

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2020-17

A RESOLUTION APPROVING REDEVELOPMENT COMMISSION RESOLUTION
NO. 2020-06, A RESOLUTION AMENDING DECLARATORY RESOLUTION 2013-01
TO ENLARGE THE WHITELAND ECONOMIC DEVELOPMENT AREA AND TO
DESIGNATE ADDITIONAL ALLOCATION AREA WITHIN THE WHITELAND
ECONOMIC DEVELOPMENT AREA, AND APPROVING THE ORDER OF THE
WHITELAND PLAN COMMISSION
(Addition of Mohr Logistics Property)

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 and amended, 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 and Ind. Code § 36-7-25, 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. 2020-06) on November 12, 2020 (the “Amending Declaratory Resolution”), attached hereto as Exhibit A, to enlarge the Whiteland Economic Development Area and to designate additional allocation area within the Whiteland Economic Development Area (“Area”), as contemplated in the 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 December 1, 2020, 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 November 12, 2020 amending the Declaratory Resolution are in all respects approved, ratified, and confirmed by the Town Council.

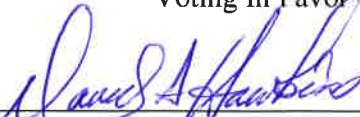
Section 2. The Order and the action of the Plan Commission on December 1, 2020, approving the Amending Declaratory Resolution are in all respects approved, ratified and confirmed by the Town Council.

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

Adopted this 8th day of December, 2020, by a vote of 5 in favor, 0 opposed.

Voting In Favor

Voting Opposed



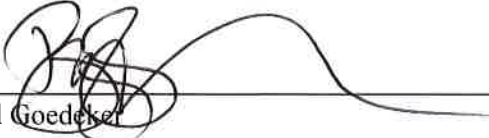
David Hawkins, President

David Hawkins, President



Scot Ford

Scot Ford



Brad Goedecker

Brad Goedecker



Joseph Sayler

Joseph Sayler



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

Exhibit A
Redevelopment Commission Resolution No. 2020-06

[See attached]

WHITELAND REDEVELOPMENT COMMISSION
RESOLUTION 2020-06

A RESOLUTION AMENDING DECLARATORY RESOLUTION 2013-01 TO ENLARGE
THE WHITELAND ECONOMIC DEVELOPMENT AREA AND TO DESIGNATE
ADDITIONAL ALLOCATION AREA WITHIN THE WHITELAND ECONOMIC
DEVELOPMENT AREA
(Addition of Mohr Logistics Property)

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 and amended, the "Declaratory Resolution") establishing an economic development area known as the "Whiteland Economic Development Area" (the "Economic Development Area" or "EDA"), and approving an economic development plan for the EDA (the "Plan"), pursuant to Ind. Code § 36-7-14 and Ind. Code § 36-7-25, as amended, (collectively, the "Act");

WHEREAS, the Plan for the EDA expressly anticipates and proposes that adjacent unannexed lands east of or near I-65, be added to the EDA as those lands are annexed into the corporate limits of the Town in the future;

WHEREAS, the 184 acre Mohr Logistics Property described and depicted within Exhibit A attached hereto and incorporated herein (referred to herein as the "Mohr Logistics Property" and the "2020-06 Enlargement Area"), was recently annexed into the Town of Whiteland and abuts the EDA and the Whiteland Advancement Allocation Area;

WHEREAS, the Commission has determined that the 2020-06 Enlargement Area is additional economic development area to be added to the EDA and developed under the Act;

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

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 Declaratory Resolution to add the 2020-06 Enlargement Area, attached as Exhibit B; 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 the 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, the Commission deems it advisable to apply the provisions of Sections 41 and 43 of the Act to the 2020-06 Enlargement Area; and

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

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

Section 1. The Commission hereby amends the Declaratory Resolution to designate the newly annexed Mohr Logistics Property as additional economic development area (the “Additional EDA”), all of which is located within the Town’s corporate boundaries, which together with the original EDA shall constitute the Whiteland Economic Development Area, and the Declaratory Resolution is also hereby amended to add the 2020-06 Enlargement Area to the Whiteland Advancement Allocation Area, as previously amended. The boundaries of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, as enlarged by this Resolution, are depicted on Exhibit C. References to EDA within the Plan for the EDA shall be deemed to include the Additional EDA.

Section 2. The Commission ratifies and confirms the Plan and the findings contained in the Plan, and finds that the Plan for the Economic Development Area as enlarged by this Resolution:

- (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 construction of public improvements has made the development of the property cost prohibitive.

Section 4. The Commission finds, ratifies, and confirms that the enlargement of the Whiteland Economic Development Area and 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 Economic Development Area and the Whiteland Advancement Allocation Area, as described herein.

Section 6. The Commission finds that the enlargement of the Whiteland Economic Development Area and 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.

Section 8. The Commission does not propose to acquire property for redevelopment that will displace any residents of the Additional EDA; therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents of the Additional EDA.

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 Additional EDA 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 Factual Report attached hereto as Exhibit D.

Section 15. The presiding officer of the Commission is hereby authorized and directed to submit this Resolution and the Factual 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, or cause to be filed, 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 officers 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 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. The Commission also directs the presiding officer to file, or cause to be filed, a copy of the confirmed 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 20. This Resolution shall be effective as of its date of adoption.

Adopted by the Whiteland Redevelopment Commission on the 12th day of November, 2020.

WHITELAND REDEVELOPMENT COMMISSION


~~Scott Ford, President~~
David S. Hawkins, Vice President

ATTEST:


Katy Cavaleri, Secretary

Exhibit A
(Page 1 of 2)

Description of the “Mohr Logistics Property” and the “2020-06 Enlargement Area”

Parcel ID’s - 41-05-23-041-023.002-028, 41-05-23-014-005.000-028, 41-05-23-042-022.001-028, 41-05-23-031-022.000-028, 41-05-23-031-021.000-028, 41-05-23-021-001.000-028, 41-05-23-013-006.001-028, 41-05-23-024-001.000-028 being approximately 184 acres of unimproved land located West of I-65 and N. 300 E./Warrior Trail and on the South side of 600 N./Tracy Road and depicted on the attached map.

Owner – MLP Land I, LLC

LEGAL DESCRIPTION

Part of Section 23, Township 13 North, Range 4 East of the Second Principal Meridian, in Johnson County, Indiana more particularly described as follows:

Beginning at the southwest corner of the East Half of the Northwest Quarter of said Section 23; thence North 89 degrees 10 minutes 31 seconds East (bearings based on the Indiana Geospatial Coordinate System) along the south line of said East Half 663.34 feet to the southwest corner of the East Half of the East Half of said Northwest Quarter; thence North 00 degrees 21 minutes 32 seconds East along the west line thereof 2719.23 feet to the northwest corner of said Half Half Quarter Section; thence North 88 degrees 52 minutes 45 seconds East along the north line of said Half Half Quarter Section 402.47 feet; thence South 01 degrees 07 minutes 15 seconds East 13.50 feet to the Limited Access right-of-way line of Line “S-12-A” on Project I-65-3 (77) 95; thence South 83 degrees 24 minutes 09 seconds East with last said right-of-way 352.74 feet; thence South 88 degrees 28 minutes 06 seconds East with last said right-of-way 698.85 feet; thence South 28 degrees 14 minutes 08 seconds East along the west right-of-way line of Interstate Highway 65 a distance of 2964.58 feet to the south line of the Northeast Quarter of said Section 23; thence South 89 degrees 08 minutes 40 seconds West along said south line 56.31 feet to the westerly line of a 50 foot right-of-way frontage road along the west side of Interstate Highway 65; thence South 28 degrees 14 minutes 08 seconds East along said westerly right-of-way 997.46 feet to the north line of a tract described in Instrument number 96023802 in the Recorder’s Office of Johnson County, Indiana; thence South 89 degrees 08 minutes 24 seconds West 38.03 feet to the northwest corner of said tract; thence South 88 degrees 46 minutes 52 seconds West 1247.92 feet to the east line of the West Half of the Southeast Quarter of said Section 23; thence North 00 degrees 55 minutes 57 seconds West along said east line 397.04 feet to a point distant 496.60 feet south of the northeast corner of said West Half; thence South 89 degrees 08 minutes 40 seconds West parallel with the north line of said West Half 1277.42 feet; thence South 00 degrees 55 minutes 57 seconds East 1.40 feet; thence South 89 degrees 17 minutes 57 seconds West parallel with the north line of the East Half of the Southwest Quarter of said Section 23 a distance of 1375.50 feet to the west line of said East Half; thence North 00 degrees 36 minutes 53 seconds West along said west line 495.00 feet to the Point of Beginning. Containing 183.95 acres, more or less.

Depiction of Mohr Logistics Property also known as the 2020-06 Enlargement Area

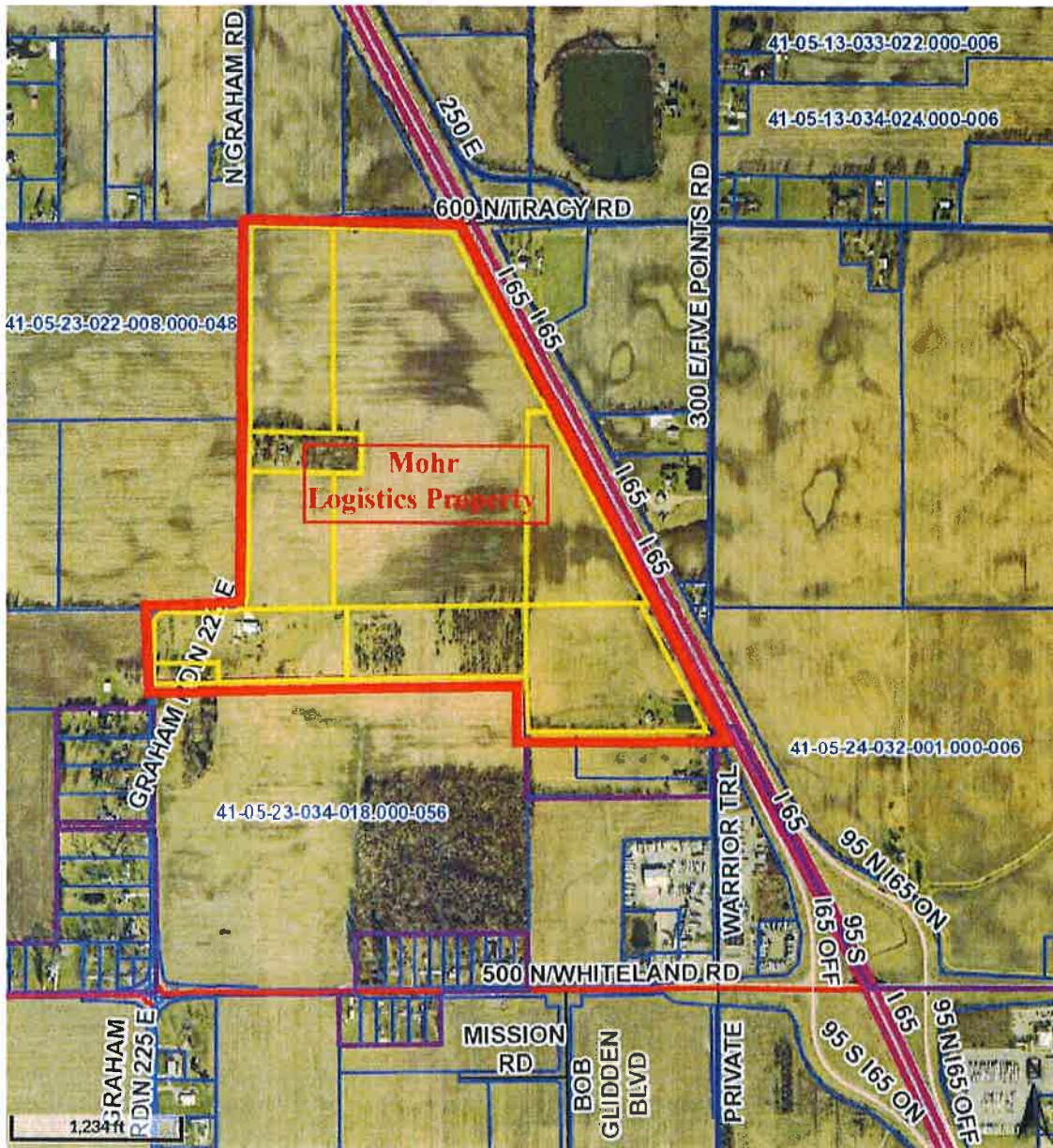


Exhibit B

List of the owners of the various parcels of property affected by the amendment of the resolution to add the 2020-06 Enlargement Area, as of November 10, 2020

PARCEL ID	OWNER
41-05-23-041-023.002-028	MLP Land I, LLC
41-05-23-014-005.000-028	MLP Land I, LLC
41-05-23-042-022.001-028	MLP Land I, LLC
41-05-23-031-022.000-028	MLP Land I, LLC
41-05-23-031-021.000-028	MLP Land I, LLC
41-05-23-021-001.000-028	MLP Land I, LLC
41-05-23-013-006.001-028	MLP Land I, LLC
41-05-23-024-001.000-028	MLP Land I, LLC

Exhibit C

Map of Boundaries of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, as Enlarged by Resolution 2020-06

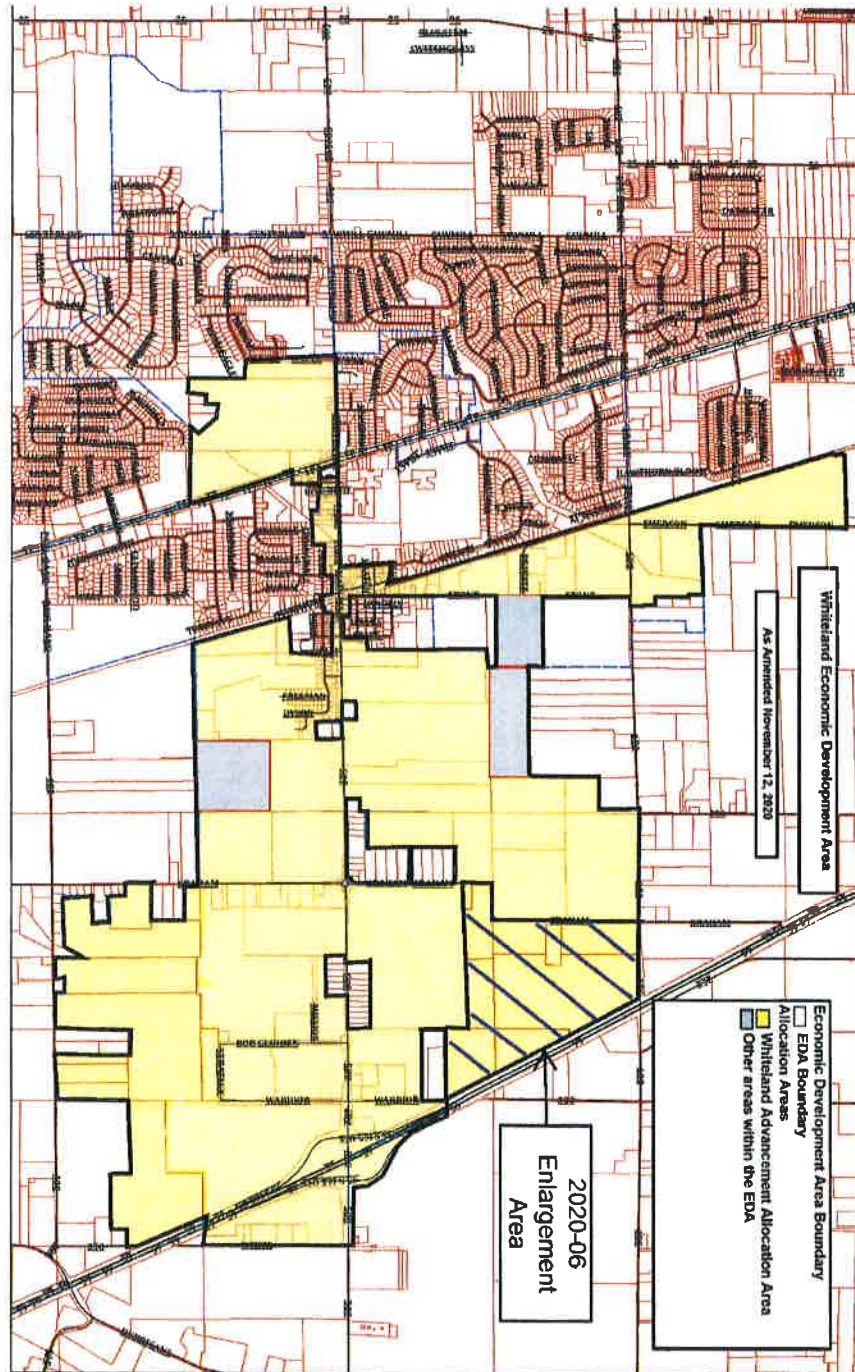


Exhibit D

**FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN RESOLUTION**

As provided 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 EDA 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 EDA 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 Mohr Logistics Property 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, with the exception of the three single family residences located on the Mohr Logistics Property, the Mohr Logistics Property is currently unimproved land, such property has been undeveloped for decades, such property was recently proposed for development and annexed into the Town with the understanding that the proposed development of the property could not occur without assistance in the construction of critical infrastructure and that such assistance would be facilitated by the inclusion of the property within the Town's TIF district, and that the projects contemplated by the Plan for the Whiteland Advancement Allocation Area will help provide infrastructure necessary for the Mohr Logistics Property to develop, and the projects contemplated by the Plan will be more likely to be funded and accomplished with the Mohr Logistics Property included within the Whiteland Advancement Allocation Area.

Exhibit B
Plan Commission Order Approving Redevelopment Commission Resolution No. 2020-06

[See attached]

**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
(TIF Enlargement for Mohr Logistics Property)**

WHEREAS, the Town of Whiteland ("Town") Redevelopment Commission ("Redevelopment Commission") adopted a declaratory resolution (Resolution No. 2020-06) on November 12, 2020 ("Declaratory Resolution"), A Resolution Amending Declaratory Resolution 2013-01 To Enlarge The Whiteland Economic Development Area And To Designate Additional Allocation Area Within The Whiteland Economic Development Area (Addition of Mohr Logistics Property); 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 2020-06 conforms to the Whiteland Comprehensive Plan and the plan of development for the Town.
2. Redevelopment Commission Resolution 2020-06 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 1st day of December, 2020.

Whiteland Plan Commission


_____, President

ATTEST:


_____, Secretary
Whiteland Plan Commission

