

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2021-01

A RESOLUTION CONFIRMING RESOLUTION 2020-18 DECLARING A CERTAIN AREA WITHIN THE TOWN OF WHITELAND AN ECONOMIC REVITALIZATION AREA AND QUALIFYING CERTAIN REAL PROPERTY IMPROVEMENTS FOR TAX ABATEMENT WITH A MODIFIED ABATEMENT SCHEDULE

(Mohr Logistics Park)

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

WHEREAS, the Whiteland Town Council (“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 § 6-1.1-12.1-1 *et. seq.* provides for a program of real property and personal property tax abatement within “economic revitalization areas” (“ERAs”) and provides for the adoption of such a program;

WHEREAS, Ind. Code § 6-1.1-12.1 empowers the Council to designate economic revitalizations areas by following a procedure involving adoption of a preliminary declaratory resolution (Whiteland Town Council Resolution No. 2020-18, hereafter “Resolution No. 2020-18”), providing public notice, conducting a public hearing and adopting a final resolution confirming the declaratory resolution or a modified version of the declaratory resolution or rescinding the declaratory resolution;

WHEREAS, on December 7, 2020, MLP Land I, LLC (“Mohr” or “Applicant”) filed its Statements of Benefits Real Property for four buildings within its Mohr Logistics Park development project (the “Project”) as required by the Council (the “Statement of Benefits”), which was included as part of the Application for Property Tax Abatement included as Exhibit B of Resolution No. 2020-18 (the “Application”);

WHEREAS, on December 8, 2020, the Council adopted a declaratory resolution, Resolution No. 2020-18, designating the area more particularly described and depicted on Exhibit A attached hereto and incorporated herein (the “Real Estate”) as an economic revitalization area and approving certain real property improvements for property tax abatement, and fixed 7:00 p.m. on January 12, 2021, at the Whiteland Town Hall 549 E Main Street, Whiteland, Indiana, for a final public hearing for the purpose of receiving any remonstrance or objections from any person in or affected by the Real Estate or its designation as an economic revitalization area;

WHEREAS, Resolution No. 2020-18 expressly states that the Project contemplates the extension of public facilities/infrastructure to serve the Project, with the potential for the Applicant to recoup 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 Resolution 2020-18 to approve a deduction schedule with higher percentages to provide the recoupment being contemplated;

WHEREAS, development of the Real Estate will require Mohr or its affiliates to install certain public infrastructure (the "Public Infrastructure") that will serve and benefit other property and development within the Town, the cost of which is not yet known;

WHEREAS, the Town and Mohr conceptually agree that the Town should assist in the funding of public improvements that provide a general benefit to the Town beyond the infrastructure needs and impacts of the development (for example, the marginal cost to upsize utility mains beyond what is needed for the development), and that the difference between the actual costs of the Public Infrastructure and Mohr's allocated share of such costs, (the "Incentive Amount"), provides the justification for providing a 100% tax abatement schedule for the first building to be constructed on the Real Estate, subject to the property owner entering into a Tax Abatement Agreement consistent with the intent of this Resolution and that requires the Developer to pay the Redevelopment Commission's TIF Fund a payment in lieu of taxes (PILOT) each year to the extent that the amount of Tax abatement benefit the developer receives exceeds the standard 49.5% abatement plus the part of the cost of the public infrastructure the Town has agreed to help fund;

WHEREAS, in the event construction of the Public Infrastructure and the first building of the Project are fully and timely completed, and the actual additional tax abatement savings resulting from such Project (that is, the tax abatement savings over and above the abatement savings that would have resulted using a traditional abatement schedule) is less than the Incentive Amount, the Town intends to make up such deficiency by a later amendment of the deduction schedules for the second, third, and/or fourth buildings to be constructed on the Real Estate, as permissible and appropriate to make up such deficiency;

WHEREAS, proper legal notice was published indicating the adoption of Declaratory Resolution No. 2020-18, and stating when and where the public hearing would be held; and

WHEREAS, the Council has held a public hearing as to whether the Real Estate should be designated as an economic revitalization area, and at such public hearing, any and all additional evidence and testimony along with any and all remonstrances and objections presented were considered.

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

Section 1. The Whiteland Town Council hereby takes "final action" as that phrase is contemplated in Ind. Code § 6-1.1-12.1 *et seq.* with regard to the designation of the Real Estate as an economic revitalization area, the request by Mohr for real property improvements tax abatement, and the confirmation of the adoption of Whiteland Town Council Resolution No. 2020-18.

Section 2. The Whiteland Town Council hereby confirms certain findings made within Resolution No. 2020-18 and makes such additional findings and determinations as follows:

1. That the Real Estate is located within the jurisdiction of the Whiteland Town Council for purposes set forth in Ind. Code § 6-1.1-12.1-2;
2. That this Council has determined, based on the information provided by the applicant and other evidence before the Council, that the site has become undesirable for or impossible of normal development and occupancy inasmuch as normal development and growth has not occurred in the area during the past ten (10) years without additional financial incentives;
3. That the improvement of the Real Estate described herein would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of the Town of Whiteland;
4. That the designation of the Property as an “Economic Revitalization Area” and providing property tax abatements will assist in the inducement of projects that will provide employment opportunities to residents of the Town of Whiteland and Johnson County;
5. That the Statement of Benefits Real Property Improvements forms filed on December 7, 2020 by Mohr, included withing the Application, are in acceptable form and comply with the standards set forth in Resolution No. 2020-18;
6. The estimate of the value of the redevelopment is reasonable for projects of this nature and type;
7. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment;
8. The estimate of the annual salaries of the individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment;
9. The number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid to employees, along with the value of the installation of the real property improvements, creates 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; and
10. The totality of benefits is sufficient to justify the deductions.

Section 3. The area legally described and depicted on the attached Exhibit A is designated an Economic Revitalization Area in the Town of Whiteland.

Section 4. Section 5 of Resolution No. 2020-18 is modified to read as follows: The owner of the real estate improvements constructed 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, and in accordance with the following schedules:

Building 1 on Lot 9 (subject to the property owner entering into a Tax Abatement Agreement consistent with the intent of this Resolution)

Year 1: 100%	Year 6: 100%
Year 2: 100%	Year 7: 100%
Year 3: 100%	Year 8: 100%
Year 4: 100%	Year 9: 100%
Year 5: 100%	Year 10: 100%

Building 2 on Lot 6

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%

Building 3 on Lot 5

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%

Building 4 on Lot 4

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 5. The deductions allowed within the said ERA shall be as allowed under Ind. Code § 6-1.1-12.1-3 with respect to the real property improvements developed in substantial compliance with the descriptions, projections, and plans set forth in the Application.

Section 6. The Council hereby modifies and confirms Resolution No. 2020-18 adopted December 8, 2020 and hereby finally approves the Application for Property Tax Abatement included as Exhibit B of Resolution No. 2020-18, subject to the provisions and abatement schedules provided within this Resolution.

Section 7. In the event construction of the Public Infrastructure and Building 1 of the Project are fully and timely completed, and the actual additional tax abatement savings resulting from Building 1 (that is, the tax abatement savings over and above the abatement savings that would have resulted using a traditional abatement schedule) is less than the Incentive Amount, the Town intends to make up such deficiency by making a good faith effort to amend the deduction schedules for the second, third, and/or fourth buildings to be constructed on the Real Estate to be more favorable than the traditional abatement schedule, to the extent of such deficiency and to the extent permissible.

Section 8. The Council hereby delegates to the Whiteland Town Manager, in consultation with the Town Attorney, all authority necessary to negotiate and execute all agreements and associated documents necessary or desirable to effectuate the understandings and intentions of this Resolution.

Section 9. The President of the Council is hereby authorized to complete and execute Mohr's Statement of Benefits forms consistent with this Resolution.

Section 10. Two (2) copies of Exhibit A, which legally describes and depicts the subject real estate, is on file in the office of the Clerk-Treasurer of Whiteland, Indiana, and the Council directs the Clerk-Treasurer to maintain for public inspection two (2) copies of said Exhibit A in the files of the Clerk-Treasurer.

Section 11. A certified copy of this Resolution shall be sent to the Johnson County Auditor.

Section 12. 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 sections of this Resolution.

Section 13. This Resolution shall be effective immediately upon its passage, subject to the appeal proceedings through court action contemplated by Ind. Code § 6-1.1-12.1-2.5.

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ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 12 day of January, 2021.

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 Goedecker


Brad Goedecker



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

Exhibit A

Legal Description of Mohr Logistics Park Economic Revitalization Area

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.

