

RESOLUTION NO. 2021-11

**DECLARATORY RESOLUTION OF THE TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION ENLARGING THE TOWN OF
WHITESTOWN, ANSON SOUTH/MAPLE GROVE CONSOLIDATED
ECONOMIC DEVELOPMENT AREA #1**

WHEREAS, on February 24, 2014, the Town of Whitestown Redevelopment Commission (the “Commission”) adopted its declaratory resolution declaring an area of the Town of Whitestown, Indiana (the “Town”) as the “Town of Whitestown, Indiana Anson South Economic Development Area #1” to be an “economic development area” within the meaning of Indiana Code 36-7-14 and Indiana Code 36-7-25 (collectively, the “Act”), designating said area (the “Original Anson South Area”) as an “allocation area” for purposes of Indiana Code 36-7-14-39, and approving the Economic Development Plan for said Original Anson South Area; and

WHEREAS, on May 4, 2015, the Commission adopted its declaratory resolution (the “Consolidating Resolution”) consolidating the boundaries of the Original Anson South Area with the boundaries of the Whitestown Maple Grove Economic Development Area #1 (the “Original Maple Grove Area”) into a consolidated economic development area known as the “Town of Whitestown, Indiana Anson South/Maple Grove Consolidated Economic Development Area #1” (the “Consolidated Economic Development Area”); and

WHEREAS, the Consolidating Resolution did not consolidate the respective allocation areas of the Original Anson South Area and the Original Maple Grove Area (such allocations area, herein, respectively, the “Anson South Allocation Area” and the “Maple Grove Allocation Area”); and

WHEREAS, a map of the Consolidated Economic Development 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 conditions in a geographic area located on the northwest side of the Consolidated Economic Development Area, which geographic area is described in Exhibit B attached hereto and incorporated herein by reference (the “2021 Enlarged Area”); and

WHEREAS, based upon such investigation and studies of the 2021 Enlarged Area, the Commission has determined that (i) the Consolidated Economic Development Area and the Anson South Allocation Area should be enlarged to include the 2021 Enlarged Area and (ii) the plan for the Consolidated Economic Development Area (the “Plan”) should be amended for purposes of including the economic development and redevelopment of the 2021 Enlarged Area; and

WHEREAS, the Commission has caused to be prepared maps and plats showing (i) the boundaries of the 2021 Enlarged Area, the location of various parcels of property, streets, alleys and other features affecting the acquisition, clearance, replatting, replanning, rezoning or redevelopment of the 2021 Enlarged Area, indicating that all parcels of property in the 2021 Enlarged Area are to be excluded from any acquisition list of the Commission and (ii) the parts

of the 2021 Enlarged Area, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan, as hereby amended; and

WHEREAS, the Plan, as hereby amended, satisfies the criteria set forth in the Act for designating and enlarging an economic development area; and

WHEREAS, the Commission has prepared an estimate of the cost of the economic development and redevelopment of the 2021 Enlarged Area; and

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

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

Section 2. The Consolidated Economic Development Area, as more particularly described in Exhibit A attached hereto and incorporated herein by reference, is hereby enlarged to include the 2021 Enlarged Area, as more particularly described in Exhibit B attached hereto and incorporated herein by reference. The list of the parcels in the 2021 Enlarged Area is also included in Exhibit B. The Consolidated Economic Development Area, as enlarged to include the 2021 Enlarged Area (collectively, the “Area”), is more particularly described in Exhibit C attached hereto and incorporated herein by reference. The Commission finds that the Area is an economic development area for purpose of the Act.

Section 3. The Plan is hereby amended to include the amendments set forth in Exhibit D attached hereto and incorporated herein by reference (the “2021 Enlarged Area Plan Amendments”), which 2021 Enlarged Area Plan Amendments amend the Plan to include, among other matters, (i) the boundaries of the Consolidated Economic Development Area and Anson South Allocation Area as enlarged to include the 2021 Enlarged Area, (ii) the projects for the 2021 Enlarged Area (the “Projects”), and (iii) the costs of the Projects which are estimated at \$2,500,000, inclusive of financing costs.

Section 4. The Plan for the Area, as hereby amended to include the 2021 Enlarged Area Plan Amendments:

- (a) Promotes significant opportunities for the gainful employment of the citizens within the Town and its Redevelopment District;
- (b) Assists in the attraction and retention of major new business enterprises in the Town;
- (c) Benefits the public health, safety, morals and welfare of the citizens of the Town;
- (d) Increases the economic well-being of the Town and the State of Indiana; and
- (e) Serves to protect and increase property values in the Town and the State of Indiana.

Section 5. The Plan, as hereby amended to include the 2021 Enlarged Area Plan Amendments, 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 Area lacks the necessary infrastructure improvements to encourage development of private enterprise, including streets, streetside improvements such as sidewalks and street lighting, green spaces, drainage, parking, utilities, municipal facilities (public safety), economic development facilities and landscaping; the cost of such improvements prevents the improvements from being accomplished by private enterprise; and there is no regulatory process available to build infrastructure or provide incentives to encourage redevelopment or economic growth in the Area.

Section 6. The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan, as hereby amended to include the 2021 Enlarged Area Plan Amendments, specifically by the construction of economic development facilities and other local public improvements necessary for the economic development of the Area as more particularly described in the Plan, as hereby amended to include the 2021 Enlarged Area Plan Amendments. These improvements promote public health and welfare for the citizens of the Town by enhancing economic development in the Area as described in the Plan, as hereby amended to include the 2021 Enlarged Area Plan Amendments.

Section 7. The accomplishment of the Plan for the Area, as hereby amended to include the 2021 Enlarged Area Plan Amendments, 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 8. The Plan for the Area, as hereby amended to include the 2021 Enlarged Area Plan Amendments, conforms to other development and redevelopment plans for the Town and is reasonable and appropriate when considered in relation to the Plan.

Section 9. The Commission does not plan to acquire any parcels of property in the 2021 Enlarged Area. If and to the extent any residents of the 2021 Enlarged Area will be displaced by any Project for the 2021 Enlarged Area, the Commission will give consideration to transitional and permanent provisions for adequate housing for such residents, if any, in the 2021 Enlarged Area.

Section 10. The Commission estimates the cost of implementing the Plan, as hereby amended to include the 2021 Enlarged Area Plan Amendments, for the Projects in the 2021 Enlarged Area will be approximately \$2,500,000.

Section 11. The Anson South Allocation Area is hereby enlarged to include the 2021 Enlarged Area (such 2021 Enlarged Area, the “2021 Enlarged Anson South Allocation Area”). A map of the 2021 Enlarged Anson South Allocation Area is attached hereto as Exhibit B, which map is incorporated herein by reference. This paragraph constitutes the “allocation provision” for purposes of Indiana Code 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of the Town (the “Town Taxes”) on taxable property in the 2021 Enlarged Anson South 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 2021 Enlarged Anson South Allocation Area. Notwithstanding anything herein or in Indiana Code 36-7-14-39 to the contrary, the tax increment revenues from the 2021 Enlarged Anson South Allocation Area are limited solely and exclusively to the Town Taxes. The 2021 Enlarged Anson South Allocation Area shall not capture property taxes levied by or for the benefit of any taxing unit other than the Town.

Section 12. The Commission hereby finds that the adoption of the allocation provision in Section 11 hereof will result in new property taxes in the 2021 Enlarged Anson South Allocation Area that would not have been generated but for the adoption of the allocation provision contained in Section 11 hereof. The improvements to be undertaken in the 2021 Enlarged Area are expected to result in the development of the parcels in the 2021 Enlarged Area which will result in additional property taxes in the 2021 Enlarged Anson South Allocation Area that would not have been generated but for the adoption of the allocation provision contained in Section 11 hereof. Additionally, the current condition of the 2021 Enlarged Anson South Allocation Area is not amendable to development due to the condition of the 2021 Enlarged Anson South Allocation Area as hereinbefore stated and as further described in the Plan, as hereby amended to include the 2021 Enlarged Area Plan Amendments. The Commission has been advised by its staff that through the proposed economic development and redevelopment of the 2021 Enlarged Anson South Allocation Area such economic development and redevelopment will foster and encourage orderly development of the 2021 Enlarged Area which will result in new property taxes in the 2021 Enlarged Anson South Allocation Area that would not have otherwise occurred.

Section 13. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Plan for the Area to the Town of Whitestown Plan Commission (the “Plan Commission”) for its approval.

Section 14. The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved 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 proposed project and will determine the public utility and benefit of the proposed project. 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 proposed 2021 Enlarged Anson South Allocation Area.

Section 15. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the 2021 Enlarged Anson South Allocation Area which includes (a) the estimated economic benefits and costs incurred by the 2021 Enlarged Anson South Allocation Area, 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 2021 Enlarged Anson South Allocation Area (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 14 hereof).

Section 16. The Commission further directs the presiding officer to submit this resolution to the Town Council of the Town for its approval of the establishment of the Area, as hereby enlarged to include the 2021 Enlarged Area.

Section 17. All resolutions and parts of resolutions in conflict herewith are hereby repealed. The provisions of the Consolidating Resolution, as previously amended, not amended hereby shall remain in full force and effect.

Section 18. The amendments hereby made to the Consolidating Resolution, as previously amended, are reasonable and appropriate when considered in relation to the Consolidating Resolution, as previously amended, and the Plan and the purposes of the Act.

Section 19. 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 20. This resolution shall be in full force and effect from and after its passage.

Passed and adopted at a meeting of the Town of Whitestown Redevelopment Commission this 29 day of March, 2021, by a vote of 3 in favor and 0 against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

DocuSigned by:
Bryan Brackemyre
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Bryan Brackemyre, President

ATTEST:

DocuSigned by:
Adam Hess
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Adam Hess, Secretary

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EXHIBIT A

*Map for Consolidated Economic Development Area**



* Consolidated Economic Development Area is shaded in orange

EXHIBIT B

*Map and Parcel Number List for
2021 Enlarged Area and the 2021 Enlarged Anson South Allocation Area**



* 2021 Enlarged Area and the 2021 Enlarged Anson South Allocation Area are shaded in orange.

Parcel Number List:

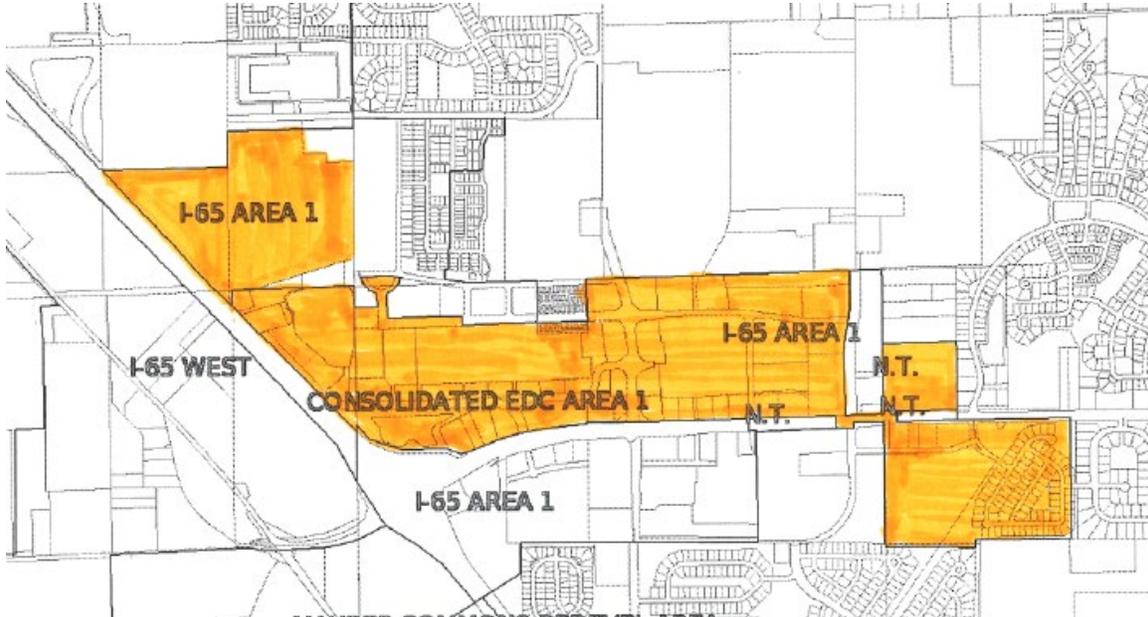
06-07-36-000-043.000-020
06-07-36-000-044.000-020

Address:

5875 Perry Worth Road
5875 Perry Worth Road

EXHIBIT C

*Map of Consolidated Economic Development Area with 2021 Enlarged Area**



* Consolidated Economic Development Area with 2021 Enlarged Area is shaded in orange.

EXHIBIT D

Plan Amendments

ECONOMIC DEVELOPMENT PLAN FOR THE TOWN OF WHITESTOWN, INDIANA ANSON SOUTH/MAPLE GROVE ECONOMIC DEVELOPMENT AREA #1

TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION

AMENDMENTS FOR 2021 ENLARGED AREA

The Economic Development Plan for the Town of Whitestown, Indiana Anson South/Maple Grove Economic Development Area #1 approved and as hereinbefore amended from time to time (the “Plan”) by the Town of Whitestown Redevelopment Commission (the “Commission”), is hereby amended pursuant to the resolution of the Commission of which these Plan amendments are a part (the “2021 Amendatory Resolution”) as follows:

Description of Area

The Plan description of the Area (as defined in the 2021 Amendatory Resolution) is hereby amended to include the area described in Exhibit B of the 2021 Amendatory Resolution (the “2021 Enlarged Area”). The list of the parcel in the 2021 Enlarged Area is also included in Exhibit B. The Area as enlarged to include the 2021 Enlarged Area is described in Exhibit C of the 2021 Amendatory Resolution and the Plan is so amended to reflect such enlargement of the Area to include the 2021 Enlarged Area.

Allocation Area

The Plan description of the Anson South Allocation Area is hereby amended to include both the Anson South Allocation Area and the 2021 Enlarged Area (the “2021 Enlarged Anson South Allocation Area”). The 2021 Enlarged Anson South Allocation Area is as described in Exhibit B, attached to the 2021 Amendatory Resolution. With respect to the 2021 Enlarged Anson South Allocation Area, 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 2021 Enlarged Anson South Allocation Area.

Project Description

The total estimated costs of the projects as set forth in the Plan is hereby amended to include an additional cost of \$2,500,000 for the projects for the 2021 Enlarged Area, which is inclusive of financing costs. The projects for the 2021 Enlarged

Area include infrastructure improvements needed to serve and redevelop the 2021 Enlarged Area, such as streets and road improvements, accel/decel lanes, streetside improvements such as sidewalks and street lighting, green spaces, drainage and irrigation, utilities, municipal facilities (public safety), economic development facilities and landscaping.

Effective Date

These amendments to the Plan shall take effect upon adoption by the Commission of its confirming resolution confirming the 2021 Amendatory Resolution. Any provisions of the Plan not amended hereby shall remain in full force and effect.