

RESOLUTION CC-09-04-12-01

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, FINDING MD SLEEP LLC D/B/A DORMIR, INC. IS IN
SUBSTANTIAL NON-COMPLIANCE WITH ITS FORM SB-1 COMMITMENTS
AND DISALLOWING ITS PERSONAL PROPERTY TAX ABATEMENT**

WHEREAS, MD Sleep LLC, d/b/a Dormir, Inc. operates a facility located at 615 West Carmel Drive, Suite 100, in Carmel, Indiana (the “Facility”); and

WHEREAS, under I. C. 6-1.1-12.1-2.5 and I.C. 6-1.2-12.1-4.5, the Common Council of the City of Carmel, Indiana (the “Council”) may designate an area as an Economic Revitalization Area (“ERA”) and determine the duration of the tax abatement period(s) for such property; and

WHEREAS, in 2008, Dormir, Inc. filed an Indiana Statement of Benefits Personal Property form (the “SB-1 Form”) certifying therein the number of additional employees and their average salaries (the “Commitments”) that would be added at the Facility should it receive a partial personal property tax abatement and install certain information technology equipment (the “IT Equipment”) in the Facility; and

WHEREAS, in reliance on the Commitments, the Council, through its Resolutions CC-03-17-08-012 and CC-04-21-08-02 (individually and collectively, the “2008 Resolutions”), designated the Facility as an ERA and approved a 10-year partial personal property tax abatement (the “Tax Abatement”) for the IT Equipment; and

WHEREAS, in granting Dormir, Inc. the Tax Abatement, the Council retained the right to reduce the length of and/or end the Tax Abatement should Dormir, Inc. not fulfill its Commitments; and

WHEREAS, I.C. 6-1.1-12.1-5.6(b) requires Dormir, Inc. to provide the Hamilton County Auditor (the “Auditor”) and the Council with information showing the extent to which it has complied with its SB-1 Form Commitments, by annually filing a Compliance with Statement of Benefits Personal Property form (“CF-1 Form”); and

WHEREAS, by the deadline date of May 15, 2012, Dormir, Inc. failed to submit to the Council a CF-1 Form and Dormir, Inc. submitted a letter dated August 8, 2012 with an explanation (see EXHIBIT A); and

WHEREAS, as a result of this non-compliance, the Tax Abatement previously authorized and provided to Dormir, Inc. should be disallowed immediately upon passage and approval by the Mayor.

37 **NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of
38 Carmel, Indiana, as follows:

39 **Section 1.** The foregoing Recitals are incorporated herein by this reference.

40 **Section 2.** The Tax Abatement previously approved and provided to Dormir, Inc.
41 pursuant to the 2008 Resolutions is hereby **DISALLOWED** effective immediately after passage
42 and approval by the Mayor..

43 **Section 3.** The Clerk-Treasurer is directed to mail a certified copy of this Resolution to
44 Pharmakon Long Term Care Pharmacy, Inc., the County Auditor, and the Indiana Department of
45 Local Government Finance.

46 **Section 4.** This Resolution shall be effective from and after its passage and approval by
47 the Mayor.

48 **PASSED** by the Common Council of the City of Carmel, Indiana, this ____ day of
49 _____, 2012, by a vote of _____ ayes and _____ nays.

50 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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53 Presiding Officer Kevin D. Rider

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56 Richard L. Sharp, President Pro Tempore Carol Schleif

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59 Ronald E. Carter W. Eric Seidensticker

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61 _____
62 Sue Finkam Luci Snyder

63 ATTEST:

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67 Diana L. Cordray, IAMC, Clerk-Treasurer

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70 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
71 _____ 2012, at _____ .M.

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75 Diana L. Cordray, IAMC, Clerk-Treasurer
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78 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
79 _____ 2012, at _____ .M.

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James Brainard, Mayor

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85 ATTEST:

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89 Diana L. Cordray, IAMC, Clerk-Treasurer

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91 Prepared by: Diana L. Cordray
92 Clerk-Treasurer
93 City of Carmel

RESOLUTION CC-09-04-12-02

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, FINDING PHARMAKON LONG TERM CARE PHARMACY, INC.
IS IN SUBSTANTIAL NON-COMPLIANCE WITH ITS FORM SB-1
COMMITMENTS AND DISALLOWING ITS PERSONAL PROPERTY TAX
ABATEMENT FOR CALENDAR YEAR 2013**

WHEREAS, Pharmakon Long Term Care Pharmacy, Inc. operates a facility located at 801 Congressional Boulevard, in Carmel, Indiana (the “Facility”); and

WHEREAS, under I. C. 6-1.1-12.1-2.5 and I.C. 6-1.2-12.1-4.5, the Common Council of the City of Carmel, Indiana (the “Council”) may designate an area as an Economic Revitalization Area (“ERA”) and determine the duration of the tax abatement period(s) for such property; and

WHEREAS, in 2008, Pharmakon Long Term Care Pharmacy, Inc. filed an Indiana Statement of Benefits Personal Property form (the “SB-1 Form”) certifying therein the number of additional employees and their average salaries (the “Commitments”) that would be added at the Facility should it receive a partial personal property tax abatement and relocate its headquarters and distribution center and install certain information technology equipment (the “IT Equipment”) in the Facility; and

WHEREAS, in reliance on the Commitments, the Council, through its Resolutions CC-08-04-08-02 and CC-08-18-08-02 (individually and collectively, the “2008 Resolutions”), designated the Facility as an ERA and approved a 10-year partial personal property tax abatement (the “Tax Abatement”) for the IT Equipment; and

WHEREAS, in granting Pharmakon Long Term Care Pharmacy, Inc. the Tax Abatement, the Council retained the right to reduce the length of and/or end the Tax Abatement should Pharmakon Long Term Care Pharmacy, Inc. not fulfill its Commitments; and

WHEREAS, I.C. 6-1.1-12.1-5.6(b) requires Pharmakon Long Term Care Pharmacy, Inc. to provide the Hamilton County Auditor (the “Auditor”) and the Council with information showing the extent to which it has complied with its SB-1 Form Commitments, by annually filing a Compliance with Statement of Benefits Personal Property form (“CF-1 Form”); and

WHEREAS, by the deadline date of May 15, 2012, Pharmakon Long Term Care Pharmacy, Inc. failed to submit to the Council a CF-1 Form; and

WHEREAS, as a result of this non-compliance, the Tax Abatement previously authorized and provided to Pharmakon Long Term Care Pharmacy, Inc. should be disallowed for calendar year 2013.

38 **NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of
39 Carmel, Indiana, as follows:

40 **Section 1.** The foregoing Recitals are incorporated herein by this reference.

41 **Section 2.** The Tax Abatement previously approved and provided to Pharmakon Long
42 Term Care Pharmacy, Inc. pursuant to the 2008 Resolutions is hereby **DISALLOWED** for
43 calendar year 2013.

44 **Section 3.** The Clerk-Treasurer is directed to mail a certified copy of this Resolution to
45 Pharmakon Long Term Care Pharmacy, Inc., the County Auditor and the Indiana Department of
46 Local Government Finance.

47 **Section 4.** This Resolution shall be effective from and after its passage and approval by
48 the Mayor.

49 **PASSED** by the Common Council of the City of Carmel, Indiana, this ____ day of
50 _____, 2012, by a vote of _____ ayes and _____ nays.

51 **COMMON COUNCIL FOR THE CITY OF CARMEL**

52 _____	_____
53 Presiding Officer	Kevin D. Rider
54 _____	_____
55 Richard L. Sharp, President Pro Tempore	Carol Schleif
56 _____	_____
57 Ronald E. Carter	W. Eric Seidensticker
58 _____	_____
59 Sue Finkam	Luci Snyder

60 ATTEST:
61 _____
62 Diana L. Cordray, IAMC, Clerk-Treasurer
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65 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
66 _____ 2012, at _____ .M.
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70 Diana L. Cordray, IAMC, Clerk-Treasurer
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79 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
80 _____ 2012, at _____ .M.

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James Brainard, Mayor

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86 ATTEST:

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Diana L. Cordray, IAMC, Clerk-Treasurer

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Prepared by: Diana L. Cordray
Clerk-Treasurer
City of Carmel

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