

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2022-16

A RESOLUTION CONFIRMING RESOLUTION 2022-15 DECLARING A CERTAIN
AREA WITHIN THE TOWN OF WHITELAND AN ECONOMIC REVITALIZATION
AREA AND QUALIFYING CERTAIN REAL PROPERTY IMPROVEMENTS FOR
TAX ABATEMENT

(Patch Whiteland LLC)

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. 2022-15, hereafter “Resolution No. 2022-15”), 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 June 27, 2022, Patch Whiteland LLC (“Patch” or “Applicant”) filed its Statement of Benefits Real Property 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. 2022-15 (the “Application”);

WHEREAS, on August 9, 2022, the Council adopted a declaratory resolution, Resolution No. 2022-15, 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 initially approving certain real property improvements for property tax abatement;

WHEREAS, development of the Real Estate will require Patch or its affiliates to install certain public infrastructure (the “Public Infrastructure”) that will serve and benefit other property and development within the Town, and the Town anticipates entering into a Project Agreement to assist in the funding of the Public Infrastructure (the “Project Agreement”);

WHEREAS, the Project Agreement is expected to include terms that allow the Town, under certain circumstances, to determine the taxpayer is not in substantial compliance with the Statements of Benefits applicable to the property tax abatement and terminate the property tax abatement provided pursuant to this resolution;

WHEREAS, proper legal notice was published indicating the adoption of Declaratory Resolution No. 2022-15, and stating when and where the public hearing would be held; and

WHEREAS, pursuant to such notice, 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 the Applicant for real property improvements tax abatement, and the confirmation of the adoption of Whiteland Town Council Resolution No. 2022-15.

Section 2. The Whiteland Town Council hereby confirms certain findings made within Resolution No. 2022-15 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 June 27, 2022 by Applicant, included within the Application, are in acceptable form and comply with the standards set forth in Resolution No. 2022-15;
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. 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; provided however, such deductions shall be subject to termination in accordance with the terms of the Project Agreement.

Section 5. The Council hereby confirms Resolution No. 2022-15 adopted August 9, 2022 and hereby finally approves the Application for Property Tax Abatement included as Exhibit B of Resolution No. 2022-15.

Section 6. The President of the Council is hereby authorized to complete and execute Applicant's Statements of Benefits form(s) consistent with this Resolution.

Section 7. 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 8. A certified copy of this Resolution shall be sent to the Johnson County Auditor.

Section 9. 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.

Exhibit A

Legal Description of Patch Economic Revitalization Area

The East Half of the Northeast Quarter of Section 27 and part of the West Half of the Northwest Quarter of Section 26 of Township 13 North, Range 4 East located in Johnson County Indiana, more particularly described as follows:

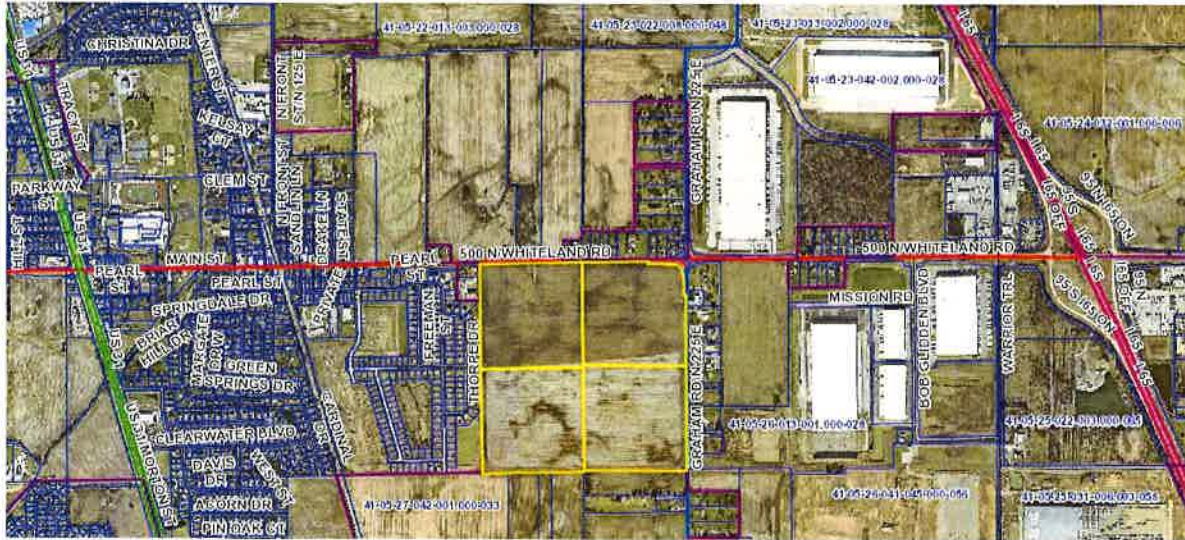
Beginning at the northwest corner of said Section 26, being marked by a railroad spike; thence North 88 degrees 35 minutes 47 seconds East (bearings based on the Indiana Geospatial System "Johnson County" Zone per NAD83 Datum) along the north line of the Northwest Quarter of said Section 847.98 feet to the northwest corner of a land tract conveyed to the Town of Whiteland by Warranty Deed recorded as Instrument number 2014-021904 in the Office of the Johnson County Recorder (the following nine courses being along the southern lines of said land tract);

- 1) thence South 01 degrees 24 minutes 13 seconds East 40.01 feet;
- 2) thence North 88 degrees 35 minutes 47 seconds East 120.01 feet;
- 3) thence South 87 degrees 56 minutes 07 seconds East 165.30 feet;
- 4) hence South 85 degrees 23 minutes 40 seconds East 95.52 feet;
- 5) thence South 46 degrees 14 minutes 56 seconds East 55.16 feet;
- 6) thence South 17 degrees 09 minutes 30 seconds East 88.60 feet;
- 7) thence South 08 degrees 12 minutes 01 seconds East 115.97 feet;
- 8) thence South 00 degrees 46 minutes 07 seconds East 150.00 feet;
- 9) thence North 89 degrees 13 minutes 53 seconds East 40.00 feet to the east line of the said West Half of the Northwest Quarter of Section 26;

thence South 00 degrees 46 minutes 07 seconds East along said east line 2257.39 feet to the southeast corner of said West Half of said Northwest Quarter; thence South 88 degrees 49 minutes 46 seconds West along the south line of said West Half of said Northwest Quarter 1333.29 feet to the southeast corner of the Northeast Quarter of said Section 27, being marked by a stone; thence South 88 degrees 27 minutes 36 seconds West along the south line of the East Half of said Northeast Quarter 1319.0 feet to the southwest corner thereof, being marked by a #5 rebar; thence North 01 degrees 03 minutes 23 seconds West along the west line of said East Half of said Northeast Quarter 2699.02 feet to the northwest corner thereof; thence North 88 degrees 20 minutes 12 seconds East along the north line of said East Half of said Northeast Quarter 1318.06 feet to the Point of Beginning.

Containing 163.926 acres, more or less.

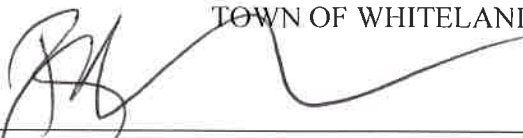
Depiction of Patch Economic Revitalization Area



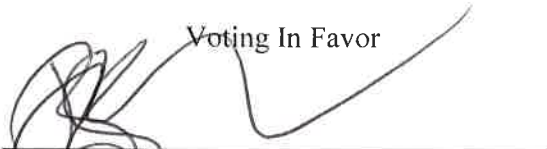
Section 10. This Resolution shall be effective immediately upon its passage, subject to the appeal proceedings through court action contemplated by Ind. Code § 6-1.1-12.1-2.5.

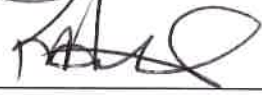
ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 13th day of September, 2022.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Brad Goedecker, President

Voting In Favor


Brad Goedecker, President


Richard Hill, Vice President

Voting Opposed

Brad Goedecker, President

Richard Hill, Vice President



Joseph Sayler, Member

Joseph Sayler, Member



Laura Fleury, Member

Laura Fleury, Member

X

David Hawkins, Member

David Hawkins, Member

Attest:


Debra L. Hendrickson, Clerk-Treasurer