

RESOLUTION NO. 2023-01

RESOLUTION OF THE TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION CONFIRMING THE DECLARATORY RESOLUTION OF SAID COMMISSION (I) REMOVING PARCELS FROM THE LEGACY CORE REDEVELOPMENT AREA #1 AND ALLOCATION AREA AND (II) ESTABLISHING THE WHITESTOWN – PARK 133 ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA

WHEREAS, the Town of Whitestown Redevelopment Commission (the “Commission”) of the Town of Whitestown, Indiana (the “Town”), on September 19, 2022, adopted its Resolution No. 2022-28, a declaratory resolution (the “Declaratory Resolution”), establishing the Whitestown – Park 133 Economic Development Area (the “Area”) as an economic development 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 September 19, 2022 meeting of the Commission (the “Plan”), which Plan contained specific recommendations for redevelopment and economic development of the Area, including the construction of road & bridge improvements, storm water improvements, utility improvements and other improvements necessary for the development of the Area, including economic development project improvements, 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, in connection with the establishment of the Area and the Allocation Area, the Declaratory Resolution removed the territory within the Area from the Legacy Core Redevelopment Area #1 and allocation area (as more particularly described in the Declaratory Resolution) and amended the Legacy Core Area Resolutions and Legacy Core Area Plan (each as defined in the Declaratory Resolution) to reflect the removal of such territory therefrom; 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 November 14, 2022 approving the Declaratory Resolution and the Plan as submitted; and

WHEREAS, on December 14, 2022, the Town Council of the Town approved the order of the Plan Commission and the establishment of the Area as an economic development area 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 December 29, 2022, 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 December 31, 2022, 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 January 10, 2023, 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 establishment of the Area and the Projects in, serving or benefiting the Allocation Area.

Section 2. The Declaratory Resolution and the Plan, attached hereto as Exhibit A and incorporated herein by reference, approved by the Commission on September 19, 2022, 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 designation of the Allocation Area within the Area and to file this resolution with the Boone County Auditor.

Section 4. 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 10th day of January, 2023, by a vote of 3 in favor and ____ against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

DocuSigned by:

Adam Hess

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_____, President

Attest:

DocuSigned by:

E. H.

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_____, Secretary

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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

Declaratory Resolution and Plan

RESOLUTION NO. 2022-28

**DECLARATORY RESOLUTION OF THE TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION (I) REMOVING PARCELS FROM
THE LEGACY CORE REDEVELOPMENT AREA #1 AND
ALLOCATION AREA AND (II) ESTABLISHING THE WHITESTOWN –
PARK 133 ECONOMIC DEVELOPMENT AREA AND ALLOCATION
AREA**

WHEREAS, the Town of Whitestown Redevelopment Commission (the “Commission”), a redevelopment commission organized and acting pursuant to the provisions of Indiana Code 36-7-14 and Indiana Code 36-7-25 (collectively, the “Act”), has investigated, studied and surveyed economic development areas within the Town of Whitestown, Indiana (the “Town”); and

WHEREAS, the Commission has selected an economic development area (the “Area”) to be developed pursuant to the Act; and

WHEREAS, the Commission has prepared an economic development plan (the “Plan”) for the Area, which Plan is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Commission has caused to be prepared maps and plats showing (i) the boundaries of the Area, the location of various parcels of property, streets, alleys and other features affecting the acquisition, clearance, replatting, replanning, rezoning or redevelopment of the Area, indicating that all parcels of property are currently to be excluded from the acquisition list and (ii) the parts of the acquired portions of the Area, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan; and

WHEREAS, the Commission has caused to be prepared an estimate of the cost of economic development of the Area; and

WHEREAS, the Area includes territory that is currently in the Legacy Core Redevelopment Area #1 and allocation area (collectively, the “Legacy Core Area”) as established by the Commission pursuant to its Declaratory Resolution, adopted on July 7, 2014, as confirmed by its Resolution No. 2014-10, adopted on September 2, 2014, and as enlarged by the Commission pursuant to its Resolution No. 2017-1, adopted on February 6, 2017, as confirmed by its Resolution No. 2017-04, adopted on April 25, 2017, and as further enlarged by the Commission pursuant to its Resolution No. 2018-19, adopted on June 4, 2018, as confirmed by its Resolution No. 2018-27, adopted on October 1, 2018 (collectively, the “Legacy Core Area Resolutions”); and

WHEREAS, in connection with the establishment of the Area, the Commission has determined that the territory within the Area to be established pursuant to this resolution should be removed from the Legacy Core Area and that the Legacy Core Area Resolutions and the

Redevelopment Plan for the Legacy Core Area, as approved by the Legacy Core Area Resolutions (the “Legacy Core Area Plan”), should be amended to reflect such removal;

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

Section 1. The Commission has selected the Area as an economic development area within the corporate boundaries of the Town pursuant to the provisions of the Act. The Area is described in Exhibit B attached hereto and incorporated herein by reference which includes a description of the Area, parcel numbers for the parcels in the Area, and a map of the Area. The Area is hereby designated as the “Whitestown – Park 133 Economic Development Area”. In connection with the establishment of the Area, the territory within the Area is hereby removed from the Legacy Core Area and the Legacy Core Area Resolutions and Legacy Core Area Plan are hereby amended to reflect such removal.

Section 2. The Commission finds that the Plan for the Area:

- (a) Promotes significant opportunities for the gainful employment of the citizens of the Town;
- (b) Assists in the attraction of major new business enterprises to 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 3. The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under the Act because of the lack of local public improvements and other similar conditions, specifically including among others road improvements, storm water improvements and utility as more particularly described in the Plan.

Section 4. The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan for the Area, specifically by the construction of (a) road and bridge improvements to improve access in or serving the Area; (b) storm water improvements to ensure sufficient drainage, collection and handling of storm water in or serving the Area; (c) utility improvements (e.g., gas, water, sewer, electric) to ensure the provision of adequate utility services in and serving the Area and/or (d) other improvements necessary for the development of the Area, including economic development project improvements in or serving the Area. These improvements (collectively, “Improvements”) promote public health and welfare for the citizens of the Town by enhancing economic development of the Area through the provision of adequate roads, storm water treatment and utility services to the Area, and by making the Area more suitable for development through the construction of economic development project improvements.

Section 5. The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by the attraction of permanent jobs, an increase in the property tax base, improved diversity of the economic base, and other similar benefits, specifically by providing the construction of the Improvements to encourage and enable the development of new businesses in the Area, and the retention of and fostering of growth of existing businesses around the Area.

Section 6. The Plan conforms to other development and redevelopment plans for the Town.

Section 7. The Commission does not currently propose to acquire interests in real property within the boundaries of the Area.

Section 8. The Commission estimates the cost of implementing the Plan will be approximately \$3,500,000 (this estimate includes the construction of the Improvements).

Section 9. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan; 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. The Commission will take no actions that will result in the displacement of residential areas.

Section 10. This paragraph constitutes the “allocation provision” for purposes of Indiana Code 36-7-14-39. 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 this resolution 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.

Section 11. The Commission finds that the removal of the territory in the Area from the Legacy Core Area for the purpose of enabling the creation of the Area as a separate economic development area and allocation area is in accordance with the Act and is necessary and appropriate to carry out the purposes of this resolution. The Commission currently does not have any obligations which are outstanding and payable from tax increment revenues derived from the specific parcels that constitute the Area within the existing Legacy Core Area.

Section 12. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Plan to the Town of Whitestown Plan Commission (“Plan Commission”) for its approval.

Section 13. 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 Common 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 development 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 Allocation Area.

Section 14. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area which includes (a) 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 (b) the anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the 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 13 hereof).

Section 15. 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.

Section 16. 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 19th day of September, 2022, by a vote of ____ in favor and ____ against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

DocuSigned by:

Adam Hess

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Adam Hess, President

Attest:

DocuSigned by:

E. Nichols

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Eric Nichols, Secretary

EXHIBIT A

The Plan

**ECONOMIC DEVELOPMENT PLAN
FOR THE WHITESTOWN – PARK 133
ECONOMIC DEVELOPMENT AREA**

TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION

Purpose and Introduction

This document is the Economic Development Plan (the “Plan”) for the Whitestown – Park 133 Economic Development Area (the “Area”) for the Town of Whitestown, Indiana (the “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 B and is generally described as follows:

The Area is located immediately east of County Road 500 East, and is generally located north of Albert S. White Parkway, south of County Road 300 South and west of County Road 575 East in the Town. The Area includes approximately 68.719 acres.

The Area includes the following parcel numbers:

Parcel #

County Parcel #

0120319000

0180139001

State Parcel #

06-07-24-000-032.000-018

06-08-06-000-001.000-019

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 (such projects may be constructed by the Commission and/or a private developer):

1. *Road and Bridge Improvements* – Road and bridge improvements shall be constructed in and around the Area to ensure safe, efficient and effective access in and around the Area. The road improvements will include the planning, design and construction of an upgrade to the CR 500 bridge over Fishback Creek and creating the intersection just north of the bridge for ingress/egress to the site of the Area, all as necessary and appropriate to improve access in and around the Area.
2. *Storm Water Improvements* – Storm water improvements shall be planned, designed and constructed to collect, handle and treat storm water in the Area. Such improvements shall include storm water infrastructure, ponds and other related improvements.
3. *Utility Infrastructure Improvements* - Utility improvements (e.g., water, sewer, electric and gas) shall, to the extent necessary, 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, sewers, waterworks, electric works, and gas works, utility relocation costs and any such other costs related to the provision of utility services to the Area.
4. *Economic Development Projects* – Economic development projects which constitute local public improvements and are capital projects shall be acquired and/or constructed to foster and encourage the orderly development of the Area.

The total estimated cost of the Projects is \$3,500,000. The Commission anticipates that the construction of the Projects will encourage development in and around 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 \$30,000,000 in the next three (3) years. This additional investment is anticipated to result in new employment opportunities in the Area and include the construction of a commercial distribution building with an estimated square footage of approximately 679,000 square feet. The development to be served by the Projects are estimated to provide approximately 125 to 170 new jobs in the Town.

Acquisition of Property

The Commission has no plans to acquire property in the Area. The Commission shall follow the procedures in Indiana Code 36-7-14-19 in any future acquisition of property. The Commission will take no actions with respect to acquiring residential areas or otherwise relocating any residences. In the event the Commission determines to acquire interests in any real property in the Area it will amend this Plan in accordance with Indiana Code 36-7-14, 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.

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 this resolution 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

Description, Parcel List and Map of the Whitestown – Park 133 Economic Development Area and allocation area

The Whitestown – Park 133 Economic Development Area and allocation area (collectively, the “Area”) is generally described as follows:

The Area is located immediately east of County Road 500 East, and is generally located north of Albert S. White Parkway, south of County Road 300 South and west of County Road 575 East in the Town. The Area includes approximately 68.719 acres.

The Area includes the following parcel numbers:

Parcel #

County Parcel #

0120319000

0180139001

State Parcel #

06-07-24-000-032.000-018

06-08-06-000-001.000-019

(Map is on the following page)

