

**WHITELAND TOWN COUNCIL
RESOLUTION NO. 2022-05**

**A RESOLUTION DECLARING CERTAIN AREA WITHIN THE TOWN OF
WHITELAND AN ECONOMIC REVITALIZATION AREA AND QUALIFYING
CERTAIN REAL PROPERTY IMPROVEMENTS FOR TAX ABATEMENT AND
SETTING THE TIME AND PLACE FOR A PUBLIC HEARING**

(UCP Whiteland, 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, the Whiteland Town Council desires to establish such an ERA within the Town of Whiteland;

WHEREAS, the approximately 40 acres of property located due South of Whiteland Rd. and East of Graham Rd., in Whiteland, Indiana, identified as Parcel No. 41-05-26-021-008.006-056, and more particularly described and depicted on Exhibit A attached hereto and incorporated herein (the "Real Estate") has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevented a normal development of property or use of property;

WHEREAS, UCP Whiteland, LLC (hereafter "UCP" or "Applicant") proposes to redevelop the Real Estate as the term is contemplated by Ind. Code § 6-1.1-12.1-1(5), and requests an economic revitalization area designation of the Real Estate;

WHEREAS, UCP intends to construct a single, approximately 450,000 square feet industrial, commercial, and/or manufacturing facility for purchase and then lease to an end user (the "Project").

WHEREAS, UCP intends to invest approximately \$3,800,000 for the acquisition of land for the Project, approximately \$25,000,000 for buildings and other improvements on the Real Estate, and approximately \$10,000,000 for machinery and/or equipment, and once put to use by an end user, will create additional employment positions and additional payroll in the Town;

WHEREAS, UCP has filed its Statement of Benefits Real Estate Improvements (SB-1 / Real Property) with the Town and submitted its Application for Property Tax Abatement, which are attached hereto as part of composite Exhibit B (the "Application"); and

WHEREAS, the Whiteland Town Council has reviewed the Statement of Benefits Real Estate Improvements (SB-1 / Real Property) form and been otherwise duly advised and has determined that it is in the best interests of the Town to allow the deductions for the Real Estate improvements described in the Application.

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

Section 1. The area legally described and depicted on the attached Exhibit A is found to be an area within Whiteland Town Council jurisdiction and meets the statutory criteria of an Economic Revitalization Area.

Section 2. The area legally described and depicted on the attached Exhibit A is hereby declared an Economic Revitalization Area to be known as the "Uptown Commercial Economic Revitalization Area."

Section 3. 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 for the real estate improvements within the above-designated 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 above-designated 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 4. The Application for Real Property Tax Abatement and Statements of Benefits Real Estate Improvements (Form SB-1 / Real Property) as submitted are hereby approved.

Section 5. 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, according to the following schedule:

Year 1: 100%
Year 2: 95%
Year 3: 80%
Year 4: 65%
Year 5: 50%

Year 6: 40%
Year 7: 30%
Year 8: 20%
Year 9: 10%
Year 10: 5%

Section 6. In consideration of the value of the property tax deductions granted to UCP by the Town, UCP 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 in relation to this Resolution, unless (i) 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), (ii) significant damage to the physical condition of the Real Estate has occurred that would reasonably affect the assessed value of the Real Estate, or (iii) the construction of the Project has been completed and fully assessed and the Real Estate’s assessment has increased by more than five percent (5%) over the prior year’s fully assessed value; that in the event UCP or another owner of the Real Estate desires to file such an Appeal, UCP or the owner of the Real Estate shall provide the Town with a copy of the Appeal within five (5) business days of the filing of the appeal; that violation of the restrictions on and conditions applicable to an Appeal shall permit the Town to terminate the property tax deductions; and that this paragraph shall run with the Real Estate and be binding on future owners of the Real Estate to the extent allowed by law.

Section 7. Two (2) copies of the UCP Economic Revitalization Area map, shall be on file in the Office of the Clerk-Treasurer of Whiteland, Indiana, and the Town Council directs the Clerk-Treasurer to maintain for public inspection the two (2) copies in the files of the Clerk-Treasurer.

Section 8. Notice of the adoption and the substance of this Resolution as required by Ind. Code § 6-1.1-12.1-2.5 shall be published in accordance with Ind. Code § 5-3-1, which notice shall advise that at the Whiteland Town Council’s meeting on March 8, 2022 at 7:00 p.m., or at such other date and time as proper notice is given, the Council will receive and hear all remonstrance and objections from interested persons, and, having heard and considered same, will act to rescind, modify and confirm, or confirm this Resolution. All other disclosures and filings required by Ind. Code § 6-1.1-12.1-2.5 shall also be timely accomplished.


Section 9. A copy of the above-referenced notice of adoption and a statement containing substantially the same information as the Statement of Benefits Real Estate Improvements included in composite Exhibit B shall be filed with the officers of each taxing unit that has authority to levy property taxes in the geographic area which is hereby allowed deductions, at least ten (10) days prior to the public hearing on this Resolution.

Section 10. A copy of this Resolution shall be filed with the Johnson County Assessor’s Office and made available at that office for public inspection.

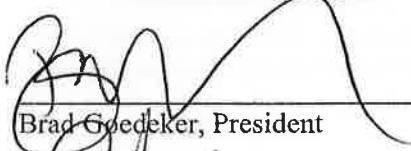
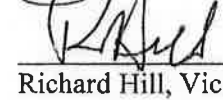
Section 11. The sections, paragraphs, sentences, clauses, and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, 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.

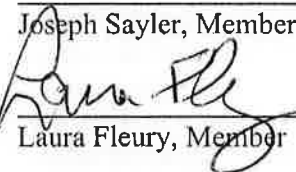
3 DULY PASSED AND ADOPTED on the 8 day of February, 2022, by a vote of 3 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL


Brad Goedeker, President

VOTING IN FAVOR


Brad Goedeker, President

Richard Hill, Vice-President

Joseph Sayler, Member

Laura Fleury, Member

David Hawkins, Member

VOTING OPPOSED

Brad Goedeker, President

Richard Hill, Vice-President

Joseph Sayler, Member

Laura Fleury, Member

David Hawkins, Member

ATTEST:

Debra L. Hendrickson, Clerk-Treasurer