DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

RESOLUTION NO. 2021-41

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA APPROVING (1) A DECLARATORY RESOLUTION AND AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE WHITESTOWN PARKWAY WEST ECONOMIC DEVELOPMENT AREA WHICH REMOVE CERTAIN PROPERTY FROM THE ALLOCATION AREA FOR SAID ECONOMIC DEVELOPMENT AREA AND (2) THE ORDER OF THE TOWN OF WHITESTOWN PLAN COMMISSION RELATED THERETO

WHEREAS, on November 1, 2021, the Town of Whitestown Redevelopment Commission (the "Commission") adopted a declaratory resolution (the "Amending Declaratory Resolution") initially approving an amendment to the Economic Development Plan (the "Plan") for the Whitestown Parkway West Economic Development Area (the "Area") to remove certain real estate described therein (the "Removed Property") from the allocation area for said Area (the "Allocation Area") pursuant to Indiana Code 36-7-14 and Indiana Code 36-7-25 (the "Act"); and

WHEREAS, the Commission submitted the Amending Declaratory Resolution and amendment to the Plan to the Town of Whitestown Plan Commission (the "Plan Commission") for its consideration; and

WHEREAS, on November 8, 2021, the Plan Commission approved the amendment to the Plan and the Amending Declaratory Resolution; and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution, the amendment to the Plan and the action of the Plan Commission by the Town Council of the Town of Whitestown, Indiana (the "Town");

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town, as follows:

Section 1. The Amending Declaratory Resolution and amendment to the Plan for the Area to remove the Removed Property from the Allocation Area, attached hereto as Exhibit A, are in all respects approved, ratified and confirmed by the Town Council.

Section 2. The action of the Plan Commission approving the amendment to the Plan and the Amending Declaratory Resolution is in all respects approved, ratified and confirmed by the Town Council.

Section 3. The Clerk-Treasurer of the Town is hereby directed to file a copy of the Declaratory Resolution, the Plan and the approving order of the Plan Commission with the permanent minutes of this meeting.

Section 4. This resolution shall be effective from and after passage.

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

PASSED AND ADOPTED on the 10th day of November, 2021, by the Town Council of the Town of Whitestown, Indiana, by a vote of 5 in favor and 0 against.

TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

DocuSigned by:
CBF4DCEA4783469...
Clinton Bohm, President

ATTEST:

DocuSigned by:
Matthew Sumner
0A9483A78E9B4B5...
Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

EXHIBIT A

Amending Declaratory Resolution and Amendment to Plan

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

RESOLUTION NO. 2021-27

DECLARATORY RESOLUTION OF THE TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION REMOVING CERTAIN PROPERTY FROM THE WHITESTOWN PARKWAY WEST ALLOCATION AREA

WHEREAS, on July 6, 2020, the Town of Whitestown Redevelopment Commission (the "Commission") adopted its Resolution No. 2020-05, a declaratory resolution (the "Declaratory Resolution"), declaring an area of the Town of Whitestown, Indiana (the "Town") as the "Whitestown Parkway West Economic Development Area" (the "Area"), an "economic development area" within the meaning of Indiana Code 36-7-14 and Indiana Code 36-7-25 (collectively, the "Act"), designating the entire Area as an "allocation area" (the "Allocation Area") for purposes of Indiana Code 36-7-14-39, and approving the Economic Development Plan for the Area (the "Plan"); and

WHEREAS, on September 8, 2020, following a public hearing, the Commission adopted its Resolution No. 2020-08, a confirmatory resolution, confirming the Declaratory Resolution and confirming the Plan; and

WHEREAS, a map of the Area is included in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Commission has conducted an investigation and made studies of the Area and the Allocation Area, and finds that the property described in Exhibit B attached hereto (the "Removed Property") should be removed from the Allocation Area to further foster and encourage redevelopment in the Town in a manner consistent with the Plan; and

WHEREAS, the Commission finds that while the Removed Property should be removed from the Allocation Area it should remain in the Area; and

WHEREAS, the removal of the Removed Property from the Allocation Area is being undertaken in connection with the development of certain parcels of property immediately adjacent to the Removed Property which development contemplates the demolition of certain property located on the Removed Property; and

WHEREAS, the Commission has been advised that the contemplated demolition of the property located on the Removed Parcels could adversely impact the Allocation Area, thereby impairing economic development of the Area, and, accordingly, the Removed Parcels should be removed from the Allocation Area; and

WHEREAS, in accordance with Indiana Code 36-7-14-15, prior to the adoption of this resolution, the Commission has considered evidence presented to it that (a) the proposed resolution is reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan and purposes of the Act, and (b) the Declaratory Resolution and the Plan, as amended by this resolution, conforms to the comprehensive plan for the Town; and

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

WHEREAS, in accordance with Indiana Code 36-7-14-lS(b), the Commission has caused to be prepared:

(a) maps and plats showing:

(i) the boundaries of the area in which property would be acquired for, or otherwise affected by, the amendment of the Declaratory Resolution and the Plan;

(ii) the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, indicating any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the amendment of the Declaratory Resolution and the Plan for the Area;

(iii) the parts of the area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playground, and other public purposes under the amendment to the Plan for the Area;

(b) lists of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the amendment to the Plan for the Area; and

(c) an estimate of the costs, if any, to be incurred for the acquisition and redevelopment of property; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

Section 1. The foregoing recitals are hereby incorporated by reference.

Section 2. The Declaratory Resolution and the Plan are hereby amended to reflect the removal of the Removed Property from the Allocation Area.

Section 3. The Plan, as hereby amended to reflect the removal of the Removed Property from the Allocation Area as herein described, cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of the lack of local public improvements and other similar conditions. Specifically, the cost of local public improvements needed to serve the Area, including economic development project facility improvements and other local infrastructure improvements, prevents such local public improvements from being accomplished by p1ivate enterprise and there is no regulatory process available to build infrastructure or provide sufficient incentives to encourage economic growth in the Area.

Section 4. The Plan, as hereby amended to reflect the removal of the Removed Property from the Allocation Area, will be of public utility and benefit to the citizens of the Town and the public health and welfare will be benefited by the accomplishment of the Plan for

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

the Area, as hereby amended to reflect the removal of the Removed Property from the Allocation Area as herein described.

Section 5. The accomplishment of the Plan for the Area, as hereby amended to reflect the removal of the Removed Property from the Allocation Area as herein described, will be of public utility and benefit as measured by:

(a) the attraction or retention ofpermanentjobs;

(b) an increase in the property tax base; and

(c) an improved diversity of the economic base.

Section 6. The Plan for the Area, as hereby amended to reflect the removal of the Removed Property from the Allocation Area as herein described, conforms to other development and redevelopment plans for the Town and is reasonable and appropriate when considered in relation to the Plan.

Section 7. The Commission does not plan to acquire any additional parcels of property in the Area as a result of the removal of the Removed Property from the Allocation Area. No residents of the Area will be displaced as a result of the removal of the Removed Property from the Allocation Area; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents, if any, in the Area.

Section 8. The Commission directs the presiding officer, to submit this resolution and supporting date to the Town Council for approval.

Section 9. The Commission further directs the presiding officer, after receipt of the approval of this resolution by the Town Council of the Town to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, Board of Zoning Appeals, Board of Public Works, Park Board, the building commissioner and any other departments or agencies of the Town concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the removal of the Removed Property from the Allocation Area as herein described and will determine the public utility and benefit of the proposed removal of the Removed Property from the Allocation Area as herein described. Copies of the notice shall also be filed 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 Allocation Area.

Section 10. The Commission further directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area as amended to reflect the removal of the Removed Property therefrom, which includes (a) the estimated economic benefits

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

and costs incurred by the Allocation Area, as so amended, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values and (b) the anticipated impact on tax revenues of each taxing unit that it either wholly or partly located within the Allocation Area, as so amended (a copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Indiana Code 36-7-14-17 at least 10 days prior to the date of the hearing described in Section 9 hereof).

Section 11. All resolutions and parts of resolutions in conflict herewith are hereby repealed. The provisions of the Declaratory Resolution not amended hereby shall remain in full force and effect.

Section 12. The amendments made to the Declaratory Resolution hereby are reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan and the purposes of the Act.

Section 13. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 14. This resolution shall be in full force and effect from and after its passage.

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

Adopted the 1st day of November, 2021, by a vote of ___ in favor and ___ against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

_____
Adam Hess, President

ATTEST:

_____
Craig Arthur, Secretary

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

EXHIBIT A

Map of the Area and Allocation Area

(note, the Area and Allocation Area are reflected in the area of the map below shaded in orange)

DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

EXHIBITB

Map and Description of the Removed Property

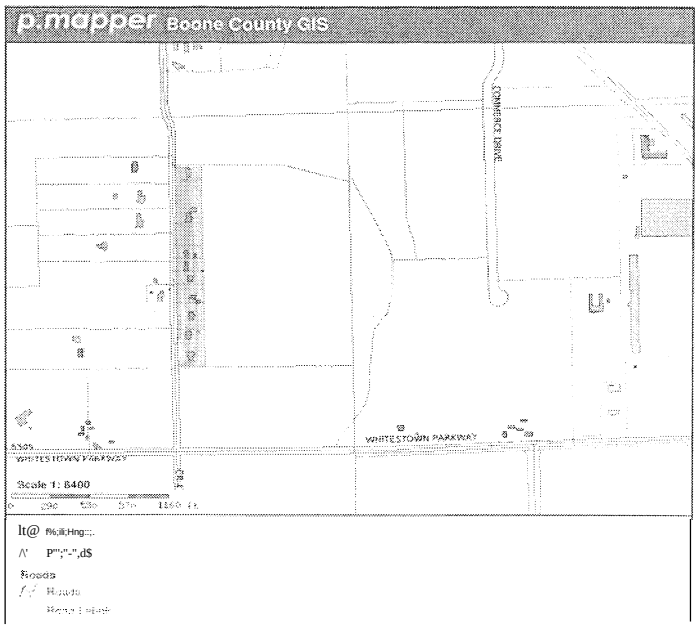
The Removed Property is described as follows:

The Removed Property consists of ten (10) parcels located to the immediate east of CR 475E and north of Whitestown Parkway. The Removed Property is bordered on the west by Parcel# 0200252000.

Parcel #s:

County Parcel #	State Parcel #
0200313000	06-03-02-000-030.000-020
0200285000	06-03-02-000-029.000-020
0200402000	06-03-02-000-033.000-020
0200640000	06-03-02-000-038.000-020
0200562000	06-03-02-000-043.000-020
0200562001	06-03-02-000-043.001-020
0200411000	06-03-02-000-034.000-020
0200060000	06-03-02-000-017.000-020
0200202000	06-03-02-000-023.000-020
0200606000	06-03-02-000-044.000-020

Map (note removed parcels are reflected in yellow):



DocuSign Envelope ID: 361C63D9-18F7-4DA2-B801-74B16F1F0C06

EXHIBIT C

Plan Amendments

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

**TOWN OF
WHITESTOWN REDEVELOPMENT COMMISSION**

The Economic Development Plan (the "Plan") for the Whitestown Parkway West Economic Development Area (the "Area") is hereby amended pursuant to the resolution of the Commission of which these amendments to the Plan are a part (the "Resolution") as follows:

Description of Allocation Area

The Allocation Area is hereby amended to remove therefrom the Removed Property identified on Exhibit B to the Resolution.

Effective Date

These amendments to the Plan shall take effect upon adoption by the Commission of its confirming resolution confirming the Resolution. Any provisions of the Plan not amended hereby shall remain in full force and effect.