

WHITELAND TOWN COUNCIL

RESOLUTION NO. 2019-13

**A RESOLUTION APPROVING CERTAIN REAL PROPERTY IMPROVEMENTS FOR
TAX ABATEMENT AND WAIVING NONCOMPLIANCE WITH TIMING
REQUIREMENTS**

(Whiteland Logistics Center, Building 2 - JD Whiteland, L.L.C.)

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, pursuant to Whiteland Council Resolution 2019-07, the Whiteland Town Council established the Whiteland Logistics Center Economic Revitalization Area as an ERA within the Town of Whiteland;

WHEREAS, the approximately 8 acres of property located in the Master-Planned Whiteland Logistics Center southeast of the intersection of Whiteland Road and Graham Road within the Town of Whiteland, more particularly identified on Exhibit A attached hereto and incorporated herein (the "Real Estate"), is located within the Whiteland Logistics Center Economic Revitalization Area, and is owned by JD Whiteland, L.L.C. ("JDW"), which desires to construct an approximately 169,056 square foot Class-A warehouse on the Real Estate;

WHEREAS, JDW has filed its Statement of Benefits Real Estate Improvements (SB-1 / Real Property) form 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"), on September 3, 2019, as amended and supplemented on October 3, 2019;

WHEREAS, JDW intends to redevelop the Real Estate as the term is contemplated by Ind. Code § 6-1.1-12.1-1(5) and requests approval of its Application;

WHEREAS, the said Real Estate property is zoned for I-1 Industrial use according to the Official Zoning Map of the Town of Whiteland;

WHEREAS, JDW intends to invest approximately \$7,000,000 in the economic revitalization area in real property improvements via the construction of the speculative building (the "Project"), and which building, once put to use by an end user, will create additional employment positions and additional payroll in the Town;

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

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, JDW has begun the construction of the Project prior to the Whiteland Town Council's approval of the Application;

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 JDW's commitment to undertake the Project and locate within the Town; and

WHEREAS, the Whiteland Town Council has held 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 Real Estate identified on the attached Exhibit A is found to be an area within Whiteland Town Council jurisdiction and has been previously designated as an economic revitalization area.

Section 2. 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 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 3. The Application for Real Property Tax Abatement and Statement of Benefits Real Estate Improvements (Form SB-1 / Real Property) as submitted and attached hereto as composite Exhibit B are hereby approved.

Section 4. The owner of the real estate improvements comprising the construction within the Real Estate 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: 49.5%	Year 6: 49.5%
Year 2: 49.5%	Year 7: 49.5%
Year 3: 49.5%	Year 8: 49.5%
Year 4: 49.5%	Year 9: 49.5%
Year 5: 49.5%	Year 10: 49.5%

Section 5. In partial consideration of the value of the property tax deductions granted to JDW by the Town, JDW 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 JDW or another owner of the Real Estate desires to file such an Appeal, JDW 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 6. The Council hereby delegates to the Whiteland Town Manager all authority necessary to effectuate the intentions of this Resolution.

Section 7. Pursuant to Ind. Code § 6-1.1-12.1-11.3(c), the Whiteland Town Council, having conducted a public hearing on the requested waiver at its regularly scheduled meeting on October 8, 2019 at 7:00 p.m., hereby waives JDW’s noncompliance with the requirements contained in Ind. Code § 6-1.1-12.1-11.3(a)(2).

Section 8. The President of the Council is hereby authorized to complete and execute JDW’s Statement of Benefits form consistent with this Resolution.

Section 9. A copy of this Resolution and any required supporting information shall be filed with the Johnson County Auditor.

Section 10. 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.

Section 11. This Resolution shall be effective immediately upon its passage.

ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 8th day of October, 2019.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed



David Hawkins, President

David Hawkins, President




Scot Ford, Vice President

Scot Ford, Vice President

Brad Goedeker

Brad Goedeker



Joseph Sayler

Joseph Sayler



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer