

WHITELAND COUNCIL RESOLUTION NO. 2019-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, APPROVING REDEVELOPMENT COMMISSION RESOLUTION NO. 2018-02, A RESOLUTION AMENDING THE DECLARATORY RESOLUTION AND ALLOCATION AREA OF THE WHITELAND ECONOMIC DEVELOPMENT AREA TO EXCLUDE THREE PARCELS IN THE BRIAR HILL AREA, AND APPROVING THE ORDER OF THE WHITELAND PLAN COMMISSION
(Briar Hill Parcels Exclusion from TIF District)

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" (the "Original EDA"), 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 IND. CODE § 36-7-14-39 (the "Whiteland Advancement 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 an amending declaratory resolution (Resolution No. 2018-02) on December 13, 2018 (the "Amending Declaratory Resolution"), attached hereto as Exhibit A, to exclude and except out of the Whiteland Advancement Allocation Area the following parcels in Briar Hill:

- (A) The approximately 2.02 acre parcel located on Whiteland Road and identified as Parcel number 41-05-28-024-004.000-028;
- (B) The approximately 10.64 acre parcel located on Whiteland Road and identified as Parcel number 41-05-28-024-006.000-028; and
- (C) The approximately 0.098 acre parcel located on Whiteland Road and identified as Parcel number Parcel number 41-05-28-021-002.000-028.

(the "Briar Hill Parcels");

WHEREAS, the Act requires approval of the Amending Declaratory Resolution by the Whiteland Plan Commission ("Plan Commission"), which occurred on February 5, 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 December 13, 2018 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 February 5, 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.

Passed and adopted by the Town Council of the Town of Whiteland, Indiana, this 12th day of February, 2019.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed



Andy Brock, President



David Hawkins



Scot Ford



Joseph Sayler



Brad Goedeker

Andy Brock, President

David Hawkins

Scot Ford

Joseph Sayler

Brad Goedeker

Attest:



Debra L. Hendrickson, Clerk-Treasurer

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2018-02

**A RESOLUTION AMENDING THE DECLARATORY RESOLUTION AND ALLOCATION
AREA OF THE WHITELAND ECONOMIC DEVELOPMENT AREA TO EXCLUDE THREE
PARCELS LOCATED IN BRIAR HILL SUBDIVISION**

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 “Original EDA”), and approving an economic development plan for the area (the “Plan”), pursuant to IND. CODE § 36-7-14, as amended (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 Redevelopment Commission has investigated, studied, and surveyed economic development areas within the corporate boundaries of the Town;

WHEREAS, as part of the Declaratory Resolution the Redevelopment Commission adopted an economic development plan (“Plan”) for the Original EDA;

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) An estimate of the cost of acquisition, redevelopment and economic development;

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; 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 determined that the following three parcels in Briar Hill (the "Briar Hill Parcels") will no longer be of benefit to include within the Whiteland Advancement Allocation Area:

- (A) The approximately 2.02 acre parcel located on Whiteland Road and identified as Parcel number 41-05-28-024-004.000-028;
- (B) The approximately 10.64 acre parcel located on Whiteland Road and identified as Parcel number 41-05-28-024-006.000-028; and
- (C) The approximately 0.098 acre parcel located on Whiteland Road and identified as Parcel number Parcel number 41-05-28-021-002.000-028.

The Briar Hill Parcels, consisting of a total of approximately 12.758 acres are hereby excluded and excepted out of the Whiteland Advancement Allocation Area. The boundaries of the Whiteland Advancement Allocation Area, as amended by this resolution to exclude the Briar Hill Parcels, are depicted on Exhibit A.

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 IND. CODE 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. In addition, the Town has experienced a long running economic stagnation. Due to the limited growth and expansion of the Town associated with the economic stagnation, few businesses have located in the Town in recent years. Since new businesses tend to locate where other businesses have also found economic success, this stagnation has affected the willingness for companies to come into Town. Public governmental involvement is now needed to initiate economic development and overcome the Town's economic stagnation.

Section 4) The Commission finds, ratifies, and confirms that the exclusion of the Briar Hill Parcels from 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 amendment of the Whiteland Advancement Allocation Area as described herein.

Section 6) The Commission finds that the amendment 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 reaffirms that it 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 reaffirms 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 purposes of IND. CODE § 36-7-14-39. For purposes of IND. CODE § 36-7-14-39, the Briar Hill Parcels shall no longer be considered part of the Whiteland Advancement Allocation Area, and any property taxes levied upon the Briar Hill Parcels 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 **not** be allocated and distributed in accordance with IND. CODE § 36-7-14-39. In accordance with IND. CODE § 36-7-14-39, the Base Assessed Value of the Whiteland Advancement Allocation Area as amended by this resolution shall be as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this declaratory resolution, which assessment date is January 1, 2018, and such Base Assessed Value of the Whiteland Advancement Allocation Area shall be calculated without the inclusion of the Briar Hill Parcels.

Section 10) It will be of public utility and benefit to amend the Declaratory Resolution as described herein.

Section 11) 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 12) In support of the findings set forth in sections 1-11 above, the Redevelopment Commission hereby reaffirms and adopts the specific findings of fact set forth in the Report attached hereto as Exhibit B.

Section 13) 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 14) 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 IND. CODE § 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 IND. CODE § 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed allocation area.

Section 15) The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the allocation area, as required under IND. CODE § 36-7-14-17(c)(2).

Section 16) The Commission further directs the presiding officer to submit this resolution to the Town Council for its approval of the amendment of Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein.

Section 17) This Resolution shall be effective as of its date of adoption.

Adopted: December 13, 2018.

WHITELAND REDEVELOPMENT COMMISSION



Charles Howard, President

ATTEST:



Katy Cavaleri, Secretary

Exhibit B

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 (IND. CODE 36-7-14 and IND. CODE 36-7-25) because of the lack of public improvements and the Town's long running economic stagnation. Due to the limited growth and expansion of the Town associated with the economic stagnation, few businesses have located in the Town in recent years. Since new businesses tend to locate where other businesses have also found economic success, this stagnation has affected the willingness for companies to come into Town. Public governmental involvement is now needed to initiate economic development and overcome the Town's 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 Briar Hill Parcels are being developed as part of a residential subdivision and as such the assessed value of such parcels may not be captured by the 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. 2018-02) on December 13, 2018 ("Declaratory Resolution") to exclude and except out of the Whiteland Advancement Allocation Area (the "Area") three parcels located in Briar Hill ^{Creek} more particularly described as follows:

- (A) The approximately 2.02 acre parcel located on Whiteland Road and identified as Parcel number 41-05-28-024-004.000-028;
- (B) The approximately 10.64 acre parcel located on Whiteland Road and identified as Parcel number 41-05-28-024-006.000-028; and
- (C) The approximately 0.098 acre parcel located on Whiteland Road and identified as Parcel number Parcel number 41-05-28-021-002.000-028.

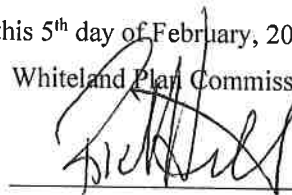
WHEREAS, IND. CODE § 36-7-14-16 requires approval of the Declaratory Resolution by the Whiteland Plan Commission ("Plan Commission").

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

1. The Plan Commission finds that Redevelopment Commission Resolution 2018-02 conforms to the Whiteland Comprehensive Plan and the plan of development for the Town.
2. Redevelopment Commission Resolution 2018-02 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 5th day of February, 2019.

Whiteland Plan Commission



, President

ATTEST:



Julia Meece, Secretary
Whiteland Plan Commission