

RESOLUTION NO. 2021-34

RESOLUTION OF THE TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION CONFIRMING THE RESOLUTION OF SAID COMMISSION APPROVING AN AMENDMENT TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE WHITESTOWN PARKWAY WEST ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA TO REMOVE CERTAIN PARCELS FROM THE ALLOCATION AREA AND APPROVING MATTERS RELATED THERETO

WHEREAS, the Town of Whitestown Redevelopment Commission (the “Commission”), as the governing body for the Town of Whitestown Redevelopment Department, pursuant to Indiana Code 36-7-14, as amended (the “Act”), has heretofore adopted a declaratory resolution (as subsequently confirmed and amended, the “Declaratory Resolution”) designating an area known as the Whitestown Parkway West Economic Development Area (the “Area”) as an “economic development area” pursuant to the Act, designating the entire Area as an allocation area (the “Allocation Area”), and approving the Economic Development Plan (the “Plan”) for the Area; and

WHEREAS, the Commission, on November 1, 2021, adopted its Resolution No. 2021-27 (the “Amending Resolution”), amending the Declaratory Resolution and the Plan to remove the real estate parcels listed on and reflected on the map attached to the Amending Resolution as Exhibit B (the “Removed Property”) from the Allocation Area; and

WHEREAS, the Commission submitted the Amending Resolution and supporting data to the Town of Whitestown Plan Commission (the “Plan Commission”) and the Plan Commission issued its written order on November 8, 2021 approving the Amending Resolution and the Plan, as amended by the Amending Resolution; and

WHEREAS, on November 10, 2021, the Town Council of the Town approved the Plan Commission Order, the Amending Resolution and the Plan, as amended by the Amending Resolution; and

WHEREAS, the Commission published notice of the adoption and substance of the Amending Resolution in the *Lebanon Reporter* on November 18, 2021, 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 Amending Resolution to be held by the Commission (the “Notice”); and

WHEREAS, the Notice has been filed in the office of 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; and

WHEREAS, copies of the Notice were filed on or before November 24, 2021, 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, as proposed to be amended to reflect the removal of the Removed Property therefrom, together with a statement disclosing the impact of the proposed removal of the Removed Property from the Allocation Area, including (i) the estimated economic benefits and costs incurred by the Allocation Area as amended to reflect the removal of the Removed Property therefrom, 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 December 6, 2021, 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;

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 amendment of the Allocation Area to reflect the removal of the Removed Property therefrom.

Section 2. The Amending Resolution, attached hereto as Exhibit A and incorporated herein by reference, and the Plan as amended by the Amending Resolution, as approved by the Commission on November 1, 2021, are hereby confirmed in all respects.

Section 3. 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 amendment of the Allocation Area to reflect the removal of the Removed Property therefrom, and to file this resolution with the Boone County Auditor.

Section 4. This resolution shall be effective as of the date of its adoption.

Adopted the 6th day of December, 2021, by a vote of _____ in favor and _____ against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

Adam Hess, President

ATTEST:

Craig Arthur, Secretary

4268465v1

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. Dennis H. Otten

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

EXHIBIT A

Amending Resolution

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

WHEREAS, in accordance with Indiana Code 36-7-14-15(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 private 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

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 of permanent jobs;
- (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 data 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

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.

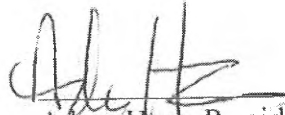
Section 12. The amendments made to the Declaratory Resolution hereby are reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan and the purposes of the Act.

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.

Adopted the 1st day of November, 2021, by a vote of 5 in favor and 0 against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION


Adam Hess, President

ATTEST:

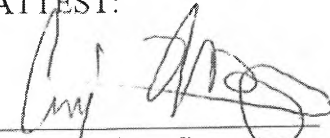

Craig Arthur, Secretary

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)

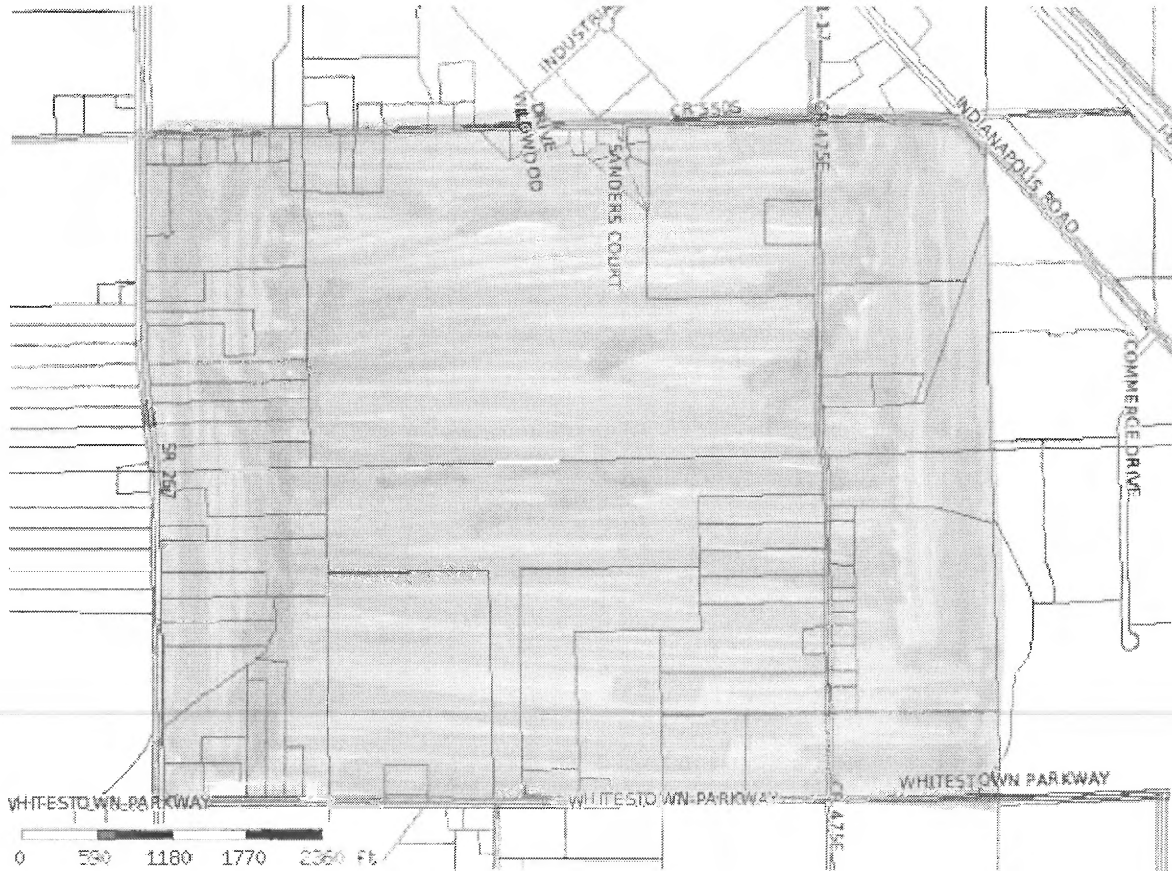


EXHIBIT B

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:

<u>County Parcel #</u>	<u>State Parcel #</u>
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):

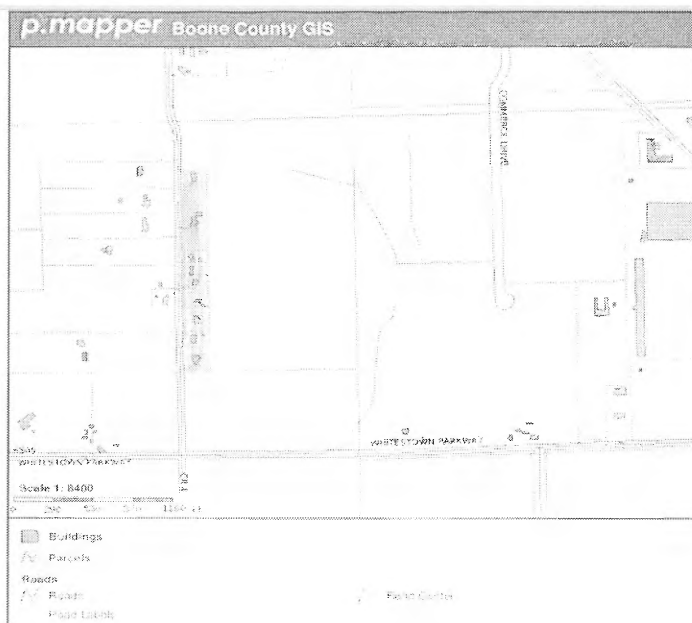


EXHIBIT C

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.