

RESOLUTION NO. 2025-07

RESOLUTION OF THE TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION CONFIRMING THE DECLARATORY RESOLUTION OF SAID COMMISSION (I) REMOVING PARCELS FROM THE WHITESTOWN – INDOT ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA AND (II) ESTABLISHING THE WHITESTOWN - PADGETT COMMONS ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA

WHEREAS, the Town of Whitestown Redevelopment Commission (the “Commission”) of the Town of Whitestown, Indiana (the “Town”), on April 7, 2025, adopted its Resolution No. 2025-03, a declaratory resolution (the “Declaratory Resolution”), establishing the Whitestown – Padgett Commons 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 April 7, 2025 meeting of the Commission (the “Plan”), which Plan contained specific recommendations for redevelopment and economic development of the Area, including road & sidewalk improvements, storm water improvements, utility infrastructure improvements, installation of green spaces and park 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, as set forth in the Plan, the Area consists of one (1) parcel numbered 06-07-36-000-038.000-020 (the “Parcel”); and

WHEREAS, in connection with the establishment of the Area and the Allocation Area, the Declaratory Resolution removed the territory within the Area (i.e., the Parcel) from the Whitestown - INDOT Economic Development Area and allocation area (as more particularly described in the Declaratory Resolution) and amended the INDOT Area Resolutions and INDOT 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 April 14, 2025 approving the Declaratory Resolution and the Plan as submitted; and

WHEREAS, on May 14, 2025, 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 May 15, 2025, 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 May 16, 2025, 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 May 28, 2025, 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 April 7, 2025, 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 28th day of May, 2025, by a vote of ____ in favor and ____ against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

Mark Pascarella, President

Attest:

Todd Carlile, Secretary

5002831v1

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. 2025-03

**DECLARATORY RESOLUTION OF THE TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION (I) REMOVING PARCELS FROM
THE WHITESTOWN – INDOT ECONOMIC DEVELOPMENT AREA
AND ALLOCATION AREA AND (II) ESTABLISHING THE
WHITESTOWN – PADGETT COMMONS 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 Whitestown – INDOT Economic Development Area and allocation area (collectively, the “INDOT Area”) as established by the Commission pursuant to its Declaratory Resolution No. 2018-02, adopted on February 5, 2018, as confirmed by its Confirmatory Resolution No. 2018-07, adopted on March 26, 2018 (collectively, the “INDOT 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 INDOT Area and that the INDOT Area Resolutions and the Economic Development Plan for the INDOT Area, as approved by the INDOT Area Resolutions (the “INDOT 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 – Padgett Commons Economic Development Area”. In connection with the establishment of the Area, the territory within the Area is hereby removed from the INDOT Area and the INDOT Area Resolutions and INDOT 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 sidewalk 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; (d) green space/park improvements to ensure the provision of green spaces and park services in and serving the Area; and/or (e) 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, sidewalks, storm water treatment and utility services, green space and parks 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 \$30,000,000 (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. The base assessment date for the Allocation Area is January 1, 2025.

Section 11. The Commission finds that the removal of the territory in the Area from the INDOT 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 Town currently has obligations under an agreement with the Indiana Department of Transportation (“INDOT”) which are payable from tax increment revenues derived from the INDOT Area. The Commission hereby covenants that it shall ensure that so long as such obligations remain in effect with INDOT, the Commission shall ensure that a like amount of tax increment revenues from the Allocation Area hereby established shall be made in the same priority and amount to INDOT so that INDOT’s rights under its agreements with Town are not adversely affected by this resolution.

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.

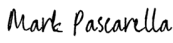
Section 14. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area which includes (a) the estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth 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 7th day of April, 2025, by a vote of 3 in favor and 0 against.

TOWN OF WHITESTOWN
REDEVELOPMENT COMMISSION

Signed by:

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Mark Pascarella, President

Attest:

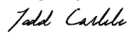
Signed by:

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Todd Carlile, Secretary

EXHIBIT A

The Plan

**ECONOMIC DEVELOPMENT PLAN
FOR THE WHITESTOWN – PADGETT COMMONS
ECONOMIC DEVELOPMENT AREA**

TOWN OF WHITESTOWN REDEVELOPMENT COMMISSION

Purpose and Introduction

This document is the Economic Development Plan (the “Plan”) for the Whitestown – Padgett Commons 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 generally located at the northeast corner of the intersection of County Road 550 South and Perry Worth Road. The Area includes approximately 39.09 acres.

The Area includes the following parcel number:

Parcel #

County Parcel #
0200133000

State Parcel #
06-07-36-000-038.000-020

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 Sidewalk Improvements* – Road and sidewalk 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 extension to County Road 550 South, an extension of County Road 575 East, widening of County Road 575 East, a new roundabout along County Road 550 South, a new roundabout along County Road 575 East, all for ingress/egress to the site of the Area and 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. *Green Spaces and Park Improvements* – Green spaces and park improvements, including but not limited to trails, playground equipment, shelters, athletic facilities, bath houses and park and green space amenities shall be constructed in and around the Area to ensure the provisions of such green spaces and park improvement to the Area.
5. *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 \$30,000,000. 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 \$100,000,000 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 four-story mixed use multi-family housing complex with 78 residential units, a three-story 80 unit senior living facility and an 82,000 square foot entertainment facility. The development is also expected to include 125,000 square feet of retail space. The development is expected to result in the creation of a substantial amount of 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 (as well as other provisions of Indiana Code 36-7-14) 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 – Padgett Commons Economic Development Area and allocation area

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

The Area is generally located at the northeast corner of the intersection of County Road 550 South and Perry Worth Road. The Area includes approximately 39.09 acres.

The Area includes the following parcel number:

Parcel #

County Parcel #
0200133000

State Parcel #
06-07-36-000-038.000-020

(Map is on the following page)

****The Area is reflected as the shaded area on the map below****

B-2

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WHITESTOWN - PADGETT COMMONS EDA



WHITESTOWN - PADGETT COMMONS EDA

Whitestown - Padgett Commons Economic Development Area

Whitestown - Padgett Commons Economic Development Area (EDA) is, in general, bounded and contained by the following description:

On the South side, starting at a point that is on the centerline of East County Road 550 South and is approximately 0.027 miles or 144.52 feet West of the intersection of East County Road 550 South and Maywood Drive. This point being the Point of Beginning. Then West along the stated centerline for approximately 0.19 miles or 1,022.51 feet to the Southeastern corner of a parcel with a State Parcel ID of 06-07-36-000-038.001-020. Then, still following along the property line of the state parcel; North 98.82 feet; then West to Northwest; still following the Stated parcel's property line; continue for approximately 0.09 miles or 476.11 feet to the Western side of the Whitestown - Padgett Commons EDA.

On the West, starting at the point where the South side description ended. Then North approximately 0.19 miles or 990.71 feet to the Northern side of the Whitestown - Padgett Commons EDA.

On the North, starting at the point where the West

side description ended. Then East approximately 0.25 miles or 1,345.41 feet to the Eastern side of the Whitestown - Padgett Commons EDA.

On the East, starting at the point where the North side description ended. Then South approximately 0.25 miles or 1,315.88 feet to the Point of Beginning of the Whitestown - Padgett Commons EDA.

Whitestown - Padgett Commons EDA contains one parcel with the State Parcel ID of 06-07-36-000-038.000-020 and is approximately 1,729,576.67 square feet or 39.70 acres and is approximately 5,249.40 feet in perimeter. Inclusive of all Right-of-Way and property therein as described.



WHITESTOWN

INDIANA

Official TIF District Map

District General Description

Map Date:
3/31/2025

Map by D. Wilson

Page 2 of 3

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WHITESTOWN - PADGETT COMMONS EDA

Parcel ID	State Parcel ID	AC
020-01330-00	06-07-36-000-038.000-020	39.71



WHITESTOWN
— INDIANA —

Official TIF District Map
District Parcel List

Map Date:
3/31/2025

Map by D. Wilson

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Whitestown - Padgett Commons Economic Development Area

Whitestown - Padgett Commons Economic Development Area (EDA) is, in general, bounded and contained by the following description:

- 1 On the South side, starting at a point that is on the centerline of East County Road 550 South
- 2 and is approximately 0.027 miles or 144.52 feet West of the intersection of East County Road
- 3 550 South and Maywood Drive. This point being the Point of Beginning. Then West along the
- 4 stated centerline for approximately 0.19 miles or 1,022.51 feet to the Southeastern corner
- 5 of a parcel with a State Parcel ID of 06-07-36-000-038.001-020. Then, still following along the
- 6 property line of the state parcel; North 98.82 feet; then West to Northwest, still following the
- 7 Stated parcel's property line; continue for approximately 0.09 miles or 476.11 feet to the
- 8 Western side of the Whitestown – Padgett Commons EDA.
- 9 On the West, starting at the point where the South side description ended. Then North
- 10 approximately 0.19 miles or 990.71 feet to the Northern side of the Whitestown – Padgett
- 11 Commons EDA.
- 12 On the North, starting at the point where the West side description ended. Then East
- 13 approximately 0.25 miles or 1,345.41 feet to the Eastern side of the Whitestown – Padgett
- 14 Commons EDA.
- 15 On the East, starting at the point where the North side description ended. Then South
- 16 approximately 0.25 miles or 1,315.88 feet to the Point of Beginning of the Whitestown –
- 17 Padgett Commons EDA.
- 18 Whitestown - Padgett Commons EDA contains one parcel with the State Parcel ID of 06-07-
- 19 36-000-038.000-020 and is approximately 1,729,576.67 square feet or 39.70 acres and is
- 20 approximately 5,249.40 feet in perimeter. Inclusive of all Right-of-Way and property therein
- 21 as described.