

ORIGINAL

RESOLUTION NO. 2020-08

**RESOLUTION OF THE TOWN OF WHITESTOWN REDEVELOPMENT
COMMISSION CONFIRMING THE DECLARATORY RESOLUTION OF SAID
COMMISSION ESTABLISHING THE WHITESTOWN PARKWAY WEST
ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA**

WHEREAS, the Town of Whitestown Redevelopment Commission (the "Commission") of the Town of Whitestown, Indiana (the "Town"), on July 6, 2020, adopted its Resolution No. 2020-05, a declaratory resolution (the "Declaratory Resolution"), establishing the Whitestown Parkway West Economic Development Area (the "Area") as an area needing redevelopment area under Indiana Code 36-7-14 and Indiana Code 36-7-25; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan presented at the July 6, 2020 meeting of the Commission (the "Plan"), which Plan contained specific recommendations for redevelopment and economic development of the Area, including the construction of road improvements, utility infrastructure improvements, public safety improvements, park improvements, municipal facilities improvements and economic development projects, all in, serving or benefitting the Area, as further described in the Plan (collectively, the "Projects"); and

WHEREAS, the Declaratory Resolution recognized that there were no current plans for the acquisition of real estate within the Area; and

WHEREAS, the Declaratory Resolution established an allocation area consisting of the entire Area (the "Allocation Area") in accordance with Indiana Code 36-7-14-39; and

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the Town of Whitestown Plan Commission (the "Plan Commission") and the Plan Commission issued its written order on August 10, 2020 approving the Declaratory Resolution and the Plan as submitted; and

WHEREAS, on August 12, 2020, the Town Council of the Town approved the order of the Plan Commission and the establishment of the Area as an area needing redevelopment pursuant to the Act; and

WHEREAS, the Commission has found that there will be no residents of the Area who will be displaced by the Projects; and

WHEREAS, the Commission published notice of the adoption and substance of the Declaratory Resolution in the *Lebanon Reporter* on August 27, 2020, in accordance with Indiana Code 36-7-14-17 and Indiana Code 5-3-1, which notice also gave notice of a hearing on the proposed Projects to be held by the Commission (the "Notice"); and

WHEREAS, the Notice has been filed in the office of the Plan Commission, the Board of Zoning Appeals, the Public Works Board, the Park Board, the Building Commissioner and any other departments, bodies or officers having to do with Town planning, variances from zoning ordinances, land use or the issuance of building permits; and

WHEREAS, copies of the Notice were filed on or before August 29, 2020, with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Allocation Area, together with a statement disclosing the impact of the Allocation Area, including (i) the estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values and (ii) the anticipated impact on tax revenues of each taxing unit; and

WHEREAS, on September 8, 2020, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed; and

WHEREAS, the original parcel list included in the Plan and Exhibit B of the Declaratory Resolution ("Parcel List") included a parcel (parcel number 06-07-34-000-030.000-013) that is not located within the Area and Allocation Area, and the map attached as Exhibit C to the Declaratory Resolution ("Map") included parcels located outside of the Town; and

WHEREAS, the Commission desires to correct and confirm the parcel list and map of the Area and Allocation Area, and otherwise confirm the Declaratory Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION THAT:

Section 1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the establishment of the Area and the Projects in, serving or benefiting the Allocation Area.

Section 2. The Parcel List and Map of the Area and Allocation Area set forth in the Declaratory Resolution are hereby corrected and restated with the Parcel List and Map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The Declaratory Resolution and the Plan, attached hereto as Exhibit B and incorporated herein by reference, as modified and corrected by Section 2 above and Exhibit A of this resolution, are hereby confirmed.

Section 4. The Secretary of the Commission is hereby directed to record this resolution with the Boone County Recorder, immediately notify the Department of Local Government Finance of the designation of the Allocation Area within the Area and to file this resolution with the Boone County Auditor.

Section 5. This resolution shall be effective as of the date of its adoption.

Passed and adopted at a meeting of the Town of Whitestown Redevelopment Commission this 8th day of September, 2020.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION



President



Vice-President



Secretary



Member



Member

3919963

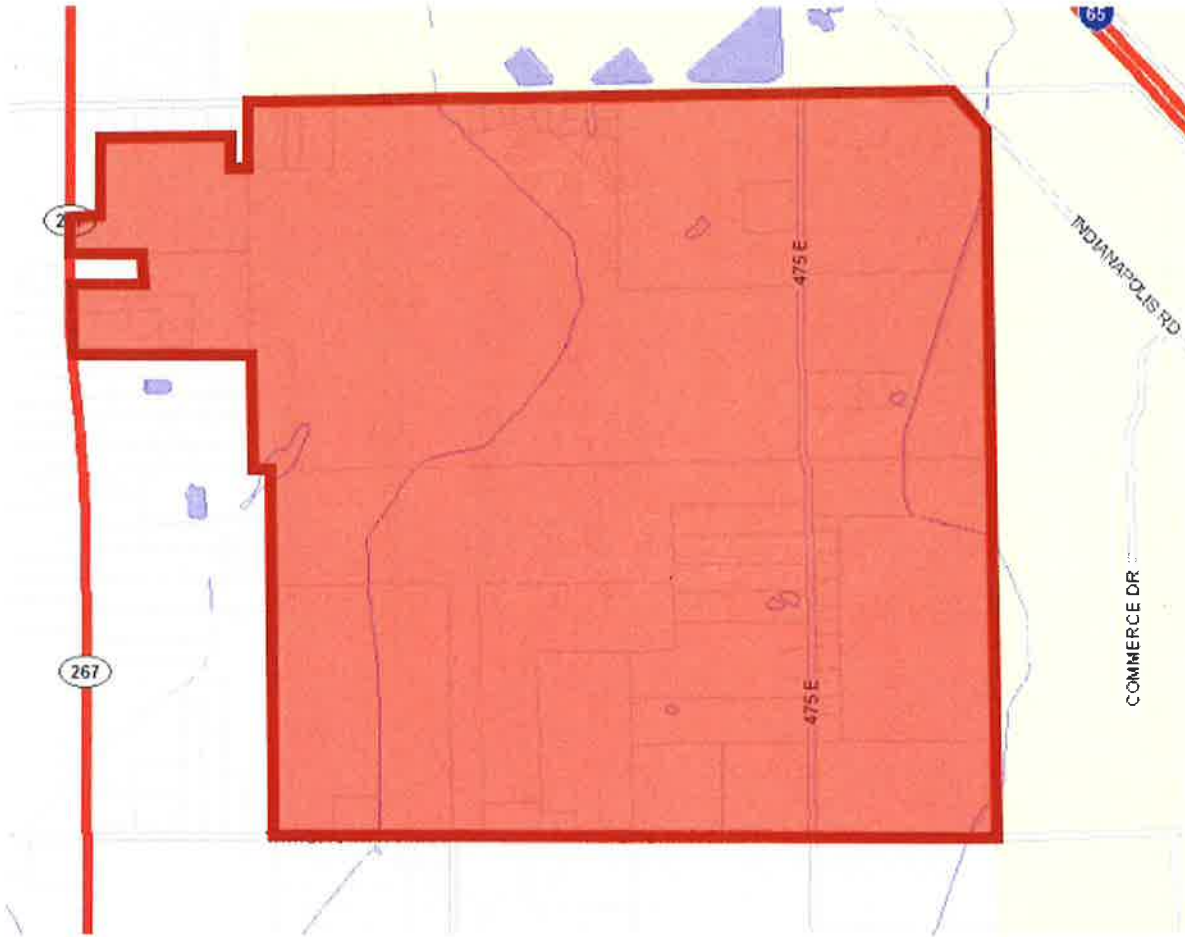
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Stephen C. Unger

This instrument was prepared by Stephen C. Unger, Esq., Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, IN 46204; 317-684-5000.

EXHIBIT A

Corrected Parcel List and Map of Area and Allocation Area

Corrected Map of Area and Allocation Area
(note the Area and Allocation Area are shaded in red on the map below)



The following parcels are included in the Area:

<u>County Number</u>	<u>State Number</u>
0200127001	06-03-02-000-018.001-020
0200127000	06-03-02-000-018.000-020
0200430000	06-03-02-000-035.000-020
0200431002	06-03-02-000-036.002-020
0200470000	06-03-02-000-040.000-020
0200131000	06-03-02-000-020.000-020
0200132000	06-03-02-000-020.000-020
0200372000	06-03-02-000-032.000-020

0200372001	06-03-02-000-016.001-020
0200513000	06-03-02-000-042.000-020
0200210000	06-03-02-000-024.000-020
0200217000	06-03-02-000-026.000-020
0200348000	06-03-02-000-031.000-020
0200159000	06-03-02-000-021.000-020
0200510000	06-03-02-000-041.000-020
0200189000	06-03-02-000-022.000-020
0200250000	06-03-02-000-027.000-020
0200252000	06-03-02-000-028.000-020
0200214000	06-03-02-000-025.000-020
0200606000	06-03-02-000-044.000-020
0200202000	06-03-02-000-023.000-020
0200060000	06-03-02-000-017.000-020
0200411000	06-03-02-000-034.000-020
0200562001	06-03-02-000-043.001-020
0200640000	06-03-02-000-038.000-020
0200562000	06-03-02-000-043.000-020
0200402000	06-03-02-000.033-000-020
0200285000	06-03-02-000.029.000-020
0200313000	06-03-02-000-030.000-020
0200215002	06-07-35-000-051.002-020
0200460000	06-07-35-000-060.000-020
0200215001	06-07-35-000.051.001-020
0200215003	06-07-35-000-051.003-020
0200212000	06-07-35-000-050.000-020
0200212001	06-07-35-000-050.001-020
0200212000	06-07-35-000-050.000-020
0200432000	06-07-35-000-057.000-020
0200100000	06-07-35-000-039.000-020
0200101000	06-07-35-000-040.000-020
0200102000	06-07-35-000-041.000-020
0200103000	06-07-35-000-042.000-020
0200104000	06-07-35-000-043.000-020
0200105000	06-07-35-000-044.000-020
0200106000	06-07-35-000-045.000-020
0200033000	06-07-35-000-037.000-020
0200107000	06-07-35-000-046.000-020
0200108000	06-07-35-000-047.000-020
0200553000	06-07-35-000-064.000-020
0200109000	06-07-35-000-048.000-020
0200515000	06-07-35-000-062.000-020
0200330000	06-07-35-000-054.000-020
0200256000	06-07-35-000-053.000-020
0200255000	06-07-35-000-052.000-020
0080049000	06-07-34-000-030.000-013 (not included)
0200428000	06-07-34-000-002.000-020
0200303000	06-07-34-000-001.000-020
0200303001	06-07-34-000-001.001-020

EXHIBIT B

Declaratory Resolution and Plan

**ECONOMIC DEVELOPMENT PLAN
FOR THE WHITESTOWN PARKWAY WEST
ECONOMIC DEVELOPMENT AREA**

**TOWN OF
WHITESTOWN REDEVELOPMENT COMMISSION**

Purpose and Introduction

This document is the Economic Development Plan (“Plan”) for the Whitestown Parkway West Economic Development Area (“Area”) for the Town of Whitestown, Indiana (“Town”). This Plan is intended for approval by the Town Council of the Town, the Town of Whitestown Plan Commission and the Town of Whitestown Redevelopment Commission (“Commission”) in compliance with Indiana Code 36-7-14.

Project Objectives

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the Town; increase the economic well-being of the Town and the State of Indiana; and serve to protect and increase property values in the Town and the State of Indiana. The Plan is designed to (i) promote significant opportunities for the gainful employment of citizens of the Town, (ii) assist in the attraction of one or more major new business enterprises to the Town, (iii) provide for local public improvements in, serving or benefiting the Area, (iv) attract and retain jobs, (v) increase the property tax base and (vi) improve the diversity of the economic base of the Town.

Description of Area

The Area is depicted in the map attached to the Declaratory Resolution of which this Plan is a part as Exhibit C and is generally described as that area in the Town bounded as follows:

Starting at the intersection of Whitestown Parkway and SR 267, then heading north along the center line of SR 267 to the intersection of SR 267 and CR 550S, then heading east along the center line of CR 550S to the intersection of CR 550S and Indianapolis Road, then heading south east along the center line of Indianapolis Road to the eastern boundary of parcel #0200212000, then heading south along the eastern boundary of parcel #0200212000 and continuing south to the intersection with Whitestown Parkway (the southeast corner of parcel #0200250000, then heading west along the center line of Whitestown Parkway to the intersection of Whitestown Parkway and SR 267.

The Area includes the following parcels:

<u>County Number</u>	<u>State Number</u>
0200127001	06-03-02-000-018.001-020
0200127000	06-03-02-000-018.000-020
0200430000	06-03-02-000-035.000-020

0200431002	06-03-02-000-036.002-020
0200470000	06-03-02-000-040.000-020
0200131000	06-03-02-000-020.000-020
0200132000	06-03-02-000-020.000-020
0200372000	06-03-02-000-032.000-020
0200372001	06-03-02-000-016.001-020
0200513000	06-03-02-000-042.000-020
0200210000	06-03-02-000-024.000-020
0200217000	06-03-02-000-026.000-020
0200348000	06-03-02-000-031.000-020
0200159000	06-03-02-000-021.000-020
0200510000	06-03-02-000-041.000-020
0200189000	06-03-02-000-022.000-020
0200250000	06-03-02-000-027.000-020
0200252000	06-03-02-000-028.000-020
0200214000	06-03-02-000-025.000-020
0200606000	06-03-02-000-044.000-020
0200202000	06-03-02-000-023.000-020
0200060000	06-03-02-000-017.000-020
0200411000	06-03-02-000-034.000-020
0200562001	06-03-02-000-043.001-020
0200640000	06-03-02-000-038.000-020
0200562000	06-03-02-000-043.000-020
0200402000	06-03-02-000.033-000-020
0200285000	06-03-02-000.029.000-020
0200313000	06-03-02-000-030.000-020
0200215002	06-07-35-000-051.002-020
0200460000	06-07-35-000-060.000-020
0200215001	06-07-35-000.051.001-020
0200215003	06-07-35-000-051.003-020
0200212000	06-07-35-000-050.000-020
0200212001	06-07-35-000-050.001-020
0200212000	06-07-35-000-050.000-020
0200432000	06-07-35-000-057.000-020
0200100000	06-07-35-000-039.000-020
0200101000	06-07-35-000-040.000-020
0200102000	06-07-35-000-041.000-020
0200103000	06-07-35-000-042.000-020
0200104000	06-07-35-000-043.000-020
0200105000	06-07-35-000-044.000-020
0200106000	06-07-35-000-045.000-020
0200033000	06-07-35-000-037.000-020
0200107000	06-07-35-000-046.000-020
0200108000	06-07-35-000-047.000-020
0200553000	06-07-35-000-064.000-020
0200109000	06-07-35-000-048.000-020
0200515000	06-07-35-000-062.000-020
0200330000	06-07-35-000-054.000-020
0200256000	06-07-35-000-053.000-020
0200255000	06-07-35-000-052.000-020
0080049000	06-07-34-000-030.000-013

0200428000	06-07-34-000-002.000-020
0200303000	06-07-34-000-001.000-020
0200303001	06-07-34-000-001.001-020

Project Description

All projects for the Area are in, serving or benefiting the Area. The following projects (“Projects”) will be constructed in connection with the economic development of the Area:

1. *Road Improvements* - Road improvements, including the Ronald Reagan expressway, shall be constructed to ensure safe, reliable, efficient and reasonable access to the Area. The costs of such improvements shall include design work, land clearing costs, asphalt and/or concrete paving, curb design & construction, lighting, surveys, traffic signals, traffic studies and such other costs as may be related to the development of the roads.
2. *Utility Infrastructure Improvements* - Utility improvements shall be constructed in and around the Area to assure the provision of adequate utility services to the Area. The costs of such improvements shall include any necessary design costs, construction of mains, storm sewers, waterworks and sewage works, utility relocation costs and any such other costs related to the provision of utility services to the Area.
3. *Municipal Park Improvements* – Municipal park improvements shall be constructed in and around the area to ensure adequate access to park facilities to serve the Area. The costs of such improvements shall include any necessary design costs, equipment costs, earth moving, trail construction and related park improvements.
4. *Public Safety Improvements* – Public safety improvements shall be constructed in and around the Area to assure the provision of reasonable and appropriate public safety services to the Area. The costs of such improvements shall include public safety facilities, equipment and other costs necessary to provide adequate public safety for the Area.
5. *Economic Development & Municipal Facility Projects* – Economic development and municipal facility projects which constitute local public improvements and are capital projects shall be acquired and/or constructed to foster and encourage the orderly economic development of the Area.

The total estimated costs of the Projects is \$10,000,000. The Commission anticipates that the construction of the Projects will encourage development in the Area.

Economic Benefits of Projects

The Projects are anticipated to facilitate the growth and diversification of the property tax base, including additional investment in the Area from businesses in the estimated amount of at

least \$100,000,000 in the next ten (10) years. This additional investment is anticipated to result in additional employment opportunities in the Area while preserving and enhancing existing employment in the Area. Substantial increased development in the Area is anticipated based upon these and other improvements contemplated for the Area.

Acquisition of Property

The Commission has no present plans to acquire any interests in real property. The Commission shall follow the procedures in Indiana Code 36-7-14-19 in any current or future acquisition of property. The Commission may not exercise the power of eminent domain in the Area and will take no actions with respect to acquiring residential areas or otherwise relocating any residences.

Procedures with respect to the Projects

In accomplishing the Projects, the Commission may proceed with the Projects before the acquisition of all interests in land in the Area. All contracts for material or labor in the accomplishment of the Projects by the Commission shall be let under Indiana Code 36-1.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation and improvement of public ways; and the construction, relocation, and improvement of sewers and utility services; the Commission shall proceed in the same manner as private owners of the property. The Commission may negotiate with the proper officers and agencies of the Town to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Projects may be carried out by the appropriate municipal or county department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approvals, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

None of the real property acquired for the Projects may be set aside and dedicated for public ways, parking facilities, sewers, levees, parks, or other public purposes until the Commission has obtained the consents and approval of the department or agency under whose jurisdiction the property will be placed.

Notwithstanding the foregoing, the Commission may cause the Projects to be constructed in accordance with and financed through the Town pursuant to the terms of Indiana Code 36-7-11.9 and -12, as amended, or through the Town of Whitestown Redevelopment Authority pursuant to Indiana Code 36-7-14.5, as amended.

Disposal of Property

The Commission may dispose of real property acquired, if any, by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Commission. The Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with Indiana Code 5-3-1. The Commission will follow the procedures of Indiana Code 36-7-14-22 in making a sale or lease of real property acquired.

Financing of the Projects

It is the intention of the Commission to finance the Projects by one of, or a combination of, the following methods:

A) Financing the Projects on an ongoing basis from any available ad valorem property taxes allocated under Indiana Code 36-7-14-39 or other funds available for such purpose.

(B) Issuing bonds payable from ad valorem property taxes allocated under Indiana Code 36-7-14-39 in order to raise money for property acquisition and completion of the Projects in, serving or benefiting the Area. The amount of these bonds may not exceed the total, as estimated by the Commission, of all expenses reasonably incurred in connection with the Projects, including:

(1) The total cost of all land, rights-of-way, and other property to be acquired and developed;

(2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;

(3) Interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and

(4) Expenses that the Commission is required or permitted to pay under Indiana Code 8-23-17.

In the issuance of bonds the Commission will comply with Indiana Code 36-7-14-25.1. Any such bonds to finance the costs of the Projects may also be payable from a levy of a special benefits tax on all taxable property in the redevelopment district pursuant to Indiana Code 36-7-

14-27 or other funds pledge to the Commission by the Town for such purpose pursuant to Indiana Code 36-7-14-25.5 (such as local income tax revenues or motor vehicle highway taxes).

C) As an alternative to the issuance of bonds or in conjunction with it, the Commission may (i) enter into a lease of any property that could be financed with the proceeds of bonds under Indiana Code 36-7-14, such being subject to the provisions of Indiana Code 36-7-14-25.2 and Indiana Code 36-7-14-25.3, including a lease with a redevelopment authority under Indiana Code 36-7-14.5 (with such lease rentals payable from the sources described in B above) or (ii) pledge any available incremental ad valorem property taxes allocated under Indiana Code 36-7-14-39(b)(2)(D) and Indiana Code 5-1-14-4 to the payment of bonds issued by the Town, including bonds issued by the Town pursuant to the provisions of Indiana Code 36-7-11.9 and -12, as amended (the "EDC Act"), to finance the costs of the Projects.

D) All or a portion of the Projects may be financed by any funds available to the Commission as provided from other entities interested in providing financing for the Projects.

The Commission anticipates that a substantial portion of the Projects will be financed pursuant to the EDC Act as described in paragraph (C) above through a pledge of available incremental ad valorem property taxes allocated under Indiana Code 36-7-14-39 by the Commission to the payment of bonds issued by the Town.

Allocation Area

The entire Area shall constitute an allocation area as defined in Indiana Code 36-7-14-39 ("Allocation Area"). Any property taxes levied on or after the effective date of the Declaratory Resolution of which this Plan is a part by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed in accordance with Indiana Code 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 25 years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the Allocation Area.

Amendment of the Plan

The Commission may amend the Plan by following the procedures set forth in Indiana Code 36-7-14-15 through 17.5.

EXHIBIT B

The Description of the Area with Parcel List

The Area is depicted in the map attached to this Declaratory Resolution as Exhibit C and is generally described as that area in the Town bounded as follows:

Starting at the intersection of Whitestown Parkway and SR 267, then heading north along the center line of SR 267 to the intersection of SR 267 and CR 550S, then heading east along the center line of CR 550S to the intersection of CR 550S and Indianapolis Road, then heading south east along the center line of Indianapolis Road to the eastern boundary of parcel #0200212000, then heading south along the eastern boundary of parcel #0200212000 and continuing south to the intersection with Whitestown Parkway (the southeast corner of parcel #0200250000, then heading west along the center line of Whitestown Parkway to the intersection of Whitestown Parkway and SR 267.

** NOTE **

NONE OF THE PARCELS IN THE AREA WILL BE PLACED ON AN ACQUISITION LIST OF THE COMMISSION.

The following parcels are included in the Area:

<u>County Number</u>	<u>State Number</u>
0200127001	06-03-02-000-018.001-020
0200127000	06-03-02-000-018.000-020
0200430000	06-03-02-000-035.000-020
0200431002	06-03-02-000-036.002-020
0200470000	06-03-02-000-040.000-020
0200131000	06-03-02-000-020.000-020
0200132000	06-03-02-000-020.000-020
0200372000	06-03-02-000-032.000-020
0200372001	06-03-02-000-016.001-020
0200513000	06-03-02-000-042.000-020
0200210000	06-03-02-000-024.000-020
0200217000	06-03-02-000-026.000-020
0200348000	06-03-02-000-031.000-020
0200159000	06-03-02-000-021.000-020
0200510000	06-03-02-000-041.000-020
0200189000	06-03-02-000-022.000-020
0200250000	06-03-02-000-027.000-020
0200252000	06-03-02-000-028.000-020
0200214000	06-03-02-000-025.000-020
0200606000	06-03-02-000-044.000-020
0200202000	06-03-02-000-023.000-020
0200060000	06-03-02-000-017.000-020
0200411000	06-03-02-000-034.000-020
0200562001	06-03-02-000-043.001-020

0200640000	06-03-02-000-038.000-020
0200562000	06-03-02-000-043.000-020
0200402000	06-03-02-000.033-000-020
0200285000	06-03-02-000.029.000-020
0200313000	06-03-02-000-030.000-020
0200215002	06-07-35-000-051.002-020
0200460000	06-07-35-000-060.000-020
0200215001	06-07-35-000.051.001-020
0200215003	06-07-35-000-051.003-020
0200212000	06-07-35-000-050.000-020
0200212001	06-07-35-000-050.001-020
0200212000	06-07-35-000-050.000-020
0200432000	06-07-35-000-057.000-020
0200100000	06-07-35-000-039.000-020
0200101000	06-07-35-000-040.000-020
0200102000	06-07-35-000-041.000-020
0200103000	06-07-35-000-042.000-020
0200104000	06-07-35-000-043.000-020
0200105000	06-07-35-000-044.000-020
0200106000	06-07-35-000-045.000-020
0200033000	06-07-35-000-037.000-020
0200107000	06-07-35-000-046.000-020
0200108000	06-07-35-000-047.000-020
0200553000	06-07-35-000-064.000-020
0200109000	06-07-35-000-048.000-020
0200515000	06-07-35-000-062.000-020
0200330000	06-07-35-000-054.000-020
0200256000	06-07-35-000-053.000-020
0200255000	06-07-35-000-052.000-020
0080049000	06-07-34-000-030.000-013
0200428000	06-07-34-000-002.000-020
0200303000	06-07-34-000-001.000-020
0200303001	06-07-34-000-001.001-020

EXHIBIT C

Map of Area and Allocation Area
(note the Area and Allocation Area are shaded in orange on the map below)

