMBER 20010494 IN RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE

(15) Parcel No. 84-02-33-101-009.000-025

Acreage: 9.687

Commonly Known As: N/a

Legal Description:

Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian in Vigo County, Indiana, being described as follows:

Commencing at a 5/8 inch rebar marking the Northwest corner of said Section 33; thence South 89 degrees 59 minutes 50 seconds East (basis of bearings is the Indiana State Plane Coordinate System - West Zone, NAD 83) along the North line of said Section 33 a distance of 750.13 feet; thence South 03 degrees 41 minutes 52 seconds West 62.90 feet to the Point of Beginning; thence South 89 degrees 18 minutes 52 seconds East 722.47 feet; thence South 17 degrees 36 minutes 38 seconds West 742.11 feet; thence North 78 degrees 33 minutes 09 seconds West 550.64 feet; thence N01th 04 degrees 22 minutes 36 seconds East 217.28 feet; thence N01th 03 degrees 41 minutes 52 seconds East 390.86 feet; to the point of beginning. Containing 9.687 acres, more or less.

Real Property Tax Abatement Resolution
Wabash Valley Resources LLC
Abatement Schedule

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	100%
3rd	100%
4th	100%
5th	100%
6th	100%
7th	100%
8th	100%
9th	100%
10th	100%

**FINAL ACTION BY THE VIGO COUNTY COUNCIL
REGARDING RESOLUTION No. 2023-10
(Real Property)**

WHEREAS, the Vigo County Council (hereinafter "Council") adopted Resolution No. 2023-10 on the ____ day of _____, 2023, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the County Assessor and further stating a date on which the Council would receive and hear remonstrances and objects; and

WHEREAS, a copy of the Notice referenced in Section 7 of Resolution No. 2023-10 and Statement of Benefits was sent to all taxing units with authority to levy property taxes in the area where the Economic Revitalization Area is located and filed with the County Assessor; and

WHEREAS, The Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as a revitalization area or to approval of the Statement of Benefits; and

WHEREAS, said matter is before the Council for final action pursuant to Indiana Law; and

WHEREAS, the Council has received and examined, prior to such hearing, a Statement of Benefits on the forms prescribed by the Department of Local Government Finance and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the estimate of the cost of redevelopment and rehabilitation and equipment is reasonable for projects of that type.
2. That the estimate of individuals who will be employed and whose employment will be retained as a result of the redevelopment and rehabilitation and installation of the new manufacturing equipment can reasonably be expected to result from the proposed project.
3. That the estimate of the annual salaries and other benefits of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
4. That the benefits can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
5. That the totality of benefits is sufficient to justify the deduction.

6. That all qualifications for establishing an economic revitalization area have been met.

7. That Wabash Valley Resources LLC is committed to following the National Maintenance Agreements for the construction of this project

8. That the Council has considered the Petitioner's total investment in real and personal property, the number of new full-time equivalent jobs created by the Project, the average wage of the new employees compared to the State minimum wage and the infrastructure requirements for the Petitioner's investment and, based on such factors, has determined that the petition for designating the Subject Property as an Economic Revitalization Area for the purposes of 10 year real property tax abatement and the Statement of Benefits copies of which were submitted with the petitions are hereby approved and the Real Estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq., and Petitioner is entitled to the 10 year real property tax abatement provided therein for the proposed redevelopment and rehabilitation in accord with the attached schedule.

NOW, THEREFORE, for Final Actions on Resolution No. 2023-10 the Council RESOLVES, FINDS AND DETERMINES:

1. That all of the requirements for designation of the real estate described in Resolution No. 20123-10 (the "Original Resolution") as an Economic Revitalization Area have been met, the foregoing findings and the finding in the Original Resolution are true and that all information required to be submitted has been submitted in proper form.

2. That the Original Resolution is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed project and the redevelopment and rehabilitation are sufficient to justify a 10 year real property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation described in the Petitioner's Statement of Benefits and the deduction for the proposed project and redevelopment and rehabilitation and the Statements of Benefit submitted is approved and the Council authorizes and direct the endorsement of said Statement of Benefits to show such approval and that the real estate described in the Original Resolution is declared an Economic Revitalization Area for the purposes of a 10 year real property tax abatement and that said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.0-1 et. seq. and Petitioner is entitled to a 10 year real property tax abatement as provided therein in accord with the attached Deduction Schedule in connection with the proposed redevelopment/rehabilitation and the project.

3. That this Resolution shall also serve as the Resolution required by I.C. 6-1.1-12.1-2.5 (k) approving a tax abatement in an area previously designated as an allocation area by the Vigo County Council.

4. That said Resolution supplements any other designation of the Subject Property as an Economic Revitalization Area or similar designation.

5. That this Final Action, findings, and confirmation of the Original Resolution Shall be incorporated in and be a part of the Original Resolution.

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz


Vicki Weger

Aaron Loudermilk

Attest:

Jim Bramble, Vigo County Auditor

This instrument prepared by _____


Richard J. Shagley II, Wright, Shagley & Lowery PC
500 Ohio Street, Terre Haute, IN 47807; (812-232-3388)

Real Property Tax Abatement Resolution
Wabash Valley Resources LLC
Abatement Schedule

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	100%
3 rd	100%
4 th	100%
5 th	100%
6 th	100%
7 th	100%
8 th	100%
9 th	100%
10 th	100%

APPLICATION FOR DECLARATION OF AN
ECONOMIC REVITALIZATION AREA AND FOR TAX ABATEMENT FOR
REAL PROPERTY

Wabash Valley Resources LLC ("WVR") applies to the Vigo County Council as the county executive designating body under I.C. §6-1.1-12.1, et seq, on behalf of Fayette Township, an Economic Revitalization Area ("ERA") and to provide for the abatement of taxation on such real property to be located on real estate within Fayette Township, and in support thereof, states and shows as follows:

1. WVR intends to install an anhydrous ammonia plant with carbon capture and sequestration technology. The Subject Property for the proposed Facility site is depicted in the attached Exhibit A (the "Proposed Facility Subject Property" & "Property Facility Parcel List.")
2. It is projected that the installation of equipment will begin after abatement approval with a projected construction commencement date by early 2024 and is anticipated to be completed by the end of 2026.
3. It is expected that installation of the new manufacturing equipment will locally employ approximately three hundred sixty (360) workers on-site through the duration of the construction period of up to thirty (30) months.
4. The completed Facility and installation and operation of new manufacturing equipment will require one hundred seven (107) new permanent full-time employees. All positions should be filled by the end of 2026, after a complete ramp up has occurred.
5. The total cost of Phase 1 of the Project is estimated to be approximately Seven Hundred Three Million Dollars and 00/100 (\$703,000,000.00), including investments in both real and personal property, as set forth in the Statement of Benefits (Form SB-1), attached hereto as Exhibit B (with "Cost Analysis Summary.") Phase II of the Project will be the subject of a later abatement application.

6. An Economic Revitalization Area designation for the purposes of tax abatement for real property is sought for the Facility to induce WVR to construct and maintain the Facility in Fayette Township, Vigo County, Indiana.

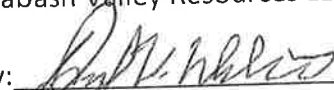
7. Construction and maintenance of the Facility depends on, among other things, the declaration of an ERA by the Vigo County Council and a resolution approving a subsequent tax abatement for real property for a period of ten (10) years. The abatement of taxation is a substantial incentive for WVR to construct and develop the Facility in Fayette Township, Vigo County, Indiana.

WHEREFORE, WVR applies to the Vigo County Council on behalf of Fayette Township, Indiana to adopt a resolution at its regularly constituted meeting declaring the Proposed Facility Subject Property as an Economic Revitalization Area pursuant to I.C. §6-1.1-12.1, et seq. and that deductions from the Facility be granted for a period of ten (10) years. WVR requests that a public hearing on this application be held, and requests that the Vigo County Council confirm its resolution declaring the Facility as an Economic Revitalization Area.

Respectfully submitted,

Wabash Valley Resources LLC

By:



Daniel Williams, Chief Operating Officer

Passed in open Council this _____ day of _____, 2023.

R. Todd Thacker, President

Travis Norris

David Thompson

Nancy Allsup

Marie Theisz

Vicki Weger

Aaron Loudermilk

Attest:

James W. Bramble, Auditor

This instrument prepared by _____


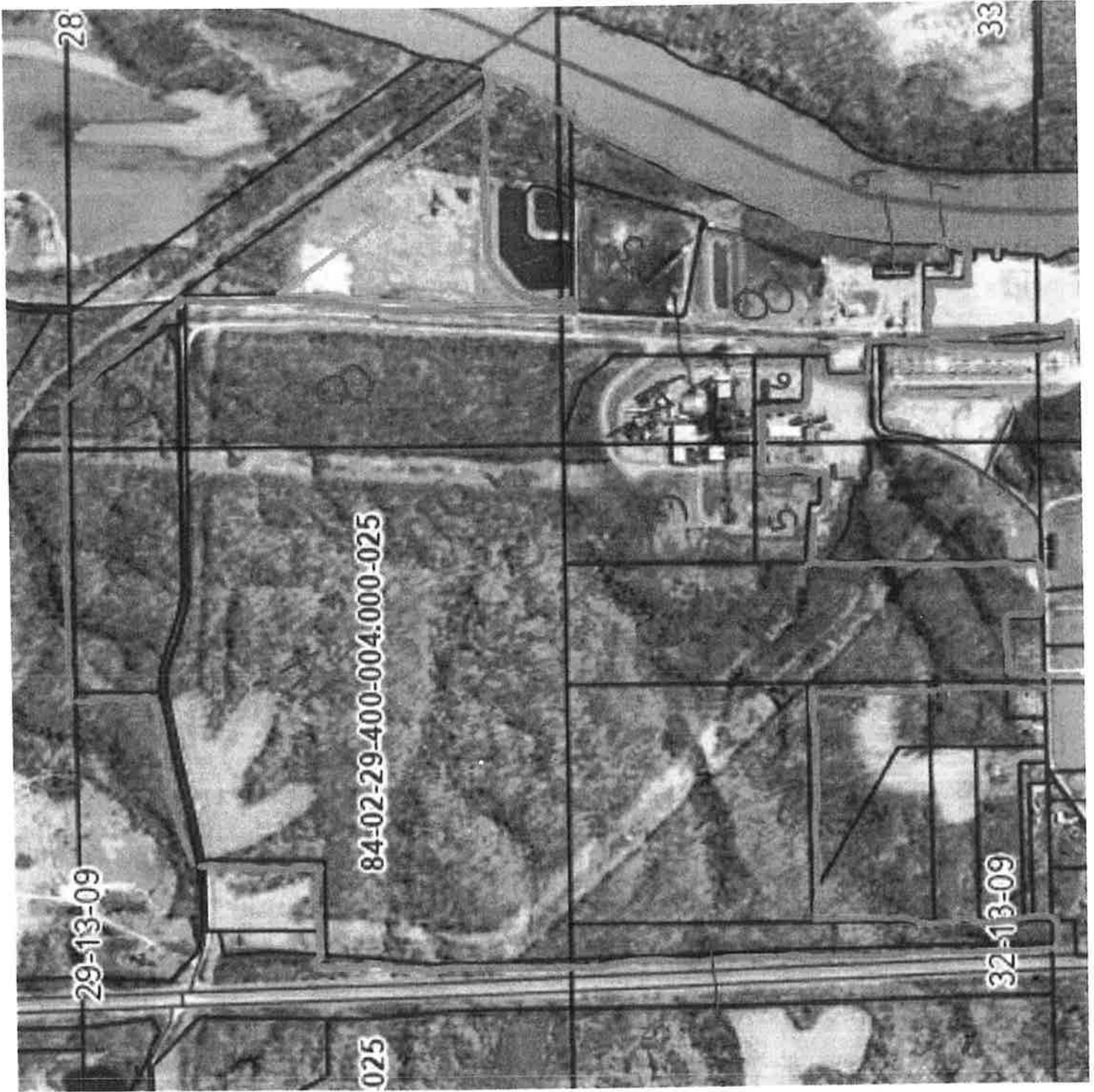

Richard J Shagley II, Wright, Shagley, & Lowery, P.C.
500 Ohio Street, Terre Haute, IN, 47807; (812) 232-3388

Exhibit A
Real Property Tax Abatement Resolution
Wabash Valley Resources LLC
Vigo County Project Campus
Parcel List

1. Parcel No. 84-02-28-300-005.000-025, 9.85 acres
2. Parcel No. 84-02-28-300-006.000-025, 1.66 acres
3. Parcel No. 84-02-32-200-008.000-025, 15.67 acres
4. Parcel No. 84-02-33-101-001.000-025, 10.42 acres
5. Parcel No. 84-02-32-200-013.000-025, 3.47 acres
6. Parcel No. 84-02-33-101-005.000-025, 1.59 acres
7. Parcel No. 84-02-33-154-005.000-025, 0.498 acres
8. Parcel No. 84-02-33-101-010.000-025, 70.581 acres
9. Parcel No. 84-02-33-101-011.000-025, 0.281 acres
10. Parcel No. 84-02-28-300-001.000-025, 6.81 acres
11. Parcel No. 84-02-32-200-001.000-025, 40 acres
12. Parcel No. 84-02-32-100-005.000-025, 6.9 acres
13. Parcel No. 84-02-32-200-007.000-025, 39.1 acres
14. Parcel No. 84-02-29-400-004.000-025, 141.2 acres
15. Parcel No. 84-02-33-101-009.000-025, 9.687 acres



(1) Parcel No. 84-28-300-005.000-025

Acreage: 9.85

Commonly Known As: Sandford Rd.

West Terre Haute, IN 47885

Legal Description:

1. Stormwater Pond Real Estate

PART OF THE SOUTHWEST QUARTER OF SECTION 28 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH REBAR IN CONCRETE MARKING THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE ALONG THE WEST LINE OF SAID SECTION, NORTH 00 DEGREES 17 MINUTES 22 SECONDS WEST, 409.98 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1049.68 FEET TO A 5/8 INCH REBAR WITH CAP INSCRIBED "ROWLAND L.S. 29600015" AND HEREON CALLED AN "IRON MONUMENT", MARKING THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 19 MINUTES 11 SECONDS EAST, 114.81 FEET TO AN "IRON MONUMENT"; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 930.96 FEET TO THE WEST BANK OF THE WABASH RIVER (WITNESSED BY AN "IRON MONUMENT" NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 24.02 FEET); THENCE ALONG SAID RIVER THE FOLLOWING TWO (2) COURSES: SOUTH 24 DEGREES 21 MINUTES 42 SECONDS WEST, 97.82 FEET; SOUTH 31 DEGREES 56 MINUTES 32 SECONDS WEST, 446.41 FEET (WITNESSED BY AN "IRON MONUMENT" NORTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 33.93 FEET); THENCE NORTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 422.38 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 119.53 FEET, AN ARC LENGTH OF 65.92 FEET, A CHORD BEARING OF NORTH 34 DEGREES 19 MINUTES 56 SECONDS EAST, AND A CHORD DISTANCE OF 65.08 FEET; THENCE NORTH 18 DEGREES 14 MINUTES 19 SECONDS EAST, 101.91 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 130.84 FEET, AN ARC LENGTH OF 60.67 FEET, A CHORD BEARING OF NORTH 05 DEGREES 33 MINUTES 33 SECONDS EAST, AND A CHORD DISTANCE OF 60.13 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 62.90 FEET, AN ARC LENGTH OF 68.60 FEET, A CHORD BEARING OF NORTH 46 DEGREES 43 MINUTES 36 SECONDS WEST, AND A CHORD DISTANCE OF 65.25 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 11 SECONDS WEST, 200.24 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 83.18 FEET, AN ARC LENGTH OF 96.69 FEET, A CHORD BEARING OF SOUTH 42 DEGREES 32 MINUTES 46 SECONDS WEST, AND A CHORD DISTANCE OF 91.34 FEET; THENCE SOUTH 02 DEGREES 37 MINUTES 38 SECONDS WEST, 133.91 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 45.17 FEET, AN ARC LENGTH OF 64.81 FEET, A CHORD BEARING OF SOUTH 35 DEGREES 49 MINUTES 42 SECONDS WEST, AND A CHORD DISTANCE OF 59.39 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 10 SECONDS WEST, 295.85 FEET TO AN "IRON MONUMENT"; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 86.19 FEET TO AN "IRON MONUMENT"; THENCE NORTH 05 DEGREES 27 MINUTES 31 SECONDS EAST, 171.58 FEET TO AN "IRON MONUMENT"; THENCE NORTH 43 DEGREES 39 MINUTES 49 SECONDS EAST, 153.96 FEET TO AN "IRON MONUMENT"; THENCE NORTH 52 DEGREES 12 MINUTES 02 SECONDS EAST, 129.73 FEET TO THE POINT OF BEGINNING, CONTAINING 9.85 ACRES, MORE OR LESS.

(2) Parcel No. 84-28-300-006.000-025

Acreage: 1.66

Commonly Known As: W Sandford Rd.

West Terre Haute, IN 47885

Legal Description:

2. Wastewater Pond Real Estate

Part of the Southwest Quarter of Section 28 and Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West, Vigo County, Indiana, and more particularly described as follows:

Commencing at a 5/8 inch rebar in concrete marking the Southwest corner of said section 28; thence along the West line of said section, North 00 degrees 17 minutes 22 seconds West, 140.24 feet; thence North 90 degrees 00 minutes 00 seconds East, 1159.91 feet to the POINT OF BEGINNING; thence South 02 degrees 37 minutes 38 seconds West, 133.91 feet; thence along a non-tangent curve to the right, having a radius of 45.17 feet, an arc length of 64.81 feet, a chord bearing of South 35 degrees 49 minutes 42 seconds West, and a chord distance of 59.39 feet; thence South 89 degrees 16 minutes 10 seconds East, 275.99 feet; thence along a non-tangent curve to the left, having a radius of 119.53 feet, an arc length of 65.92 feet, a chord bearing of North 34 degrees 19 minutes 56 seconds East, and a chord distance of 65.08 feet; thence North 18 degrees 14 minutes 19 seconds East, 101.91 feet; thence along a non-tangent curve to the left, having a radius of 130.84 feet, an arc length of 60.67 feet, a chord bearing of North 05 degrees 33 minutes 33 seconds East, and a chord distance of 60.13 feet; thence along a non-tangent curve to the left, having a radius of 62.90 feet, an arc length of 68.60 feet, a chord bearing of North 46 degrees 43 minutes 36 seconds West, and a chord distance of 65.25 feet; thence South 89 degrees 19 minutes 11 seconds West, 200.24 feet; thence along a non-tangent curve to the left, having a radius of 83.18 feet, an arc length of 96.69 feet, a chord bearing of South 42 degrees 32 minutes 46 seconds West, and a chord distance of 91.34 feet to the point of beginning, containing 1.66 acres, more or less.

(3) Parcel No. 84-02-32-200-008.000-025

Acreage: 15.67 (part of the 26.09 "Gasification Real Estate")

Commonly Known As: Bolton Road

West Terre Haute, IN 47885

Legal Description:

1. Gasification Property Legal Description:

PART OF THE NORTHEAST QUARTER OF SECTION 32 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH REBAR IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 33, THENCE ALONG THE NORTH LINE OF SAID SECTION, NORTH 89 DEGREES 58 MINUTES 05 SECONDS EAST, 63.12 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, SOUTH 71 DEGREES 37 MINUTES 21 SECONDS WEST, 0.25 FEET FROM CORNER; THENCE ALONG THE NORTH AND EAST LINES OF A TRACT OF LAND DESCRIBED AS "TRACT 1" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY, THE FOLLOWING THREE (3) COURSES: SOUTH 67 DEGREES 34 MINUTES 34 SECONDS EAST, 292.31 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, NORTH 78 DEGREES 54 MINUTES 54 SECONDS WEST, 0.25 FEET FROM CORNER; SOUTH 38 DEGREES 57 MINUTES 34 SECONDS EAST 238.00 FEET TO A 5/8 INCH REBAR WITH CAP INSCRIBED "ROWLAND L.S. 29600015" AND HEREON CALLED AN "IRON MONUMENT"; SOUTH 00 DEGREES 37 MINUTES 33 SECONDS EAST, 741.38 FEET TO AN "IRON MONUMENT"; THENCE NORTH 89 DEGREES 33 MINUTES 08 SECONDS WEST 1145.62 FEET TO AN "IRON MONUMENT"; ON THE WEST LINE OF A TRACT OF LAND DESCRIBED AS "TRACT 2" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 18 MINUTES 11 SECONDS WEST 1031.72 FEET TO A 5/8 INCH REBAR ON THE NORTH LINE OF SAID SECTION 32; THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 28 SECONDS EAST 659.97 FEET TO THE POINT OF BEGINNING, CONTAINING 26.09 ACRES MORE OR LESS.

(4) Parcel No. 84-02-33-101-001.000-025

Acreage: 10.42 (part of the 26.09 "Gasification Real Estate")

Commonly Known As: 444 W Sandford Rd.

West Terre Haute, IN 37885

Legal Description:

1. Gasification Property Legal Description:

PART OF THE NORTHEAST QUARTER OF SECTION 32 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 9 WEST, VIGO COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH REBAR IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 33, THENCE ALONG THE NORTH LINE OF SAID SECTION, NORTH 89 DEGREES 58 MINUTES 05 SECONDS EAST, 63.12 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, SOUTH 71 DEGREES 37 MINUTES 21 SECONDS WEST, 0.25 FEET FROM CORNER; THENCE ALONG THE NORTH AND EAST LINES OF A TRACT OF LAND DESCRIBED AS "TRACT 1" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY, THE FOLLOWING THREE (3) COURSES: SOUTH 67 DEGREES 34 MINUTES 34 SECONDS EAST, 292.31 FEET TO A POINT WITNESSED BY A 5/8 INCH REBAR, NORTH 78 DEGREES 54 MINUTES 54 SECONDS WEST, 0.25 FEET FROM CORNER; SOUTH 38 DEGREES 57 MINUTES 34 SECONDS EAST 238.00 FEET TO A 5/8 INCH REBAR WITH CAP INSCRIBED "ROWLAND L.S. 29600015" AND HEREON CALLED AN "IRON MONUMENT"; SOUTH 00 DEGREES 37 MINUTES 33 SECONDS EAST, 741.38 FEET TO AN "IRON MONUMENT"; THENCE NORTH 89 DEGREES 33 MINUTES 08 SECONDS WEST 1145.62 FEET TO AN "IRON MONUMENT"; ON THE WEST LINE OF A TRACT OF LAND DESCRIBED AS "TRACT 2" IN DEED RECORD 430, PAGE 738 IN THE RECORDERS OFFICE OF VIGO COUNTY; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 18 MINUTES 11 SECONDS WEST 1031.72 FEET TO A 5/8 INCH REBAR ON THE NORTH LINE OF SAID SECTION 32; THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 28 SECONDS EAST 659.97 FEET TO THE POINT OF BEGINNING, CONTAINING 26.09 ACRES MORE OR LESS.

(5) Parcel No. 84-02-32-200-013.000-025

Acreage: 3.47

Commonly Known As: Sandford Rd.

West Terre Haute, IN 37885

Legal Description:

2. Tract 1 (par of Unit 1 Real Property)

Commencing at a 1 inch Iron Pin marking the Southwest Corner of the East Half of the Southeast Quarter of the Northeast Quarter of said Section 32; thence along the West line of said East Half, North 00 degrees 18 minutes 11 seconds West 1162.11 feet; thence continuing North 00 degrees 18 minutes 11 seconds West 139.94 Feet to a 5/8" rebar with yellow cap stamped" Schneider Firm#0001" hereafter referred To as "Rebar" and the Point of Beginning; thence continuing North 00 degrees 18 minutes 11 seconds West 268.99 feet to the Northwest corner of a tract of land recorded as Instrument Number 2008000499 in the Office of the Vigo County Recorder; thence South 89 degrees 33 minutes 08 seconds East along the North line of said tract 494.09 feet to a "Rebar"; thence South 00 degrees 39 minutes 56 seconds West 355.06 feet to a "Rebar"; thence North 88 degrees 48 minutes 44 seconds West 168.26 feet to a "Rebar"; thence North 01 degrees 59 minutes 51 seconds West 56.66 feet to a "Rebar"; thence North 84 degrees 39 minutes 09 seconds West 319.72 feet to a "Rebar" and the point of beginning. Containing 3.47 acres, more or less.

(6) Parcel No. 84-02-33-101-005.000-025

Acreage: 1.59

Commonly Known As: 444 Sandford Rd.

West Terre haute, IN 47885

Legal Description:

Tract 2 (Part of Unit 1 Real Property) (Corrected Legal Description)

Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West, Vigo County, Indiana, being more particularly described as follows:

Commencing at a 1 inch Iron Pin marking the Southwest Corner of the of the East Half of The Southeast Quarter of the Northeast Quarter of said Section 32; Thence along the West line of said East Half; thence North 00 degrees 18 minutes 11 seconds West 1571.04 feet to the Northwest corner of a tract of land recorded as Instrument Number 2008000499 in the Office of the Vigo County Recorder; thence South 89 degrees 33 minutes 08 seconds East 1145.62 feet to he northeast corner thereof and the Point of Beginning; thence South 00 degrees 37 minutes 33 seconds East 267.04 feet to a 5/8" rebar with yellow cap stamped "Schneider Firm#0001" hereafter referred to as "Rebar"; thence South 89 degrees 22 minutes 27 seconds West 259.20 feet to a Mag Nail with Washer stamped "Schneider Firm#0001"; thence North 00 degrees 14 minutes 20 seconds East 271.86 feet to a Mag Nail with a Washer stamped "Schneider Firm#0001" and the north line of said tract; thence South 89 degrees 33 minutes 08 seconds East along said north line 255.14 feet; to the point of beginning. Containing 1.59 acres, more or less.

(7) Parcel No. 84-02-33-154-005.000-025

Acreage: 0.498

Commonly Known As: N/a

Legal Description:

Land Description – Water Intake Parcel

(Parcel No. 84-02-33-101-009.000-025)

Part of the West Half of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana, being that 0.498-acre tract of land shown on a survey entitled "Wabash River Station WVR Transaction Boundary Survey" certified by Joshua David Werner, Professional Surveyor #LS21200020 on June 29, 2021 (Schneider Geomatics project number 13146) and being described as follows (all reference monuments, bearings, and distances are as shown on said survey):

COMMENCING at a 1/2-inch bolt in concrete marking the Southwest Corner of the Northwest Quarter of said Section 33, thence South 89 degrees 59 minutes 33 seconds East (basis of bearings is the Indiana State Plane Coordinate System -West Zone, NAD 83) 607.25 feet (all distances in this description are horizontal ground distances) to a point on an easterly line of a tract of land recorded in Instrument #2020005216 in the Office of the Recorder of Vigo County, Indiana, said point being on a non-tangent curve to the right having a radius of 1,350.00 feet, the radius point of which bears North 84 degrees 37 minutes 54 seconds East from said point; the next 6 courses being along the easterly line, southerly lines, and westerly line of said tract of land; (1) thence northerly along said curve an arc distance of 136.85 feet to a point which bears North 89 degrees 33 minutes 37 seconds West from said radius point, said point being marked by a found 5/8-inch rebar with cap stamped "Schneider Firm#0001" (hereinafter referred to as a "Rebar"); (2) thence North 00 degrees 27 minutes 47 seconds East 489.63 feet to a found Rebar; (3) thence South 89 degrees 29 minutes 02 seconds East 306.55 feet to a set Rebar being the POINT OF BEGINNING; (4) thence continuing South 89 degrees 29 minutes 02 seconds East 77.92 feet to a set Rebar; (5) thence South 00 degrees 57 minutes 28 seconds West 154.12 feet to a cut "X" set; (6) thence North 90 degrees 00 minutes 00 seconds East 80.17 feet to a set Rebar on the west bank of the Wabash River; thence along the west bank of the Wabash River the following 7 courses; (1) thence South 27 degrees 01 minute 05 seconds East 6.76 feet; (2) thence South 47 degrees 48 minutes 48 seconds West 4.34 feet; (3) thence South 56 degrees 32 minutes 49 seconds West 8.38 feet; (4) thence South 33 degrees 43 minutes 33 seconds West 7.11 feet; (5) thence South 19 degrees 40 minutes 00 seconds West 20.32 feet; (6) thence South 04 degrees 52 minutes 40 seconds West 9.83 feet; (7) thence South 06 degrees 07 minutes 11 seconds East 20.47 feet to a set Rebar; thence leaving said West bank North 88 degrees 52 minutes 15 seconds West 140.95 feet to a set Rebar; thence North 00 degrees 30 minutes 58 seconds East 220.79 feet to the POINT OF BEGINNING; containing 0.498 acres, more or less.

(8) Parcel No. 84-02-33-101-010.000-025

Acreage: 70.3 acres

Commonly Known As: 444 W Sandford Rd.

West Terre Haute, IN 47885

Legal Description:

PURCHASED REAL ESTATE-LAND DESCRIPTION

PARCEL 1 - FEE

Part of the Southwest Quarter of Section 28 and part of the West half of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana, being that 70.581 acre tract of land shown on a survey entitled "Wabash River Generating Station – WVR Transfer Survey" certified by William A. Schmidt, Professional Surveyor #LS87001 on November 12, 2019 (The Schneider Corporation project number 9141.069) and being described as follows (all references to monuments, bearings and distances are as shown on said survey):

Beginning at a 5/8 inch rebar marking the Southwest corner of said Section 28; thence North 00 degrees 17 minutes 15 seconds West (basis of bearings is the Indiana State Plane Coordinate System – West Zone, NAD 83) along the West line of said Section 28 a distance of 2090.00 feet to a point (witnessed by a Mag nail with washer stamped "Hennessy 20200026, South 89 degrees 52 minutes 08 seconds West, 0.25 feet from said point) ; thence North 89 degrees 52 minutes 08 seconds East 856.01 feet to a 5/8 inch rebar with cap stamped "Schneider Firm #0001" and hereon called an "iron monument"; thence South 03 degrees 51 minutes 29 seconds West 627.53 feet to an "iron monument"; thence South 03 degrees 24 minutes 06 seconds West 954.82 feet to an "iron monument"; thence South 03 degrees 41 minutes 52 seconds West 35.52 feet to an "iron monument" on the westerly extension of the South line of a tract of land as described in Instrument #2019000831 in said recorder's office; thence South 89 degrees 17 minutes 29 seconds East along said extension and South line of said tract of land 1070.20 feet to a point on the West bank of the Wabash River (witnessed by an "iron monument" North 89 degrees 17 minutes 29 seconds West 1.50 feet from said point); thence along the West bank of the Wabash River the following twenty-one (21) courses and distances: South 43 degrees 40 minutes 26 seconds West 28.42 feet; thence South 30 degrees 54 minutes 55 seconds West 291.88 feet; thence South 23 degrees 49 minutes 39 seconds West 119.15 feet; thence South 33 degrees 05 minutes 06 seconds West 47.77 feet; thence South 28 degrees 35 minutes 25 seconds West 144.81 feet; thence South 20 degrees 51 minutes 21 seconds West 84.88 feet; thence South 24 degrees 17 minutes 59 seconds West 90.03 feet; thence South 44 degrees 07 minutes 03 seconds West 33.20 feet; thence South 23 degrees 09 minutes 31 seconds West 65.45 feet; thence South 01 degrees 28 minutes 52 seconds East 28.19 feet; thence South 24 degrees 52 minutes 28 seconds West 91.68 feet; thence South 28 degrees 28 minutes 01 seconds West 79.43 feet; thence South 18 degrees 03 minutes 58 seconds West 147.85 feet; thence South 22 degrees 37 minutes 53 seconds West 135.80 feet; thence South 18 degrees 12 minutes 56 seconds West 227.77 feet; thence South 04 degrees 40 minutes 47 seconds West 43.64 feet; thence South 11 degrees

37 minutes 03 seconds West 199.05 feet; thence South 02 degrees 33 minutes 53 seconds West 170.56 feet; thence South 06 degrees 30 minutes 02 seconds West 52.09 feet; thence South 10 degrees 40 minutes 34 seconds East 72.16 feet; thence South 08 degrees 07 minutes 35 seconds West 87.66 feet to a point (witnessed by an "iron monument North 08 degrees 07 minutes 35 seconds East 87.66 feet from said point; thence leaving said West bank a bearing of North 90 degrees 00 minutes 00 seconds West 87.22 feet to the East line of the existing Wabash Generating Station building; thence North 00 degrees 57 minutes 28 seconds East along said East line and the northerly extension thereof a distance of 154.12 feet to the easterly extension of the North line of the existing line of said building; thence North 89 degrees 29 minutes 02 seconds West along the North line of said building and the extension thereof 384.47 feet to an "iron monument"; thence South 00 degrees 27 minutes 47 seconds West 489.63 feet to an "iron monument on a non-tangent curve having a radius of 1350.00 feet, the radius point of which bears South 89 degrees 33 minutes 37 seconds East; thence southerly along said curve to the left an arc distance of 200.74 feet to an "iron monument" which bears South 81 degrees 55 minutes 13 seconds West from said radius point; thence South 08 degrees 04 minutes 47 seconds East 86.28 feet to a Mag Nail with washer stamped "Schneider Firm #0001"; thence South 81 degrees 55 minutes 13 seconds East; thence northerly along said curve to the right an arc distance of 208.17 feet to an "iron monument" which bears North 89 degrees 33 minutes 37 seconds West from said radius point; thence North 00 degrees 26 minutes 23 seconds East 434.84 feet to an "iron monument"; thence North 00 degrees 38 minutes 53 seconds East 169.17 feet to an "iron monument" on a tangent curve having a radius of 1250.00 feet, the radius point of which bears North 89 degrees 21 minutes 07 seconds West; thence northerly along said curve to the left an arc distance 74.84 feet to an "iron monument" which bears North 87 degrees 13 minutes 04 seconds East from said radius point; thence North 02 degrees 46 minutes 56 seconds West 56.67 feet to an "iron monument" on a tangent curve having a radius of 1475.00 feet, the radius point of which bears North 87 degrees 13 minutes 04 seconds East; thence northerly along said curve to the right an arc distance of 71.51 feet to an "iron monument" which bears South 89 degrees 59 minutes 43 seconds West from said radius point; thence North 89 degrees 29 minutes 53 seconds West 176.87 feet to an "iron monument" on the East line of a tract of land described in Instrument #2008000449 in said recorder's office; thence along the Easterly lines of said tract the following three (03) courses and distances: North 00 degrees 02 minutes 56 seconds West 213.74 feet to a 5/8 inch rebar with cap inscribed "LS29600015 Rowland"; thence North 89 degrees 54 minutes 09 seconds East a distance of 108.60 feet to a 5/8 inch rebar; thence North 00 degrees 36 minutes 17 seconds West 396.10 feet to a 5/8 inch rebar with cap inscribed "LS29600015 Rowland" marking the Southeast corner of a tract of land as described in Instrument #2019000830 in said recorder's office; thence along the Easterly lines of said tract of land the following four (04) courses and distances: North 00 degrees 38 minutes 33 seconds West 741.38 feet to an "iron monument"; thence North 38 degrees 54 minutes 10 seconds West 238.00 feet to a 5/8 inch rebar; thence North 67 degrees 34 minutes 41 seconds West 292.40 feet to a 5/8 inch rebar; thence North 89 degrees 59 minutes 50 seconds West a distance of 63.05 feet to the point of beginning. Containing 80.268 acres, more or less.

Excepting therefrom the following described real estate:

Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana and being described as follows:

Commencing at a 5/8 inch rebar marking the Northwest corner of said Section 33; thence South 89 degrees 59 minutes 50 seconds East (basis of bearing is the Indiana State Plane Coordinate System –

West Zone, NAD 83) along the North line of said section 33 a distance of 750.13 feet; thence South 03 degrees 41 minutes 52 seconds West 62.90 feet to a 5/8 inch rebar with cap stamped "Schneider Firm #0001" and hereon called an "iron monument" marking the Point of Beginning; thence South 89 degrees 18 minutes 52 seconds East 722.47 feet to an "iron

monument"; thence South 17 degrees 36 minutes 38 seconds West 742.11 feet to an "iron monument"; thence North 78 degrees 33 minutes 09 seconds West 550.64 feet to an "iron monument"; thence North 04 degrees 22 minutes 36 seconds East 217.28 feet to an "iron monument"; thence North 03 degrees 41 minutes 52 seconds East 390.86 feet to the point of beginning. Containing 9.687 acres, more or less.

Leaving after said exception, 70.581 acres, more or less.

PARCEL 2 - EASEMENT

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS KNOWN AS THE WVR POTTSVILLE STREET EASEMENT RECORDED 5/11, 2020 AS INSTRUMENT NO. 2020005214, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA.

PARCEL 3 - EASEMENT

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS KNOWN AS THE WVR BOLTON ROAD EASEMENT RECORDED 5/11, 2020 AS INSTRUMENT NO. 2020005215, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA.

PARCEL 4 - EASEMENT

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS KNOWN AS THE POTTSVILLE STREET EASEMENT RECORDED 5/11, 2020 AS INSTRUMENT NO. 2020005218, IN THE OFFICE OF THE RECORDER OF VIGO COUNTY, INDIANA.

(9) Parcel No. 84-02-33-101-011.000-025

Acreage: 0.281

Commonly Known As: n/a

Legal Description:

(Parcel No. 84-02-33-101-010.000-025)

Part of the West Half of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian, Fayette Township, Vigo County, Indiana, being that 0.281-acre tract of land shown on a survey entitled "Wabash River Station WVR Transaction Boundary Survey" certified by Joshua David Werner, Professional Surveyor #LS21200020 on June 29, 2021 (Schneider Geomatics project number 13146) and being described as follows (all reference monuments, bearings, and distances are as shown on said survey):

COMMENCING at a 1/2-inch bolt in concrete marking the Southwest Corner of the Northwest Quarter of said Section 33; thence South 89 degrees 59 minutes 33 seconds East (basis of bearings is the Indiana State Plane Coordinate System – West Zone, NAD 83) 607.25 feet (all distances in this description are horizontal ground distances) to a point on an easterly line of a tract of land recorded in Instrument #2020005216 in the Office of the Recorder of Vigo County, Indiana, said point being on a non-tangent curve to the right having a radius of 1,350.00 feet, the radius point of which bears North 84 degrees 37 minutes 54 seconds East from said point; the next 3 courses being along the easterly line, southerly lines, and westerly line of said tract of land; (1) thence northerly along said curve an arc distance of 136.85 feet to a point which bears North 89 degrees 33 minutes 37 seconds West from said radius point, said point being marked by a found 5/8-inch rebar with cap stamped "Schneider Firm #0001" (hereinafter referred to as a "Rebar"); (2) thence North 00 degrees 27 minutes 47 seconds East 489.63 feet to a found Rebar; (3) thence South 89 degrees 29 minutes 02 seconds East 325.20 feet; thence North 00 degrees 36 minutes 23 seconds East 53.60 feet to a set Mag nail with washer stamped "Schneider Firm #0001" (hereinafter referred to as "Mag Nail") being the POINT OF BEGINNING; thence continuing North 00 degrees 36 minutes 23 seconds East 174.05 feet to a set Mag Nail; thence North 89 degrees 43 minutes 58 seconds West 10.08 feet to a set Mag Nail; thence North 00 degrees 10 minutes 36 seconds West 39.36 feet to a set Mag Nail; thence South 89 degrees 12 minutes 51 seconds East 44.23 feet; thence South 68 degrees 02 minutes 29 seconds East 30.16 feet to a set Rebar; thence South 18 degrees 21 minutes 49 seconds West 23.64 feet to a set Rebar; thence South 00 degrees 49 minutes 54 seconds West 72.70 feet to a set Rebar; thence South 89 degrees 10 minutes 06 seconds East 9.27 feet to a set Rebar; thence South 00 degrees 49 minutes 54 seconds West 25.00 feet to a set Rebar; thence North 89 degrees 10 minutes 06 seconds West 9.27 feet to a set Rebar; thence South 00 degrees 49 minutes 54 seconds West 83.45 feet, passing a set rebar at 78.45 feet; thence North 87 degrees 52 minutes 48 seconds West 53.79 feet, passing a cut "X" set at 5.00 feet, to the POINT OF BEGINNING, containing 0.281 acres, more or less.

(10) Parcel No. 84-02-28-300-001.000-025

Acreage: 6.81 acres

Commonly Known As: N/a

Legal Description:

PARCEL 2

S SURFACE ONLY OF PART OF THE WEST HALF OF THE WEST HALF OF SECTION TWENTY-EIGHT (28); AND, PART OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28, TOWNSHIP 13 NORTH, RANGE 9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD, EXCEPT A TRACT CONVEYED TO THE SOUTHERN INDIANA RAILROAD COMPANY, BY DEED RECORDED IN DEED RECORD 113, PAGE 328 DESCRIBED AS FOLLOWS: A TRIANGULAR TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28-13-9 WEST, BEING ALL THAT PART OF SAID QUARTER SECTION LYING WEST OF THE CENTER LINE OF DURKEE'S FERRY ROAD, AND NORTH AND EAST OF A LINE PARALLEL TO AND 150 FEET SOUTHWESTERLY FROM THE CENTER LINE OF THE GRANTEE'S EXTENSION THROUGH VIGO COUNTY AS NOW LOCATED; ALSO EXCEPTING A TRACT CONVEYED TO

SOUTHERN CONSTRUCTION COMPANY, BY DEED RECORDED IN DEED RECORD 267, PAGE 7, DESCRIBED AS FOLLOWS: ALL THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28-13-9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD AND SOUTH OF THE FRANK LEEK GRAVEL ROAD, AS SAID ROADS ARE NOW LAID OUT AND ESTABLISHED, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF WEST FRACTIONAL SECTION 28-13-9 WEST, 1,549.95 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 540 FEET TO THE CENTER OF THE FRANK LEEK GRAVEL ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE EASTWARDLY ALONG THE CENTERLINE OF SAID ROAD 769 FEET TO THE CENTER OF THE DURKEE'S FERRY ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE SOUTHWARDLY ALONG THE CENTER OF SAID ROAD 550 FEET TO AN IRON PIN; THENCE WESTWARDLY 805 FEET TO THE POINT OF BEGINNING, LEAVING AFTER EXCEPTIONS 7.0 ACRES, MORE OR LESS.

THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST, EXCEPT THE FOLLOWING: A TRACT CONVEYED TO VICTORY SERVICES CORPORATION AND IS DESCRIBED AS THAT PART LYING NORTH OF THE THOMAS LEEK GRAVEL ROAD IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29-13-9 WEST; ALSO EXCEPTING A TRACT CONVEYED TO THOMAS AND MARY LEEK, BY DEED RECORDED IN DEED RECORD 211, PAGE 573, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 679 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; RUNNING THENCE DUE EAST 388.4 FEET; THENCE SOUTH 673 FEET; THENCE WEST 388.4 FEET; THENCE NORTH 673 FEET TO THE PLACE OF

BEGINNING, LEAVING AFTER EXCEPTIONS 136 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 5.2 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM EACH OF THE ABOVE TRACTS OR INTERESTS IN SAID TRACTS: PIPELINE EASEMENTS HERETOFORE GRANTED TO SHELL OIL COMPANY AND EASEMENTS HERETOFORE GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 148.2 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY EASEMENT BETWEEN PEABODY COAL COMPANY, A DELAWARE CORPORATION AND MIDWESTERN GAS TRANSMISSION COMPANY, A DELAWARE CORPORATION, AS SHOWN BY INSTRUMENT DATED DECEMBER 20, 2000 AND RECORDED ON JANUARY 9, 2001 AS INSTRUMENT NUMBER 20010494 IN RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE

(11) Parcel No. 84-02-32-200-001.000-025

Acreage: 40

Commonly Known As: N/a

Legal Description:

PARCEL 1

SURFACE ONLY OF PARTS OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER CONTAINING 40 ACRES, MORE OR LESS, AND THE EAST HALF OF THE NORTHEAST QUARTER WITH THE FOLLOWING THREE EXCEPTIONS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER 30 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND RUNNING NORTHWARDLY PARALLEL TO, AND 30 FEET EAST OF THE WEST LINE OF SAID HALF QUARTER SECTION A DISTANCE OF 208.71 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL TO THE WEST LINE OF SAID HALF QUARTER SECTION TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 208.71 FEET; THENCE WESTWARDLY ON AND ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO THE PLACE OF BEGINNING; CONTAINING IN ALL 1.5 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND RUNNING THENCE SOUTH 0 DEGREES 38 MINUTES WEST ON AND ALONG THE EAST LINE OF SAID SECTION 32, 1,435.0 FEET TO A POINT; THENCE WEST 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST 1,440.2 FEET, PLUS OR MINUS, TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 32 MINUTES EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 32, 660.0 FEET PLUS OR MINUS, TO THE PLACE OF BEGINNING CONTAINING 21.78 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; RUNNING THENCE SOUTH 89 DEGREES 37 MINUTES WEST ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST, 1,162.8 FEET TO A POINT WHICH IS 1,440.2 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTH LINE OF SAID SECTION 32; THENCE EAST 660 FEET TO A POINT ON THE EAST LINE OF SECTION 32 WHICH POINT IS 1,435.0 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32, 1,158.45 FEET TO THE PLACE OF BEGINNING; CONTAINING 17.62 ACRES, MORE OR LESS.

CONTAINING AFTER EXCEPTIONS 37.9 ACRES, MORE OR LESS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 4.3 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63 CONTAINING 2.6 ACRES, MORE OR LESS.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 84.8 ACRES, MORE OR LESS.

SUBJECT TO RIGHTS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED DECEMBER 7, 1954, AND RECORDED IN DEED RECORD 287 AT PAGE 245 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE SURFACE OWNER, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR SUBSIDENCE OR REMOVAL OF SUBJACENT OR LATERAL SUPPORT.

(12) Parcel No. 84-02-32-100-005.000-025

Acreage: 6.9

Commonly Known As: N/a

Legal Description:

PARCEL 1

PARCEL 1

SURFACE ONLY OF PARTS OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER CONTAINING 40 ACRES, MORE OR LESS, AND THE EAST HALF OF THE NORTHEAST QUARTER WITH THE FOLLOWING THREE EXCEPTIONS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER 30 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND RUNNING NORTHWARDLY PARALLEL TO, AND 30 FEET EAST OF THE WEST LINE OF SAID HALF QUARTER SECTION A DISTANCE OF 208.71 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL TO THE WEST LINE OF SAID HALF QUARTER SECTION TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 208.71 FEET; THENCE WESTWARDLY ON AND ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO THE PLACE OF BEGINNING; CONTAINING IN ALL 1.5 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND RUNNING THENCE SOUTH 0 DEGREES 38 MINUTES WEST ON AND ALONG THE EAST LINE OF SAID SECTION 32, 1,435.0 FEET TO A POINT; THENCE WEST 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST 1,440.2 FEET, PLUS OR MINUS, TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 32 MINUTES EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 32, 660.0 FEET PLUS OR MINUS, TO THE PLACE OF BEGINNING CONTAINING 21.78 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; RUNNING THENCE SOUTH 89 DEGREES 37 MINUTES WEST ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST, 1,162.8 FEET TO A POINT WHICH IS 1,440.2 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTH LINE OF SAID SECTION 32; THENCE EAST 660 FEET TO A POINT ON THE EAST LINE OF SECTION 32 WHICH POINT IS 1,435.0 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32, 1,158.45 FEET TO THE PLACE OF BEGINNING; CONTAINING 17.62 ACRES, MORE OR LESS.

CONTAINING AFTER EXCEPTIONS 37.9 ACRES, MORE OR LESS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 4.3 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63 CONTAINING 2.6 ACRES, MORE OR LESS.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 84.8 ACRES, MORE OR LESS.

SUBJECT TO RIGHTS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED DECEMBER 7, 1954, AND RECORDED IN DEED RECORD 287 AT PAGE 245 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE SURFACE OWNER, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR SUBSIDENCE OR REMOVAL OF SUBJACENT OR LATERAL SUPPORT.

(13) Parcel No. 84-02-32-200-007.000-025

Acreage: 39.1

Commonly Known As: N/a

Legal Description:

PARCEL 1

SURFACE ONLY OF PARTS OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER CONTAINING 40 ACRES, MORE OR LESS, AND THE EAST HALF OF THE NORTHEAST QUARTER WITH THE FOLLOWING THREE EXCEPTIONS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER 30 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND RUNNING NORTHWARDLY PARALLEL TO, AND 30 FEET EAST OF THE WEST LINE OF SAID HALF QUARTER SECTION A DISTANCE OF 208.71 FEET TO A STAKE; THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO A STAKE; THENCE SOUTHWARDLY PARALLEL TO THE WEST LINE OF SAID HALF QUARTER SECTION TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 208.71 FEET; THENCE WESTWARDLY ON AND ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION, A DISTANCE OF 312.0 FEET TO THE PLACE OF BEGINNING; CONTAINING IN ALL 1.5 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND RUNNING THENCE SOUTH 0 DEGREES 38 MINUTES WEST ON AND ALONG THE EAST LINE OF SAID SECTION 32, 1,435.0 FEET TO A POINT; THENCE WEST 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST 1,440.2 FEET, PLUS OR MINUS, TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 32 MINUTES EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 32, 660.0 FEET PLUS OR MINUS, TO THE PLACE OF BEGINNING CONTAINING 21.78 ACRES, MORE OR LESS.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; RUNNING THENCE SOUTH 89 DEGREES 37 MINUTES WEST ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 660 FEET; THENCE NORTH 0 DEGREES 38 MINUTES EAST, 1,162.8 FEET TO A POINT WHICH IS 1,440.2 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTH LINE OF SAID SECTION 32; THENCE EAST 660 FEET TO A POINT ON THE EAST LINE OF SECTION 32 WHICH POINT IS 1,435.0 FEET SOUTH 0 DEGREES 38 MINUTES WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32, 1,158.45 FEET TO THE PLACE OF BEGINNING; CONTAINING 17.62 ACRES, MORE OR LESS.

CONTAINING AFTER EXCEPTIONS 37.9 ACRES, MORE OR LESS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 4.3 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63 CONTAINING 2.6 ACRES, MORE OR LESS.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 84.8 ACRES, MORE OR LESS.

SUBJECT TO RIGHTS GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC., BY INSTRUMENT DATED DECEMBER 7, 1954, AND RECORDED IN DEED RECORD 287 AT PAGE 245 OF THE RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE SURFACE OWNER, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR SUBSIDENCE OR REMOVAL OF SUBJACENT OR LATERAL SUPPORT.

(14) Parcel No. 84-02-29-400-004.000-025

Acreage: 141.2

Commonly Known As: N/a

Legal Description:

PARCEL 2

SURFACE ONLY OF PART OF THE WEST HALF OF THE WEST HALF OF SECTION TWENTY-EIGHT (28); AND, PART OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) NORTH, RANGE NINE (9) WEST, FAYETTE TOWNSHIP, VIGO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28, TOWNSHIP 13 NORTH, RANGE 9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD, EXCEPT A TRACT CONVEYED TO THE SOUTHERN INDIANA RAILROAD COMPANY, BY DEED RECORDED IN DEED RECORD 113, PAGE 328 DESCRIBED AS FOLLOWS: A TRIANGULAR TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28-13-9 WEST, BEING ALL THAT PART OF SAID QUARTER SECTION LYING WEST OF THE CENTER LINE OF DURKEE'S FERRY ROAD, AND NORTH AND EAST OF A LINE PARALLEL TO AND 150 FEET SOUTHWESTERLY FROM THE CENTER LINE OF THE GRANTEE'S EXTENSION THROUGH VIGO COUNTY AS NOW LOCATED; ALSO EXCEPTING A TRACT CONVEYED TO

SOUTHERN CONSTRUCTION COMPANY, BY DEED RECORDED IN DEED RECORD 267, PAGE 7, DESCRIBED AS FOLLOWS: ALL THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF WEST FRACTIONAL SECTION 28-13-9 WEST, LYING WEST OF THE DURKEE'S FERRY ROAD AND SOUTH OF THE FRANK LEEK GRAVEL ROAD, AS SAID ROADS ARE NOW LAID OUT AND ESTABLISHED, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF WEST FRACTIONAL SECTION 28-13-9 WEST, 1,549.95' FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 540 FEET TO THE CENTER OF THE FRANK LEEK GRAVEL ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE EASTWARDLY ALONG THE CENTERLINE OF SAID ROAD 769 FEET TO THE CENTER OF THE DURKEE'S FERRY ROAD AS NOW LAID OUT AND ESTABLISHED; THENCE SOUTHWARDLY ALONG THE CENTER OF SAID ROAD 550 FEET TO AN IRON PIN; THENCE WESTWARDLY 805 FEET TO THE POINT OF BEGINNING, LEAVING AFTER EXCEPTIONS 7.0 ACRES, MORE OR LESS.

THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST, EXCEPT THE FOLLOWING: A TRACT CONVEYED TO VICTORY SERVICES CORPORATION AND IS DESCRIBED AS THAT PART LYING NORTH OF THE THOMAS LEEK GRAVEL ROAD IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29-13-9 WEST; ALSO EXCEPTING A TRACT CONVEYED TO THOMAS AND MARY LEEK, BY DEED RECORDED IN DEED RECORD 211, PAGE 573, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 679 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; RUNNING THENCE DUE EAST 388.4 FEET; THENCE SOUTH 673 FEET; THENCE WEST 388.4 FEET; THENCE NORTH 673 FEET TO THE PLACE OF

BEGINNING, LEAVING AFTER EXCEPTIONS 136 ACRES, MORE OR LESS.

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 9 WEST LYING EAST OF THE RIGHT-OF-WAY FOR STATE HIGHWAY 63, CONTAINING 5.2 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM EACH OF THE ABOVE TRACTS OR INTERESTS IN SAID TRACTS: PIPELINE EASEMENTS HERETOFORE GRANTED TO SHELL OIL COMPANY AND EASEMENTS HERETOFORE GRANTED TO PUBLIC SERVICE COMPANY OF INDIANA, INC.

CONTAINING IN ALL, AFTER SAID EXCEPTIONS, 148.2 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY EASEMENT BETWEEN PEABODY COAL COMPANY, A DELAWARE CORPORATION AND MIDWESTERN GAS TRANSMISSION COMPANY, A DELAWARE CORPORATION, AS SHOWN BY INSTRUMENT DATED DECEMBER 20, 2000 AND RECORDED ON JANUARY 9, 2001 AS INSTRUMENT NUMBER 20010494 IN RECORDS OF THE RECORDER'S OFFICE OF VIGO COUNTY, INDIANA.

EXCEPT ALL COAL, OIL, GAS, COAL BED METHANE AND OTHER MINERALS OF ANY NATURE WHATSOEVER IN OR UNDER THE ABOVE-DESCRIBED REAL PROPERTY TO THE EXTENT NOT PREVIOUSLY SEVERED, TOGETHER WITH THE RIGHT TO EXPLORE FOR, DEVELOP, MINE AND PRODUCE THE SAME BY ANY MEANS EXCEPT BY SURFACE MINING METHODS, WITHOUT LIABILITY TO THE

(15) Parcel No. 84-02-33-101-009.000-025

Acreage: 9.687

Commonly Known As: N/a

Legal Description:

Part of the Northwest Quarter of Section 33, Township 13 North, Range 9 West of the Second Principal Meridian in Vigo County, Indiana, being described as follows:

Commencing at a 5/8 inch rebar marking the Northwest corner of said Section 33; thence South 89 degrees 59 minutes 50 seconds East (basis of bearings is the Indiana State Plane Coordinate System - West Zone, NAD 83) along the North line of said Section 33 a distance of 750.13 feet; thence South 03 degrees 41 minutes 52 seconds West 62.90 feet to the Point of Beginning; thence South 89 degrees 18 minutes 52 seconds East 722.47 feet; thence South 17 degrees 36 minutes 38 seconds West 742.11 feet; thence North 78 degrees 33 minutes 09 seconds West 550.64 feet; thence N01th 04 degrees 22 minutes 36 seconds East 217.28 feet; thence N01th 03 degrees 41 minutes 52 seconds East 390.86 feet; to the point of beginning. Containing 9.687 acres, more or less.



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

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 6-1.1-12.1-5.1.

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)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. 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.
4. 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)
5. 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. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer Wabash Valley Resources LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 444 West Sandford Ave., West Terre Haute, IN 47885					
Name of contact person Dan Williams, Chief Operating Officer		Telephone number (812) 281-2800		E-mail address dwilliams@wvresc.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Vigo County Council				Resolution number	
Location of property 444 West Sandford Ave., West Terre Haute, IN 47885		County Vigo		DLGF taxing district number 84-003	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Wabash Valley Resources - Wabash Project and associated properties. See attached details				Estimated start date (month, day, year) Feb. 1, 2024	
				Estimated completion date (month, day, year) December 31, 2026	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current Number 17.00	Salaries \$2,233,404.00	Number Retained 17.00	Salaries \$2,233,404.00	Number Additional 107.00	Salaries \$13,450,596.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values				4,246,700.00	
Plus estimated values of proposed project			67,600,000.00		
Less values of any property being replaced			0.00		
Net estimated values upon completion of project					
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits In addition to the employees listed in Section 3, the project will create an estimated 360 construction jobs on average for up to approximately two and one half (2.5) years. Estimates herein are for Phase I of the overall project, both real and personal property improvements.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 5-22-2023	
Printed name of authorized representative Daniel Williams				Title Chief Operating Officer	

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 N/A calendar years* (see below). The date this designation expires is N/A. 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 \$ N/A.
- D. Other limitations or conditions (specify) Use of National Maintenance Agreements for construction; no limit in C. above
- 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)
Printed name of authorized member of designating body R. Todd Thacker	Name of designating body Vigo County Council	
Attested by (signature and title of attester)	Printed name of attester	

* 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.

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 _____ calendar years* (see below). The date this designation expires is _____. *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 \$ _____.
- D. Other limitations or conditions (specify) _____
- 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)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* 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.

Wabash Valley Resources LLC

Attachment to SB-1

Wabash Valley Resources LLC proposes to construct a facility for the production of anhydrous ammonia with carbon capture and sequestration technology. The facility will use feedstock to produce clean hydrogen and anhydrous ammonia which is used in fertilizer and many other industrial applications. Though some aspects of the project are still under development, the project may include construction of on-site electrical generation equipment.

This abatement application is for Phase I of the project, which phase is anticipated to have a total cost of approximately \$770,600,000, including investments in both real property and new manufacturing equipment; of this amount, approximately \$703,000,000, is the estimated cost for new manufacturing equipment and approximately \$67,600,000 is the estimated cost for real property improvements. New and retained employees and salaries are estimated as indicated on the attached SB-1.

Phase II of the project is not part of this abatement application. Phase II is expected to involve pipeline infrastructure and injection wells to be installed outside of the ERA requested in this application. Accordingly, a separate abatement application is anticipated for Phase II. Total costs for Phases I and II of the project are currently estimated at approximately \$70,100,000 for real property improvements and \$766,600,000 for new manufacturing equipment. Total estimated tax abatement for both phases is estimated to be \$789,505,000, with total project expenditures for both phases, including land and existing plant upgrades estimated to be approximately \$908,461,000.

These figures are preliminary and may change as project development continues.

The design is progressing and the following list is general and preliminary. Certain items may change, be added or deleted.

1. Common to All Areas

- 1.1. Foundations
- 1.2. Roads and Paving
- 1.3. Steel Pipe Racks
- 1.4. Piping
- 1.5. Electrical raceway and cable
- 1.6. Instrumentation and controls
- 1.7. Auxiliary Systems
- 1.8. Miscellaneous Items

2. Water Gas Shift Area

- 2.1. Pressure Vessels
- 2.2. Tanks
- 2.3. Heat Exchangers
- 2.4. Compressors
- 2.5. Generator Package
- 2.6. Electrical Switchgear and Controls
- 2.7. Transformers
- 2.8. Electrical House
- 2.9. Compressor Shelter

3. CO2 Capture and Compression Area

- 3.1. Dehydration package unit
- 3.2. CO2 Fractionation unit

Wabash Valley Resources LLC

Attachment to SB-1

- 3.3. PSA unit
- 3.4. Recycle Gas Compressor package
- 3.5. Mixed Refrigerant Compressor package
- 3.6. Regeneration Compressor package
- 4. Ammonia Plant Area**
 - 4.1. Hydrogen Purification Unit (HPU)
 - 4.2. Syn Gas Compression System
 - 4.3. Ammonia Syn loop System
 - 4.4. Ammonia Refrigeration System
 - 4.5. Ammonia Recovery System
 - 4.6. Blow Down and Flare System
 - 4.7. Cooling Water System
 - 4.8. Steam, Condensate and BFW system
 - 4.9. Ammonia Tank farm
 - 4.10. Ammonia Product offload system
 - 4.11. Electrical House
 - 4.12. Electrical Switchgear and controls
 - 4.13. Transformers
- 5. Pipeline-CO2 Area (Outside of Phase 1 ERA)**
 - 5.1. CO2 pipeline from 444 Sandford Road-Terre Haute-IN to injection well locations
 - 5.2. Ancillary pipeline equipment
 - 5.3. Cathodic Protection
- 6. CO2 Wells Area (Outside of Phase 1 ERA)**
 - 6.1. Deep well injection systems
 - 6.2. Monitoring well systems
 - 6.3. Control Buildings at each well site
 - 6.4. Ancillary Equipment
- 7. Balance of Plant Area**
 - 7.1. Water Intake structure, pumps and ancillary equipment
 - 7.2. Instrument Air Compressor system
 - 7.3. Fire Water Pumps/Storage
 - 7.4. High Voltage Substation (switchgear, transformers, misc)
 - 7.5. Substation Control Building
 - 7.6. Cooling Tower, pumps and ancillary equipment
 - 7.7. Boiler Feed Water system
 - 7.8. Electrical Building
 - 7.9. Gas Metering and control stations
 - 7.10. Miscellaneous Equipment
 - 7.11. Warehouse
 - 7.12. Buildings
 - 7.13. Fences
- 8. (TBD under consideration) On-site electric generation equipment (cost of this equipment is not included in the cost estimates shown on SB-1)**