

RESOLUTION NO. 2023-21

RESOLUTION OF THE TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION CONFIRMING THE DECLARATORY RESOLUTION OF SAID COMMISSION (I) REMOVING PARCELS FROM THE WHITESTOWN PARKWAY WEST ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA AND (II) ESTABLISHING THE WHITESTOWN – 65 COMMERCE WEST 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 18, 2023, adopted its Resolution No. 2023-12, a declaratory resolution (the “Declaratory Resolution”), establishing the Whitestown – 65 Commerce West 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 18, 2023 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 Whitestown Parkway West Economic Development Area and allocation area (as more particularly described in the Declaratory Resolution) and amended the Parkway West Resolutions and Parkway West 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 October 9, 2023 approving the Declaratory Resolution and the Plan as submitted; and

WHEREAS, on October 11, 2023, 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 October 19, 2023, 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 October 19, 2023, 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 November 6, 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 18, 2023, 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 6th day of November, 2023, by a vote of ___ in favor and ___ against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

Adam Hess, President

Attest:

Eric Nichols, 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