

**WHITELAND TOWN COUNCIL
RESOLUTION NO. 2020-03**

**A RESOLUTION DECLARING CERTAIN AREA WITHIN THE TOWN OF
WHITELAND AN ECONOMIC REVITALIZATION AREA AND QUALIFYING
CERTAIN REAL PROPERTY IMPROVEMENTS FOR TAX ABATEMENT AND
SETTING THE TIME AND PLACE FOR A PUBLIC HEARING**

(Mohr Whiteland, LLC)

WHEREAS, the Town of Whiteland, Indiana, (the “Town”), recognizes the need to stimulate growth and maintain a sound economy within its corporate limits;

WHEREAS, the Whiteland Town Council further recognizes that it is in the best interest of the Town of Whiteland to provide incentives to stimulate investment within the community;

WHEREAS, Ind. Code § 6-1.1-12.1 *et. seq.* provides for a program of real and personal property tax abatement within Economic Revitalization Areas (“ERA”) and provides for the adoption of such a program;

WHEREAS, the Whiteland Town Council desires to establish such an ERA within the Town of Whiteland;

WHEREAS, the approximately 121 acres of property located at the northeast corner of Whiteland Road and Graham Road, more particularly described and depicted on Exhibit A attached hereto and incorporated herein (the “Real Estate”) has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevented a normal development of property or use of property;

WHEREAS, Mohr Whiteland, LLC (“Mohr” or “Applicant”) proposes to purchase the Real Estate and redevelop the Real Estate as the term is contemplated by Ind. Code § 6-1.1-12.1-1(5), and requests an economic revitalization area designation;

WHEREAS, Mohr intends to construct an approximately 996,930 square foot industrial warehouse as well as various supporting infrastructure including roadways, parking areas, ponds, and landscaping;

WHEREAS, Mohr has separately petitioned for the Real Estate to be rezoned for I-1 Industrial use;

WHEREAS, Mohr intends to invest approximately \$44,705,000 in real property improvements via purchase of the Real Estate and construction of an industrial warehouse building, and intends to invest approximately \$10,000,000 in logistics distribution equipment to be installed on the Real Estate (together, the “Project”), and which building and personal property investments, once put to use by an end user, will create additional employment positions and additional payroll in the Town;

WHEREAS, on April 30, 2020, Mohr has filed its Statement of Benefits Real Estate Improvements (SB-1 / Real Property) and its Statement of Benefits Personal Property (SB -1 / PP) with the Town of Whiteland and submitted its Application for Property Tax Abatement, which are attached hereto as part of composite Exhibit B (the “Application”);

WHEREAS, the Whiteland Town Council has reviewed the Statement of Benefits Real Estate Improvements (SB–1 / Real Property) form and the Statement of Benefits Personal Property (SB -1 / PP) and been otherwise duly advised in the premise and has determined that it is in the best interests of the Town to allow the deductions for the Real Estate Improvements as described in the Application;

WHEREAS, the Project and Application contemplates the extension of public facilities/infrastructure to serve the Project, namely water and sewer extensions, with the potential for the Applicant to recoup the costs of such infrastructure, which the Council intends to further consider authorizing once more detailed information and cost estimates are provided to the Town, which recoupment may take the form of an agreement between the Applicant and the Town concerning such recoupment and an amendment of this Resolution to approve a deduction schedule with higher percentages and/or to approve the Statement of Benefits Personal Property (SB -1 / PP) with a deduction schedule that provides the recoupment being sought;

WHEREAS, Ind. Code § 6-1.1-12.1-11.3(c), (a)(2), (a)(3), and (a)(5) provide that the Whiteland Town Council, by resolution, may waive noncompliance of a requesting entity of “failure to submit the completed statement of benefits form to the designating body before the . . . initiation of the redevelopment or rehabilitation”, “failure to designate an area as an economic revitalization area before the initiation of the redevelopment...”, and “failure to file a . . . timely . . . deduction application”;

WHEREAS, in order to facilitate a timely construction schedule, Mohr anticipates beginning the construction of the Project prior to the Whiteland Town Council’s final approval of the Application and designation of the Real Estate as an ERA;

WHEREAS, the Whiteland Town Council has determined that a waiver of such noncompliance is just and proper given the necessity of the abatement package to Mohr’s commitment to undertake the Project and locate within the Town; and

WHEREAS, the Whiteland Town Council plans to hold a public hearing on the waiver in accordance with Ind. Code § 6-1.1-12.1-11.3(c).

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

Section 1. The area legally described and shown on the attached Exhibit A is found to be an area within Whiteland Town Council jurisdiction and meets the statutory criteria of an Economic Revitalization Area.

Section 2. The area legally described and shown on the attached Exhibit A is hereby declared an Economic Revitalization Area to be known as the “Mohr Whiteland Economic

Revitalization Area.”

Section 3. The Whiteland Town Council hereby determines that it is in the best interest of the Town to allow the deduction under Ind. Code § 6-1.1-12.1-3 for the real estate improvements within the said ERA, as requested in the Application, based upon the following findings:

- (1) The estimate of the value of the redevelopment of the Real Estate is reasonable for projects of that nature.
- (2) The estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
- (3) The estimate of the annual salaries of the individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
- (4) The nature of the improvements and the projected property taxes to be paid, create benefits of the type and quality anticipated by the Whiteland Town Council within the ERA and can reasonably be expected to result from the proposed described redevelopment.
- (5) The totality of benefits is sufficient to justify the deductions.

Section 4. The Application for Real Property Tax Abatement and Statement of Benefits Real Estate Improvements (Form SB-1 / Real Property) as submitted is hereby approved.

Section 5. The owner of the real estate improvements comprising the construction within the above-designated ERA shall be entitled to the deductions provided by Ind. Code § 6-1.1-12.1-3 for a period of ten (10) years with respect to real estate improvements constructed as contemplated by and reflected in the Application, according to the following schedule:

Year 1: 100%	Year 6: 40%
Year 2: 95%	Year 7: 30%
Year 3: 80%	Year 8: 20%
Year 4: 65%	Year 9: 10%
Year 5: 50%	Year 10: 5%

Section 6. In partial consideration of the value of the property tax deductions granted to Mohr by the Town, Mohr hereby agrees and commits, for itself and future owners of the Real Estate, to not file any real property tax assessment appeal, review, or other challenge (“Appeal”) of the real property tax assessments made for the Real Estate during the time periods for which real property tax deductions are authorized under this Resolution, unless the assessed value of the Real Estate exceeds the total actual investment in the Real Estate (including, but not limited to, the purchase price and the costs of any improvements). In the event Mohr or another owner of the Real Estate desires to file such an Appeal, Mohr or the owner of the Real Estate shall provide the Town with a copy of the Appeal no later than the date the Appeal is filed. Violation of the restrictions on and conditions applicable to an Appeal shall permit the Town to terminate the property tax deductions authorized under this Resolution. This paragraph shall run with the Real Estate and be binding on future owners of the Real Estate.

Section 7. Pursuant to Ind. Code § 6-1.1-12.1-11.3(c), the Whiteland Town Council shall conduct a public hearing on the waiver of Mohr's anticipated noncompliance with the requirements contained in Ind. Code § 6-1.1-12.1-11.3(a)(3), at the Whiteland Town Council's special meeting on May 26, 2020 at 7:00 p.m.

Section 8. Two (2) copies of the ERA map, are on file in the Office of the Clerk-Treasurer of Whiteland, Indiana and the Town Council directs the Clerk-Treasurer to maintain for public inspection the two (2) copies in the files of the Clerk-Treasurer.

Section 11. Notice of the adoption and the substance of this Resolution as required by Ind. Code § 6-1.1-12.1-2.5 shall be published in accordance with Ind. Code § 5-3-1, which notice shall advise that at the Whiteland Town Council's special meeting on May 26, 2020 at 7:00 p.m., the Council will receive and hear all remonstrance and objections from interested persons, and, having heard and considered same, will act to rescind, modify and confirm, or confirm this Resolution. All other disclosures and filings required by Ind. Code § 6-1.1-12.1-2.5 shall also be timely accomplished.

Section 12. A copy of the above-referenced notice of adoption and a statement containing substantially the same information as the Statement of Benefits Real Estate Improvements and/or Statement of Benefits Personal Property included in composite Exhibit B shall be filed with the officers of each taxing unit that has authority to levy property taxes in the geographic area which is hereby allowed deductions, at least ten (10) days prior to the public hearing on this Resolution.

Section 13. A copy of this Resolution shall be filed with the Johnson County Assessor's Office and made available at that office for public inspection.

Section 14. The sections, paragraphs, sentences, clauses, and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this Resolution, and a suitable and equitable provision shall be substituted for such provision in order to carry out, so far as may be valid and enforceable, the intent and purpose of the provision and this Resolution.

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ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 12th day of May, 2020.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed



David Hawkins, President

David Hawkins, President


Scot Ford

Scot Ford



Joseph Sayler

Joseph Sayler



Brad Goedeker


Brad Goedeker



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

