

**RESOLUTION NO. 2023-28**

**A RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA  
WAIVING CERTAIN NONCOMPLIANCE WITH  
TAX ABATEMENT MATTERS**

**Citimark Whitestown LLC**

WHEREAS, the Town Council of the Town of Whitestown, Indiana (the “Town Council” and “Town”, respectively) has been advised that Citimark Whitestown LLC (“Citimark”) late filed its Form 322/RE in connection with claiming a real property tax abatement for its property located at 4921 East 450 South in the Town (parcel 018-11010-00); and

WHEREAS, the Town Council has been advised that Citimark has otherwise complied with the provisions of Indiana Code 6-1.1-12.1, as amended (the “Act”) in respect of claiming the tax abatement, including filing the requisite Form CF-1, and has requested the Town waive the noncompliance with the Act in regards to the late filing of the Form 322/RE; and

WHEREAS, Section 11.3 of the Act permits the Town to waive such noncompliance upon adoption of a resolution so doing after holding a public hearing thereon in accordance with the Act; and

WHEREAS, notice of a public hearing on such matter has been duly advertised in accordance with the Act and the Town Council has held such public hearing at the meeting at which this resolution has been considered; and

WHEREAS, the Town Council having considered the matter following the public hearing thereon finds that the late filing of the Form 322/RE by Citimark should be waived as a matter of noncompliance with the Act so as not to impede Citimark’s receipt of the tax abatement;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, as follows:

1. Citimark’s failure to comply with the Act as a result of its late filing the Form 322/RE as described above is hereby waived in all respects pursuant to and in accordance with the Act, including Section 11.3 thereof.

2. This resolution shall take effect upon its adoption.

PASSED AND ADOPTED on the 13<sup>th</sup> day of September, 2023, by the Town Council of the Town of Whitestown, Indiana, by a vote of \_\_\_\_ in favor and \_\_\_\_ against.

TOWN COUNCIL OF THE  
TOWN OF WHITESTOWN, INDIANA

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Eric Nichols, President

ATTEST:

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Matt Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana