

**WHITELAND REDEVELOPMENT COMMISSION**

**RDC RESOLUTION NO. 2023-08**

**A RESOLUTION AMENDING THE DECLARATORY RESOLUTION OF  
THE PATCH ECONOMIC DEVELOPMENT AREA TO (I) REMOVE  
PROPERTY FROM THE PHASE II PATCH ALLOCATION AREA (II)  
EXPAND THE PHASE I PATCH ALLOCATION AREA, AND (III)  
ESTABLISH THE PHASE III PATCH ALLOCATION AREA**

WHEREAS, the Town of Whiteland Redevelopment Commission (the “Commission”), a redevelopment commission organized and acting pursuant to the provisions of Indiana Code 36-7-14 and Indiana Code 36-7-25 (collectively, the “Act”), has investigated, studied and surveyed economic development areas within the Town of Whiteland, Indiana (the “Town”); and

WHEREAS, the Commission, on June 9, 2022, adopted a declaratory resolution (Resolution No. 2022-01) entitled “Declaratory Resolution A Resolution Amending Declaratory Resolution 2013-01 to Remove the Horsley Property From the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, and Declaring the Designation of the Patch Economic Development Area and Establishing the Patch Allocation Area,” establishing the Patch Economic Development Area (the “Area”) as an economic development area under the Act (the “Original Patch Declaratory Resolution”); and

WHEREAS, the Original Patch Declaratory Resolution established an allocation area consisting of the entire Area (the “Patch Allocation Area”); and

WHEREAS, the Commission, on October 13, 2022 adopted a confirmatory resolution (Resolution 2022-03) entitled “Resolution of the Whiteland Redevelopment Commission Modifying and Confirming the Declaratory Resolution of the Whiteland Redevelopment Commission Adopted on June 9, 2022 Removing Property From the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area and Establishing the Patch Economic Development Area,” modifying and confirming the Original Patch Declaratory Resolution (the “Patch Confirmatory Resolution,” the Original Patch Declaratory Resolution as modified and amended by the Patch Confirmatory Resolution, the “Patch Declaratory Resolution”); and

WHEREAS, the Patch Confirmatory Resolution modified the Original Patch Declaratory Resolution by: (i) splitting the Patch Allocation Area into the Phase I Patch Allocation Area (the “Phase I Patch Allocation Area”) and the Phase II Patch Allocation Area (the “Phase II Patch Allocation Area,” and together with the Phase I Patch Allocation Area, the “Original Allocation Areas”) and amending the Economic Development Plan for the Area (the “Plan”); and

WHEREAS, a map of the Area and the Original Allocation Areas is included in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Commission has been advised that new development is contemplated in the Original Allocation Areas which could further enhance the Commission’s ability to

accomplish the Plan for the Area, that infrastructure to serve the new development needs to be funded (the “Phase II Project”), and that further development may be stimulated through (i) the expansion of the Phase I Patch Allocation Area by removing certain parcels from the Phase II Patch Allocation Area and adding them to the Phase I Patch Allocation Area, and (ii) the establishment of a new separate allocation area within the existing Phase II Patch Allocation Area; and

WHEREAS the Commission has conducted an investigation and made studies of the conditions in the Area and the Original Allocation Areas; and

WHEREAS, based upon such investigation and studies, the Commission has determined that (i) the Phase II Patch Allocation Area should be amended to remove certain property therefrom as set forth in Exhibit B attached hereto and incorporated herein by reference (“Removed Property I” and “Removed Property II”, together the “Removed Properties”), (ii) Removed Property I identified on Exhibit B should be added to the Phase I Patch Allocation Area, with the new description and map of the expanded Phase I Patch Allocation Area being as described on Exhibit C, which is attached hereto and incorporated herein by reference (Removed Property I to be referred to as the “Phase I Patch Expansion Allocation Area”), and (iii) Removed Property II identified on Exhibit B should be established as a new allocation area as depicted on Exhibit C (the “Phase III Patch Allocation Area”); and

WHEREAS, the Commission finds that the expansion of the Phase I Patch Allocation Area, the establishment of the Phase III Patch Allocation Area, and the removal of the Removed Properties from the Phase II Patch Allocation Area is necessary in connection with the development of the Area, satisfies the requirements of the Act, and carries out the original master development of the Area in harmony with the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

Section 1. The foregoing recitals are hereby incorporated by reference.

Section 2. The Patch Declaratory Resolution is hereby amended to reflect the removal of the Removed Properties, as depicted in Exhibit B, from the Phase II Patch Allocation Area, and to state that the estimated cost of the Phase II Project is \$7,300,000. In all other respects, the Phase II Patch Allocation Area shall remain in full force and effect in accordance with the Patch Declaratory Resolution.

Section 3. The Patch Declaratory Resolution is hereby amended to provide for the expansion of the Phase I Patch Allocation Area with the addition of Removed Property I shown on Exhibit B, as depicted and described on Exhibit C. This paragraph constitutes the “allocation provision” for the Phase I Patch Expansion Allocation Area, for purposes of Indiana Code 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Phase I Patch Expansion Allocation Area shall be allocated and distributed in accordance with Indiana Code 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 25 years after the date on which the first obligation is incurred to pay

principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the Phase I Patch Expansion Allocation Area.

Section 4. The Patch Declaratory Resolution is hereby amended to provide for the establishment of the Phase III Patch Allocation Area as depicted and described Exhibit C attached hereto and incorporated herein by reference. This paragraph constitutes the “allocation provision” for purposes of Indiana Code 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Phase III Patch Allocation Area shall be allocated and distributed in accordance with Indiana Code 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 25 years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the Phase III Patch Allocation Area.

Section 5. The Plan is hereby amended solely to reflect (i) the removal of the Removed Parcels from the Phase II Patch Allocation Area, (ii) the expansion of the Phase I Patch Allocation area to include the Phase I Patch Expansion Allocation Area, (iii) the establishment of the Phase III Patch Allocation Area, and (iv) clarification that the new Town public safety building may be developed and constructed inside or outside of the Patch Economic Development Area. In all other respects, the Plan shall remain in full force and effect and continues to conform to the comprehensive plan of the Town. The master development of the Area contemplated by the Plan shall remain in effect and the Commission finds that the expansion of the Phase I Patch Allocation Area and the establishment of the Phase III Patch Allocation Area will facilitate and enhance the continued development of the Area in accordance therewith the Plan.

Section 6. As the Patch Declaratory Resolution is amended by this resolution, the Commission (i) ratifies and confirms its findings in respect of the Area, the Phase I Patch Allocation Area and the Phase II Patch Allocation Area as set forth in the Patch Declaratory Resolution, (ii) ratifies and confirms the Plan and (iii) ratifies and confirms its findings as set forth in the Patch Declaratory Resolution, with like effect to the amendment to the Phase II Patch Allocation Area, the expansion of the Phase I Patch Allocation Area, and the establishment of the Phase III Patch Allocation Area herein approved. The Commission further finds that the Phase II Project will be located in or directly serve and benefit the Patch Economic Development Area and the Phase II Patch Allocation Area, and finds that the adoption of the above allocation provisions will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provisions, because the Phase II Patch Allocation Area and the Phase III Patch Allocation Area have been recently proposed for development by a private developer conditioned upon the Commission entering into a public-private partnership to assist in the financing of the proposed development through the use of TIF funding.

Section 7. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Plan for the Area, as hereby amended, to the Town of Whiteland Plan Commission (the “Plan Commission”) for its approval.

Section 8. The Commission further directs the presiding officer to submit this resolution to the Town Council of the Town for its approval.

Section 9. The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Town Council of the Town, to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, Board of Zoning Appeals, Board of Public Works, Park Board, the building commissioner and any other departments or agencies of the Town concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of development and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed projects and will determine the public utility and benefit of the proposed projects. Copies of the notice shall also be (i) mailed to any affected neighborhood associations and to persons owning property in the Phase I Patch Expansion Allocation Area and (ii) filed with the officers authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Phase I Patch Expansion Allocation Area and the Phase III Patch Allocation Area.

Section 10. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Phase I Patch Expansion Allocation Area which includes (a) the estimated economic benefits and costs incurred by the Phase I Patch Expansion Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values and (b) the anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Phase I Patch Expansion Allocation Area (a copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Indiana Code 36-7-14-17 at least 10 days prior to the date of the hearing described in Section 9 hereof).

Section 11. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Phase III Patch Allocation Area which includes (a) the estimated economic benefits and costs incurred by the Phase III Patch Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values and (b) the anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Phase III Patch Allocation Area (a copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Indiana Code 36-7-14-17 at least 10 days prior to the date of the hearing described in Section 9 hereof).

Section 12. All resolutions and parts of resolutions in conflict herewith are hereby repealed. The provisions of the Patch Declaratory Resolution not amended hereby shall remain in full force and effect.

Section 13. The amendments made to the Patch Declaratory Resolution, hereby, are (i) reasonable and appropriate when considered in relation to the Patch Declaratory Resolution, the Plan and the purposes of the Act, (ii) conform to the comprehensive plan for the Town, and (iii) are of public utility and benefit to the Town and citizens of the Town.

Section 14. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 15. This resolution shall be in full force and effect from and after its passage.

(Signatures appear on the following page.)

Adopted July 13, 2023

WHITELAND REDEVELOPMENT  
COMMISSION



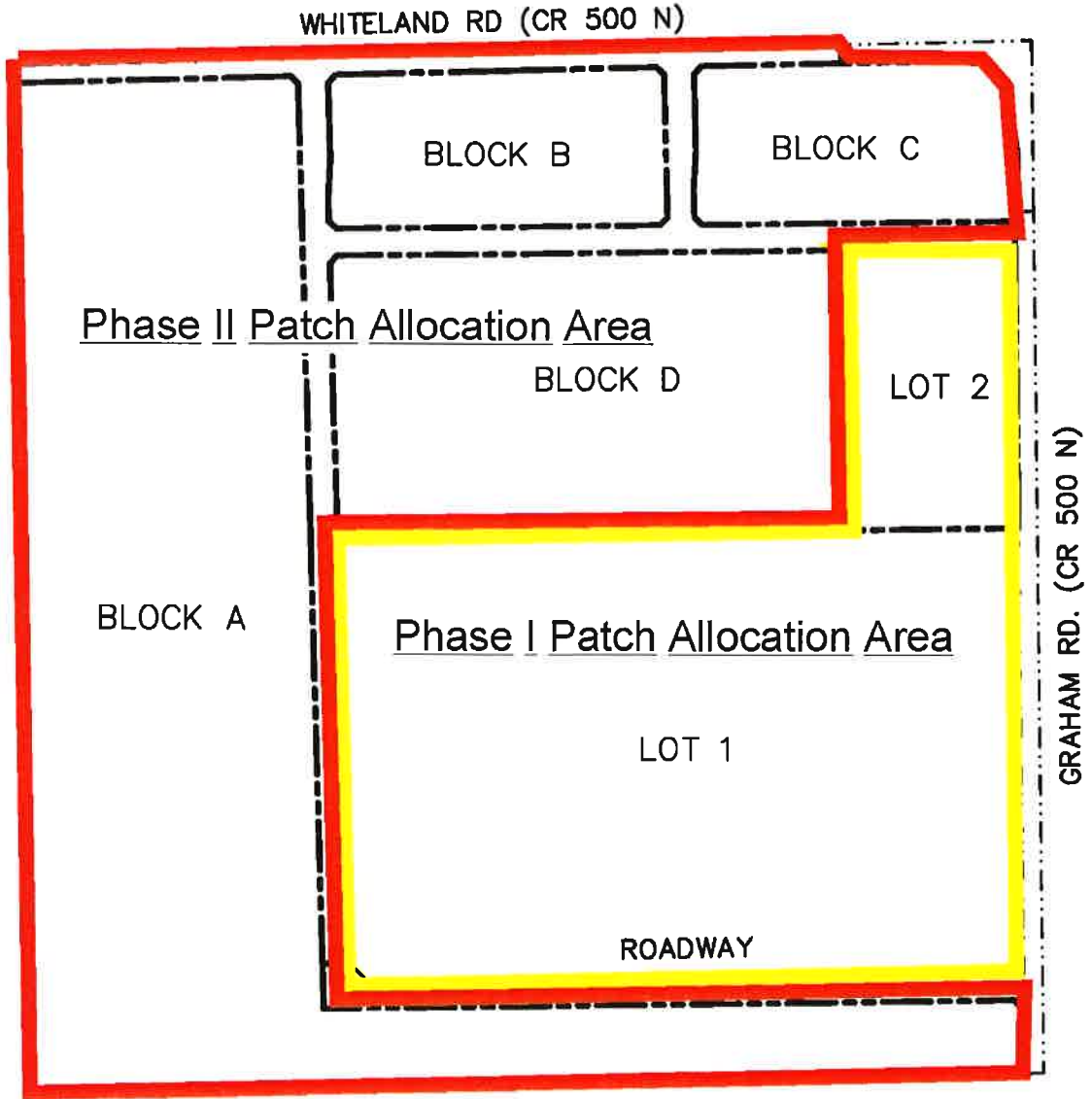
David Hawkins, President

ATTEST:

  
Katy Cavaleri, Secretary

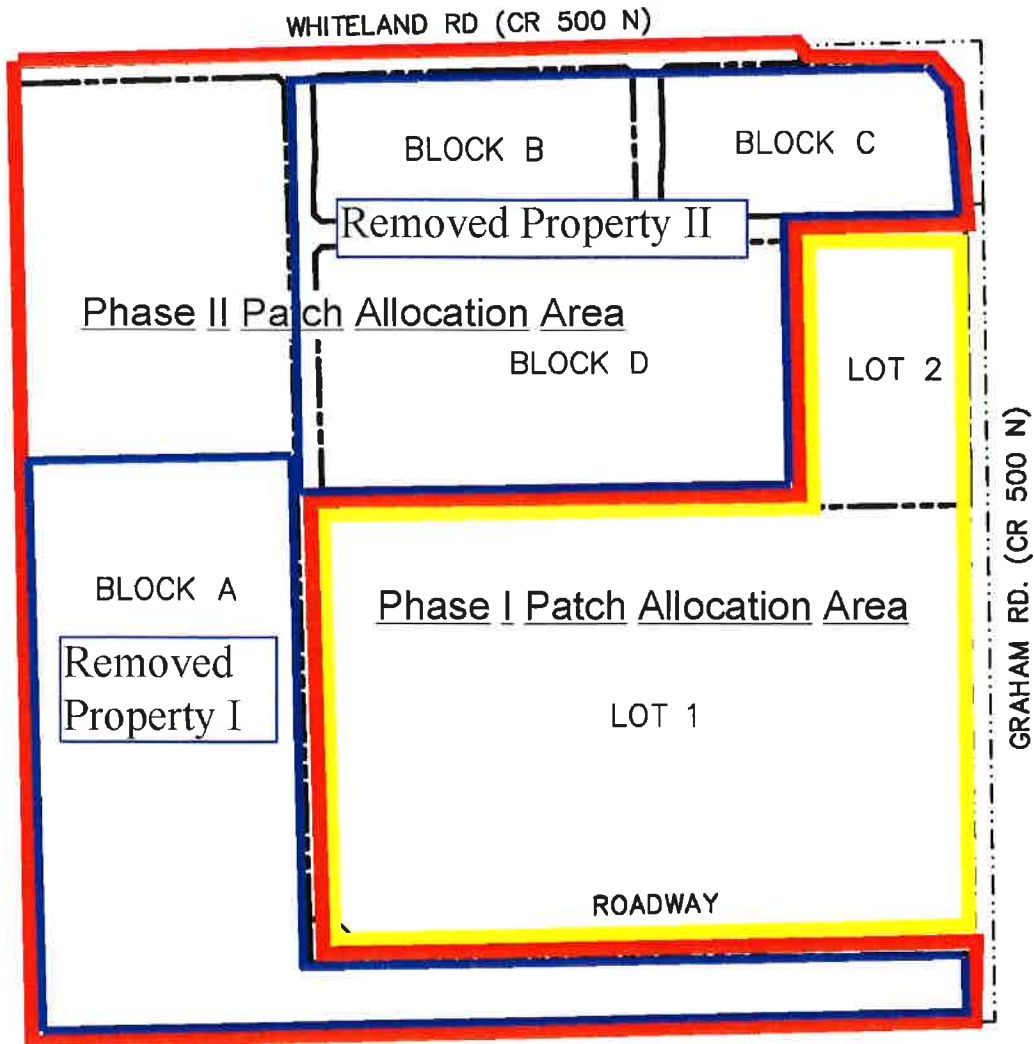
EXHIBIT A

Map of the Original Patch Allocation Area, the Original Phase I Patch Allocation Area, and the Original Phase II Patch Allocation Area



**EXHIBIT B**

**Depiction and Descriptions of the Removed Properties**



**Removed Property I to be added to the Phase I Patch Allocation Area:**

Part of County Parcel No. 41-05-27-011-001.000-028, owned by PATCH WHITELAND LLC, and being that portion located south of Lot 3 of the Phase 3 Secondary Plat of Gateway At Whiteland as described in the finally recorded plat thereof, and as depicted in the above diagram.

**Removed Property II to be the Phase III Patch Allocation Area:**

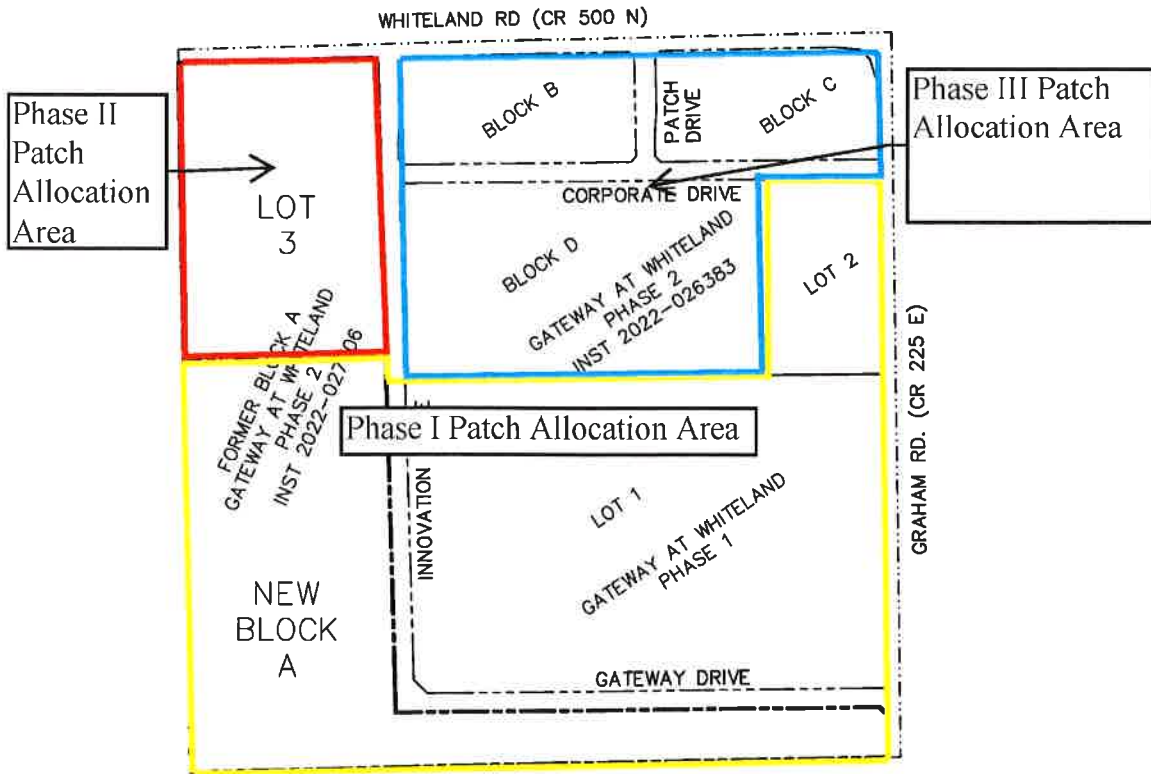
County Parcel Nos.:

- 41-05-27-011-003.000-028, owned by PATCH WHITELAND LLC
- 41-05-26-022-005.000-028, owned by PATCH WHITELAND LLC
- 41-05-26-022-003.000-028, owned by PATCH WHITELAND LLC
- 41-05-26-022-002.000-028, owned by PATCH WHITELAND LLC
- 41-05-27-011-004.000-028, owned by PATCH WHITELAND LLC



**EXHIBIT C**

**Map, Description, and Parcel List of the Phase I Patch Allocation Area as Expanded, the Phase II Patch Allocation Area as reduced, and the newly established Phase III Patch Allocation Area**



**Phase I Patch Allocation Area as expanded:**

That part of County Parcel No. 41-05-27-011-001.000-028, owned by PATCH WHITELAND LLC, located south of Lot 3 of the Phase 3 Secondary Plat of Gateway At Whiteland as described in the finally recorded plat thereof, plus Lots 1 and 2 of the recorded Plat of Gateway At Whiteland, and being County Parcel Nos. 41-05-26-023-001.000-028 owned by PATCH WHITELAND BUILDING 1 LLC (1/4) & WHITELAND LOT 1 TIC LLC (3/4), 41-05-27-014-003.000-028 owned by PATCH WHITELAND BUILDING 1 LLC (1/4) & PATCH WHITELAND BUILDING 1 LLC (3/4), and 41-05-26-022-004.000-028 owned by PATCH WHITELAND BUILDING 2 LLC, all as depicted in the above diagram.

**Phase II Patch Allocation Area as reduced:**

That part of County Parcel No. 41-05-27-011-001.000-028, owned by PATCH WHITELAND LLC, and being Lot 3 of the Phase 3 Secondary Plat of Gateway At Whiteland as described in the finally recorded plat thereof, and as depicted in the above diagram.

**Phase III Patch Allocation Area:**

Blocks B, C, and D of the recorded Plat of Gateway At Whiteland, as depicted in the above diagram, and being County Parcel Nos.:

41-05-27-011-003.000-028, owned by PATCH WHITELAND LLC

41-05-26-022-005.000-028, owned by PATCH WHITELAND LLC

41-05-26-022-003.000-028, owned by PATCH WHITELAND LLC

41-05-26-022-002.000-028, owned by PATCH WHITELAND LLC

41-05-27-011-004.000-028, owned by PATCH WHITELAND LLC