

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2019-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITELAND,
INDIANA, APPROVING REDEVELOPMENT COMMISSION RESOLUTION NO. 2019-
02, A RESOLUTION AMENDING DECLARATORY RESOLUTION 2013-01 TO
DESIGNATE ADDITIONAL ALLOCATION AREA WITHIN THE WHITELAND
ECONOMIC DEVELOPMENT AREA, AND APPROVING THE ORDER OF THE
WHITELAND PLAN COMMISSION
(Addition of Bright and JRM Properties)

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (the “Redevelopment Commission”), governing body of the Town of Whiteland Department of Redevelopment (the “Department”), on February 21, 2013 adopted its Resolution No. 2013-01 (as subsequently confirmed, the “Declaratory Resolution”) establishing an economic development area known as the “Whiteland Economic Development Area”, and approving an economic development plan for the area (the “Plan”), pursuant to Ind. Code § 36-7-14, as amended (the “Act”);

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Allocation Area"), for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Allocation Area;

WHEREAS, the Redevelopment Commission has subsequently adopted a declaratory resolution (Resolution No. 2019-02) on July 11, 2019 (the "Amending Declaratory Resolution"), attached hereto as Exhibit A, to add additional allocation area to the Allocation Area within the Whiteland Economic Development Area ("Area"), as contemplated in the Economic Development Plan (“Plan”) for the Area; and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution by the Whiteland Plan Commission ("Plan Commission"), which occurred on August 6, 2019, which approving order is attached hereto as Exhibit B (the “Order”); and

WHEREAS, the Act requires the Town Council to approve the Amending Declaratory Resolution and the approving Order of the Plan Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, THAT:

Section 1. The Amending Declaratory Resolution and the action of the Redevelopment Commission on July 11, 2019 amending the Declaratory Resolution are in all respects approved, ratified, and confirmed by the Town Council.

Section 2. The Order and the action of the Plan Commission on August 6, 2019, approving the Amending Declaratory Resolution are in all respects approved, ratified and confirmed by the Town Council.

Section 3. This Resolution shall be effective from and after its passage.

5 Adopted this 13th day of August, 2019, by a vote of
in favor, 0 opposed.


TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed


Shawn A. Brock, President

Shawn A. Brock, President


David Hawkins, Vice President

David Hawkins, Vice President


Scot Ford

Scot Ford


Brad Goedecker

Brad Goedecker


Joseph Sayler

Joseph Sayler

Attest:


Debra L. Hendrickson, Clerk-Treasurer

Exhibit A

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2019-02

A RESOLUTION AMENDING DECLARATORY RESOLUTION 2013-01 TO DESIGNATE ADDITIONAL ALLOCATION AREA WITHIN THE WHITELAND ECONOMIC DEVELOPMENT AREA (Addition of Bright and JRM Properties)

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (the “Commission”), governing body of the Town of Whiteland Department of Redevelopment (the “Department”), on February 21, 2013 adopted its Resolution No. 2013-01 (as subsequently confirmed, the “Declaratory Resolution”) establishing an economic development area known as the “Whiteland Economic Development Area” (the “EDA”), and approving an economic development plan for the area (the “Plan”), pursuant to Ind. Code § 36-7-14 and Ind. Code § 36-7-25, as amended, (collectively, the “Act”);

WHEREAS, the Redevelopment Commission subsequently adopted a declaratory resolution (Resolution No. 2014-01) on April 10, 2014 (the "First Amending Declaratory Resolution"), to add additional allocation area to the Original Allocation Area (as defined in Resolution 2014-01), as contemplated in the Plan for the EDA, resulting in the enlarged allocation area identified as the Whiteland Advancement Allocation Area (as defined in Resolution 2014-01, and as later amended);

WHEREAS, pursuant to Ind. Code § 36-7-14-2, the clearance, replanning, and redevelopment of areas needing redevelopment are public uses and purposes for which public money can be spent and private property may be acquired;

WHEREAS, the Redevelopment Commission has investigated, studied, and surveyed economic development areas within the corporate boundaries of the Town;

WHEREAS, the Plan for the EDA expressly identified certain sub-areas of the EDA for designation as additional allocation area in the future as opportunities and needs arise over time, and the Commission has determined to add a portion of the Office-Industrial sub-area, identified hereinafter as the Bright and JRM Properties, to the Whiteland Advancement Allocation Area;

WHEREAS, the Commission has caused to be prepared:

- (1) Maps and plats showing:
 - (A) the boundaries of the economic development area and the allocation areas referenced herein, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning or economic development of the area, indicating any parcels of property to be excluded from the acquisition, and

- (B) the parts of the acquired areas that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan;
- (2) A list of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the amendment of the resolution to add the Bright and JRM Properties; and
- (3) An estimate of the cost of acquisition, redevelopment, and economic development of the area.

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of “economic development areas” and to provide that all of the rights, powers, privileges, and immunities that may be exercised by this Redevelopment Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act;

WHEREAS, this Redevelopment Commission deems it advisable to apply the provisions of said Sections 41 and 43 of the Act to the Bright and JRM Properties; and

WHEREAS, the Commission has caused to be prepared a factual report (“Report”) in support of the findings contained in this resolution, which Report is attached to and incorporated by reference in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF WHITELAND, THAT:

Section 1) The Commission has selected and hereby designates the Bright and JRM Properties within the Original EDA as additional allocation area (the “Additional Allocation Area”) and the Declaratory Resolution is hereby amended to add the Additional Allocation Area to the Whiteland Advancement Allocation Area, as previously amended, all of which is an area within the Town’s corporate boundaries. The Additional Allocation Area consists of the approximately 204.129 acres of unimproved land located within the original Office-Industrial sub-area and more particularly described in the attached Exhibit A (referred to as the “Bright and JRM Properties” or the “2019 Enlargement Area”). The boundaries of the Whiteland Advancement Allocation Area, as enlarged by this Resolution, are depicted on Exhibit B.

Section 2) The Commission ratifies and confirms the Plan, the findings contained in the Plan, and that the Plan for the Economic Development Area:

- (A) Promotes significant opportunities for the gainful employment of the citizens of the Town.
- (B) Attracts 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;
- (E) Serves to protect and increase property values in the Town and the State of Indiana; and
- (F) Meets and serves other purposes of Section 2.5, 41, and 43 of the Act.

Section 3) The Commission ratifies and confirms 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 IC 36-7-14 because of:

- (A) The lack of local public improvements; and
- (B) Other similar conditions, specifically: The cost of extension and reconstruction of public improvements has made the development of the property cost prohibitive when compared to other property available for development.

Section 4) The Commission finds, ratifies, and confirms that the enlargement of the Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein conform to the comprehensive plan for the Town and other development and redevelopment plans for the Town.

Section 5) The Commission finds that the public health and welfare will be benefited by the enlargement of the Whiteland Advancement Allocation Area, as described herein.

Section 6) The Commission finds that the enlargement of the Whiteland Advancement Allocation Area, and the accomplishment of the Plan will be of public utility and benefit as measured by:

- (A) The attraction and retention of permanent jobs;
- (B) An increase in the property tax base;
- (C) Improved diversity of the economic base; and
- (D) Allowing the Town to provide safe transportation and additional public infrastructure in the Town.

Section 7) The Commission proposes to acquire as yet unidentified interests in real property within the boundaries of the Economic Development Area as stated in the Plan. Land acquisitions will be determined on a case-by-case basis with each particular infrastructure improvement project. When the Commission determines that it is necessary to acquire real property in the Economic Development Area, it will amend the Plan and this Resolution prior to any acquisition.

Section 8) The Commission finds that no residents of the Economic Development 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.

Section 9) This paragraph shall be considered the allocation provision for the purposes of IC 36-7-14-39. The entire Whiteland Advancement Allocation Area, as enlarged by this Resolution, shall constitute an allocation area as defined in IC 36-7-14-39. 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 IC 36-7-14-39. This allocation provision shall expire no later than twenty-five (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, unless terminated at an earlier date by the Commission.

Section 10) The Commission hereby finds that the adoption of the above allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision.

Section 11) The Commission hereby finds that it will be of public utility and benefit to amend the Declaratory Resolution as described herein and the projects set forth in the Plan will directly serve and benefit the Economic Development Area and promote economic development activity in the Economic Development Area, as further described in the Plan. The Department shall be permitted to engage in the activities necessary to design, construct, and equip the projects set forth in the Plan, and to perform all other activities permitted under the Act.

Section 12) The Commission hereby finds and determines that the amendment of the Declaratory Resolution as provided herein is reasonable and appropriate when considered in relation to the original Declaratory Resolution and the Plan, and the purposes of the Act, and ratifies and confirms that the Plan conforms to the comprehensive plan for the Town.

Section 13) All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a Redevelopment Area or Urban Renewal Area may be exercised by the Commission in the Economic Development Area, subject to the limitations in IC 36-7-14-43.

Section 14) In support of the findings set forth in sections 1-13 above, the Redevelopment Commission hereby adopts the specific findings of fact set forth in the Report attached hereto as Exhibit C.

Section 15) The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Report to the Whiteland Plan Commission for its approval.

Section 16) The Commission also directs the presiding officer, upon receipt of the written order of approval of the Whiteland Plan Commission which has been approved by the Common Council to publish notice of the adoption and substance of this resolution in accordance

with IC 5-3-1-4 and to file notice with the Whiteland Plan Commission, the Board of Zoning Appeals, the Board of Public Works, the 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 must also be filed with the officer authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed allocation area.

Section 17) The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the allocation area, including the following:

- (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 forwarded to each such taxing unit with a copy of the notice required under IC 36-7-14-17 at least 10 days before the date of the hearing described in Section 16 of this Resolution.

Section 17) The Commission also directs the presiding officer to file or cause to be filed a copy of the resolution with both the Johnson County Auditor's Office and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the Commission takes final action on this Resolution.

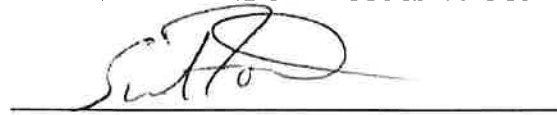
Section 18) The Commission further directs the presiding officer to submit this resolution to the Town Council for its approval of the enlargement of the Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein.

Section 19) This Resolution shall be effective as of its date of adoption.

Adopted:

July 11-2019

WHITELAND REDEVELOPMENT COMMISSION



Scot Ford, President

ATTEST:

Katy Cavaleri

Katy Cavaleri, Secretary

Exhibit A

Description of the Additional Allocation Area
(The “Bright and JRM Properties” or the “2019 Enlargement Area”)

The approximately 204.129 acres of unimproved land located within the original Office-Industrial sub-area, and consisting of the following seven contiguous tax parcels generally located in the northeast corner of the Town’s corporate limits, and depicted on the attached map labeled Exhibit B.

Parcel ID - 41-05-23-033-012.000-048

Owner - J R M ASSOCIATES LP

Parcel ID - 41-05-23-032-009.001-048

Owner - J R M ASSOCIATES LP

Parcel ID - 41-05-22-011-001.001-048

Owner - TERRY & TERRY BRIGHT FARMS LLC

Parcel ID - 41-05-22-014-001.002-048

Owner - TERRY & TERRY BRIGHT FARMS LLC

Parcel ID - 41-05-23-022-008.000-048

Owner - TERRY & TERRY BRIGHT FARMS LLC

Parcel ID - 41-05-23-023-008.001-048

Owner - TERRY & TERRY BRIGHT FARMS LLC

Parcel ID - 41-05-23-023-008.002-048

Owner - TERRY & TERRY BRIGHT FARMS LLC

Exhibit C

FACTUAL REPORT IN SUPPORT OF FINDINGS CONTAINED IN RESOLUTION

As required by Indiana Statute, the Commission may designate the Whiteland Economic Development Area as an economic development area under I.C. 36-7-14-41 in that it satisfies the statutory criteria as follows:

1. The Plan for the EDA will promote significant opportunities for growth and the gainful employment of citizens of the Town of Whiteland by helping provide available and adequate infrastructure, which is necessary to attract new developments and new employers. To locate in the EDA, businesses and developers desire sites that are shovel ready with all required infrastructure, including water, wastewater services, along with road and drainage improvements. This Plan provides for the potential for public funding of those necessary improvements as development occurs. The establishment of the EDA enables the use of public funding to guide infrastructure design and construction and thus development of the EDA so as to promote employment and mixed uses of the land, to an extent individual property owners would not otherwise attain.
2. The Plan for the Area cannot be achieved by the regulatory processes or by ordinary operation of private enterprise without resorting to the Redevelopment Statutes (IC 36-7-14 and IC 36-7-25) because of the lack of public improvements and the Town's long running economic stagnation.
3. The Plan for the EDA will benefit the public health, safety, morals, and welfare in that the implementation of the Plan will diversify the local economy, add employment opportunities that do not now exist and cannot exist without the addition of public improvements, promote synergistic development throughout the EDA, and serve to protect and increase property values in the Town, County and the State of Indiana.
4. The accomplishment of the Plan for the Area will be of public utility and benefit as measured by the attraction or retention of permanent jobs, increase in the property tax base, improved diversity of the economic base, and other similar public benefits, in that the implementation of the Plan will and the installation of additional infrastructure in the EDA will make the property of the EDA more attractive for potential businesses and developers to locate in the EDA, which will result in more development, more assessed value, and more permanent jobs, and a greater diversity of businesses and employers.
5. The Plan conforms to other development and redevelopment plans for the unit in that the Plan expressly provides that it is designed and intended to promote the use of land in the Town of Whiteland in a manner consistent with the Whiteland Comprehensive Plan's recommendations regarding industrial and commercial growth. More specifically, industrial economic development is encouraged along and near the interstate and the railroad; commercial development is planned along US 31 that will both employ citizens

and encourage further residential and business growth; and initiation of a new town center in conjunction with redevelopment of the existing Main Street is called for to improve community well-being, generate employment, and form a distinctive identity.

6. The adoption of the allocation provision of the Resolution, which adds the Bright and JRM Properties to the Whiteland Advancement Allocation Area, will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision, because the Bright and JRM Properties are currently unimproved land, such properties have been undeveloped for decades, such properties do not currently have any proposed development, the projects within the Plan for the Whiteland Advancement Allocation Area will help provide infrastructure necessary for the Bright and JRM Properties to attract development to such properties, and the projects within the Plan will be more likely to be funded and accomplished with the Bright and JRM Properties included within the Whiteland Advancement Allocation Area.

Exhibit B

**ORDER OF THE WHITELAND PLAN COMMISSION
DETERMINING THAT A DECLARATORY RESOLUTION
APPROVED AND ADOPTED BY THE
WHITELAND REDEVELOPMENT COMMISSION CONFORMS
TO THE PLAN OF DEVELOPMENT FOR WHITELAND AND APPROVING THAT
RESOLUTION
(Whiteland Economic Development Area)**

WHEREAS, the Town of Whiteland ("Town") Redevelopment Commission ("Redevelopment Commission") adopted a declaratory resolution (Resolution No. 2019-02) on July 11, 2019 ("Declaratory Resolution") A Resolution Amending the Declaratory Resolution 2013-01 to Designate Additional Allocation Area Within the Whiteland Economic Development Area (Addition of Bright and JRM Properties); and

WHEREAS, IND. CODE § 36-7-14-16 requires approval of the Declaratory Resolution by the Whiteland Plan Commission ("Plan Commission").

NOW, THEREFORE, BE IT ORDERED by the Whiteland Plan Commission as follows:

1. The Plan Commission finds that Redevelopment Commission Resolution 2019-02 conforms to the Whiteland Comprehensive Plan and the plan of development for the Town.
2. Redevelopment Commission Resolution 2019-02 and the Economic Development Plan for the Area are in all respects approved.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution with the permanent minutes of this meeting.

Approved by the Whiteland Plan Commission, this 6th day of August, 2019.

Whiteland Plan Commission


Richard Hill, President

ATTEST:


Julia Meece, Secretary
Whiteland Plan Commission

**ORDER OF THE WHITELAND PLAN COMMISSION
DETERMINING THAT A DECLARATORY RESOLUTION
APPROVED AND ADOPTED BY THE
WHITELAND REDEVELOPMENT COMMISSION CONFORMS
TO THE PLAN OF DEVELOPMENT FOR WHITELAND AND APPROVING THAT
RESOLUTION
(Whiteland Economic Development Area)**

WHEREAS, the Town of Whiteland ("Town") Redevelopment Commission ("Redevelopment Commission") adopted a declaratory resolution (Resolution No. 2019-02) on July 11, 2019 ("Declaratory Resolution") A Resolution Amending the Declaratory Resolution 2013-01 to Designate Additional Allocation Area Within the Whiteland Economic Development Area (Addition of Bright and JRM Properties); and


WHEREAS, IND. CODE § 36-7-14-16 requires approval of the Declaratory Resolution by the Whiteland Plan Commission ("Plan Commission").

NOW, THEREFORE, BE IT ORDERED by the Whiteland Plan Commission as follows:

1. The Plan Commission finds that Redevelopment Commission Resolution 2019-02 conforms to the Whiteland Comprehensive Plan and the plan of development for the Town.
2. Redevelopment Commission Resolution 2019-02 and the Economic Development Plan for the Area are in all respects approved.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution with the permanent minutes of this meeting.

Approved by the Whiteland Plan Commission, this 6th day of August, 2019.

Whiteland Plan Commission



Richard Hill, President

ATTEST:



Julia Meece, Secretary
Whiteland Plan Commission