

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2021-17

A RESOLUTION WAIVING NONCOMPLIANCE WITH ABATEMENT FILING
TIMING REQUIREMENTS
(Whiteland Logistics Center, Building 2 - WDP JV #2, 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, 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, pursuant to Whiteland Council Resolution 2019-13, the Whiteland Town Council approved tax abatement for an approximately 169,056 square foot Class-A warehouse to be constructed on the approximately 9 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”), located within the Whiteland Logistics Center Economic Revitalization Area;

WHEREAS, Ind. Code § 6-1.1-12.1-5.1(b) requires the property owner who receives the tax abatement to provide the County Auditor and the Whiteland Town Council with information showing the extent to which there has been compliance with the Statement of Benefits (“SB-1”) that was approved, which must be updated each year in which the tax abatement is applicable by annually filing the Compliance with Statement of Benefits form (“CF-1”) with the County Auditor and Town;

WHEREAS, WDP JV #2, LLC (“WDP2”) has filed its CF-1 form and Form 322 for the 2021 pay 2022 tax year after the applicable deadline;

WHEREAS, WDP2 has constructed improvements on the Real Estate, which have been given an assessed valuation of \$5,018,700.00;

WHEREAS, after receiving notice that it had not filed the CF-1 and Form 322 by the deadline, WDP2 has now filed the 2021 CF-1 with the Town and the 2021 Form 322 with the County Auditor;

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-9.5(b)(1), the designating body may waive a property owner's failure to timely comply with the filing requirements of Ind. Code § 6-1.1-12.1-5 and 5.1 provided the property owner files the required documents and the designating body waives the noncompliance by resolution;

WHEREAS, it has been determined that the failure of WDP2 to timely file the CF-1 and 322 forms for 2021 was not intentional and that WDP2 has otherwise substantially complied with the terms of the tax abatement by constructing real property improvements as contemplated within the Statement of Benefits and that WDP2 otherwise qualifies for the property tax deduction;

WHEREAS, a public hearing has been held as required by law;

WHEREAS, it has been determined that it is in the best interest of the Town to waive WDP2's failure to timely comply with the Compliance with the Statement of Benefit and Form 322 filing requirements of Ind. Code § 6-1.1-12.1-5 and 5.1 and to permit the late filing of the CF-1 and 322 forms for 2021; and

WHEREAS, in accordance with Ind. Code § 6-1.1-12.1-9.5(b), after reviewing information from WDP2 and other interested parties, it is hereby determined that the non-compliance of WDP2 regarding the timely filing of the CF-1 and 322 forms for 2021 as required by law should be waived.

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

Section 1. The Whiteland Town Council hereby finds that WDP2 did not timely file the CF-1 and 322 forms for 2021, that it did construct real property improvements contemplated by the Statement of Benefits Form and otherwise qualifies for the property tax deductions set forth therein, and that WDP2 subsequently filed the 2021 CF-1 and 322 forms prior to the adoption of this Resolution.

Section 2. The Whiteland Town Council hereby determines that compliance by WDP2 with the requirements of Ind. Code § 6-1.1-12.1-5 and 5.1 regarding the timely filing of the CF-1 and 322 forms should be and is hereby waived.

Section 3. The Clerk-Treasurer is directed to mail a certified copy of this Resolution to WDP2, the Auditor of Johnson County, and the Indiana Department of Local Governmental Finance.

Section 4. This Resolution shall be effective immediately upon its passage.

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July, 2021. ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 21 day of

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

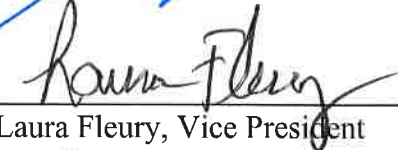


Joseph Sayler, President

Voting In Favor



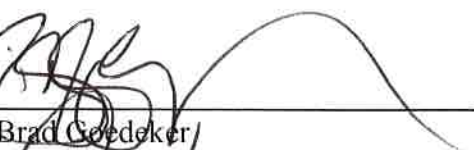
Joseph Sayler, President



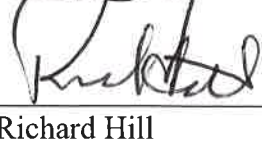
Laura Fleury, Vice President



David Hawkins



Brad Goedeker



Richard Hill

Voting Opposed

Joseph Sayler, President

Laura Fleury, Vice President

David Hawkins

Brad Goedeker

Richard Hill

Attest:



Debra L. Hendrickson, Clerk-Treasurer

Exhibit A

Identification of the Real Estate
(Parcel 41-05-26-012-009.000-028)

Proposed Lot 2 of the Whiteland Logistics Center, in Whiteland, Indiana, being approximately 9 acres located south of Whiteland Road between Graham Road and I-65, depicted in the attached drawing.

Depiction of Proposed Lot 2 of the Whiteland Logistics Center

