

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2023-06

CONFIRMATORY RESOLUTION

**A RESOLUTION MODIFYING AND CONFIRMING WHITELAND REDEVELOPMENT
COMMISSION RESOLUTION 2023-03 ADOPTED ON MARCH 9, 2023, AMENDING THE
DECLARATORY RESOLUTION AND ALLOCATION AREA OF THE WHITELAND
ECONOMIC DEVELOPMENT AREA TO EXCLUDE CERTAIN RESIDENTIAL
PROPERTIES**

(Exclusion of Saddlebrook Farms North)

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (the “Commission”), governing body of the Town of Whiteland Department of Redevelopment (the “Department”), on February 21, 2013 adopted its Resolution No. 2013-01 (as subsequently confirmed and amended, the “Declaratory Resolution”) establishing an economic development area known as the “Whiteland Economic Development Area” (the “Original EDA”), and approving an economic development plan for the area (the “Plan”), pursuant to Ind. Code § 36-7-14, as amended (the “Act”);

WHEREAS, the Declaratory Resolution established the Whiteland Advancement Allocation Area in accordance with Ind. Code § 36-7-14-39 (the “Allocation Area”), for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Allocation Area;

WHEREAS, the Commission has subsequently adopted a declaratory resolution (Resolution No. 2023-03) on March 9, 2023 (the “Amending Declaratory Resolution”), attached hereto as Exhibit A, to exclude and except out of the Whiteland Advancement Allocation Area the residential parcels listed on Exhibit A of the Amending Declaratory Resolution, which is intended to include, without limitation, all of the properties located within the Saddlebrook Farms North residential subdivision (the “Residential Parcels”);

WHEREAS, the Commission submitted the Amending Declaratory Resolution and supporting data to the Whiteland Plan Commission (“Plan Commission”), and the Plan Commission issued its written order approving the Amending Declaratory Resolution and the Plan;

WHEREAS, the Town Council approved the order of the Plan Commission and the Amending Declaratory Resolution;

WHEREAS, the Commission published notice in the Daily Journal of the adoption and substance of the Amending Declaratory Resolution in accordance with IC 36-7-14-17 and IC 5-3-1, which notice also gave notice of a hearing on the Amending Declaratory Resolution to be held by the Commission;

WHEREAS, the notice described in the preceding paragraph was also filed in the office of the Plan Commission, the Board of Zoning Appeals, the Building Commissioner, and all other

departments, bodies or officers having to do with Town planning, variances from zoning ordinances, land use, or the issuance of building permits;

WHEREAS, copies of the notice were also filed on or before May 26, 2023, with the officers authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within Allocation Area, together with a statement disclosing the impact of the proposed amendment of the Allocation Area in accordance with IC 36-7-14-17(c);

WHEREAS, the Commission, on June 8, 2023, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF WHITELAND, THAT:

Section 1. The Commission has considered the evidence presented and now finds and determines that the exclusion of the Residential Parcels, as such term is modified and described within this Resolution, from the Whiteland Advancement Allocation Area as approved in the Amending Declaratory Resolution, and all other actions incorporated in and approved in the Amending Declaratory Resolution, will be of public utility and benefit.

Section 2. The Amending Declaratory Resolution is modified to clarify that the Residential Parcels to be excluded from the Whiteland Advancement Allocation Area include, without limitation, all parcels located within the Saddlebrook Farms North subdivision, which subdivision is depicted on Exhibit A of the Amending Declaratory Resolution.

Section 3. The Amending Declaratory Resolution is further modified to correct the assessment date in Section 8 of the Amending Declaratory Resolution to be January 1, 2023 instead of January 1, 2022.

Section 4. The Amending Declaratory Resolution approved by the Commission on March 9, 2023, a copy of which is attached hereto and incorporated herein as Exhibit A, as modified by this resolution, is hereby confirmed.

Section 5. The Secretary is hereby directed to record this Resolution in the office of the Johnson County Recorder, to immediately notify the Department of Local Government Finance of the exclusion of the Residential Parcels from the Whiteland Advancement Allocation Area, to file this Resolution with the Johnson County Auditor along with a copy of the map identifying the Residential Parcels to be excluded from the Whiteland Advancement Allocation Area and the parcel numbers of the Residential Parcels, and to make all other filings necessary or desirable to carry out the purposes and intent of this Resolution.

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Adopted: June 8, 2023

WHITELAND REDEVELOPMENT COMMISSION

David A. Hawkins
David Hawkins, President

ATTEST:

Katy Cavaleri
Katy Cavaleri, Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Stephen K. Watson

This instrument prepared by (and return to) Stephen K. Watson, Williams Barrett & Wilkowski, LLP, 600 N. Emerson Avenue, Greenwood, Indiana 46143.

Exhibit A

Amending Declaratory Resolution

[See Attached]

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2023-03

**A RESOLUTION AMENDING THE DECLARATORY RESOLUTION AND ALLOCATION
AREA OF THE WHITELAND ECONOMIC DEVELOPMENT AREA TO EXCLUDE
RESIDENTIAL PROPERTIES**
(Exclusion of Saddlebrook Farms North)

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (the “Commission”), governing body of the Town of Whiteland Department of Redevelopment (the “Department”), on February 21, 2013 adopted its Resolution No. 2013-01 (as subsequently confirmed and amended, the “Declaratory Resolution”) establishing an economic development area known as the “Whiteland Economic Development Area” (the “Original EDA”), and approving an economic development plan for the area (the “Plan”), pursuant to IND. CODE § 36-7-14, as amended (the “Act”);

WHEREAS, pursuant to IND. CODE § 36-7-14-2, the clearance, replanning, and redevelopment of areas needing redevelopment are public uses and purposes for which public money can be spent and private property may be acquired;

WHEREAS, the Redevelopment Commission has investigated, studied, and surveyed economic development areas within the corporate boundaries of the Town;

WHEREAS, as part of the Declaratory Resolution the Redevelopment Commission adopted an economic development plan (“Plan”) for the Original EDA;

WHEREAS, the Commission has caused to be prepared:

- (1) Maps and plats showing:
 - (A) the boundaries of the economic development area and the allocation areas referenced herein, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning or economic development of the area, indicating any parcels of property to be excluded from the acquisition, and
 - (B) the parts of the acquired areas that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan;
- (2) An estimate of the cost of acquisition, redevelopment and economic development;

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of “economic development areas” and to provide that all of the rights, powers, privileges, and immunities that may be exercised by this Redevelopment Commission in a redevelopment area or

urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission has caused to be prepared a factual report (“Report”) in support of the findings contained in this resolution, which Report is attached to and incorporated by reference in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF WHITELAND, THAT:

Section 1) The Commission has determined that the residential properties located withing Saddlebrook Farms North identified on the attached Exhibit A incorporated herein (the “Residential Properties”) will no longer be of benefit to include within the Whiteland Advancement Allocation Area. The Residential Properties are hereby excluded and excepted out of the Whiteland Advancement Allocation Area. The boundaries of the Whiteland Advancement Allocation Area, as amended by this resolution to exclude the Residential Property, are depicted on attached Exhibit B incorporated herein.

Section 2) The Commission ratifies and confirms the Plan, the findings contained in the Plan, and that the Plan for the Economic Development Area:

- (A) Promotes significant opportunities for the gainful employment of the citizens of the Town.
- (B) Attracts major new business enterprises to the Town;
- (C) Benefits the public health, safety, morals and welfare of the citizens of the Town;
- (D) Increases the economic well-being of the Town and the State of Indiana;
- (E) Serves to protect and increase property values in the Town and the State of Indiana; and
- (F) Meets and serves other purposes of Section 2.5, 41, and 43 of the Act.

Section 3) The Commission ratifies and confirms that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under IND. CODE 36-7-14 because of:

- (A) The lack of local public improvements; and
- (B) Other similar conditions, specifically: The cost of extension and reconstruction of public improvements has made the development of the property cost prohibitive when compared to other property available for development.

Section 4) The Commission finds, ratifies, and confirms that the exclusion of the Residential Properties from the Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein conform to the comprehensive plan for the Town and other development and redevelopment plans for the Town.

Section 5) The Commission finds that the public health and welfare will be benefited by the amendment of the Whiteland Advancement Allocation Area as described herein.

Section 6) The Commission finds that the amendment of the Whiteland Advancement Allocation Area and the accomplishment of the Plan will be of public utility and benefit as measured by:

- (A) The attraction and retention of permanent jobs;
- (B) An increase in the property tax base;
- (C) Improved diversity of the economic base; and
- (D) Allowing the Town to provide safe transportation, and additional public infrastructure in the Town.

Section 7) The Commission reaffirms that no residents of the Whiteland Economic Development Area will be displaced by any project resulting from the Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

Section 8) This paragraph shall be considered the allocation provision for purposes of IND. CODE § 36-7-14-39. For purposes of IND. CODE § 36-7-14-39, the Residential Properties shall no longer be considered part of the Whiteland Advancement Allocation Area, and any property taxes levied upon the Residential Properties 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 allocation area, shall **not** be allocated and distributed in accordance with IND. CODE § 36-7-14-39. In accordance with IND. CODE § 36-7-14-39, the Base Assessed Value of the Whiteland Advancement Allocation Area as amended by this resolution shall be as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this declaratory resolution, which assessment date is January 1, 2022, and such Base Assessed Value of the Whiteland Advancement Allocation Area shall be calculated without the inclusion of the Residential Properties.

Section 9) It will be of public utility and benefit to amend the Declaratory Resolution as described herein.

Section 10) The Commission hereby finds and determines that the amendment of the Declaratory Resolution as provided herein is reasonable and appropriate when considered in relation to the original Declaratory Resolution and the Plan, and the purposes of the Act, and ratifies and confirms that the Plan conforms to the comprehensive plan for the Town.

Section 11) In support of the findings set forth in sections 1-10 above, the Redevelopment Commission hereby reaffirms and adopts the specific findings of fact set forth in the Report attached hereto as Exhibit C.

Section 12) The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Report to the Whiteland Plan Commission for its approval.

Section 13) The Commission also directs the presiding officer, upon receipt of the written order of approval of the Whiteland Plan Commission which has been approved by the Common Council to publish notice of the adoption and substance of this resolution in accordance with IND. CODE § 5-3-1-4 and to file notice with the Whiteland Plan Commission, the Board of Zoning Appeals, the Board of Public Works, the 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 redevelopment 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 project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the officer authorized to fix budgets, tax rates and tax levies under IND. CODE § 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed allocation area.


Section 14) The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the allocation area, as required under IND. CODE § 36-7-14-17(c)(2).

Section 15) The Commission further directs the presiding officer to submit this resolution to the Town Council for its approval of the amendment of the Whiteland Advancement Allocation Area and the amendment of the Declaratory Resolution as described herein.

Section 16) This Resolution shall be effective as of its date of adoption.

Adopted: March 9, 2023

WHITELAND REDEVELOPMENT COMMISSION



David Hawkins, President

ATTEST:



Katy Cavaleri, Secretary

EXHIBIT A

Map and List of Parcels of Saddlebrook Farms North Residential Properties to be Excluded from the Whiteland Advancement Allocation Area (Outlined in Yellow on Map)



Parcel List

Parcel ID #'s
41-05-22-034-029.001-028
41-05-22-034-060.000-028
41-05-22-034-061.000-028
41-05-22-034-062.000-028
41-05-22-034-063.000-028
41-05-22-034-064.000-028
41-05-22-034-065.000-028
41-05-22-034-066.000-028
41-05-22-034-067.000-028
41-05-22-034-068.000-028
41-05-22-034-069.000-028
41-05-22-034-070.000-028
41-05-22-034-071.000-028

41-05-22-034-072.000-028
41-05-22-034-073.000-028
41-05-22-034-074.000-028
41-05-22-034-075.000-028
41-05-22-041-001.000-028
41-05-22-041-002.000-028
41-05-22-042-029.000-048
41-05-22-042-030.000-048
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41-05-22-043-007.000-028
41-05-22-043-008.000-028
41-05-22-043-009.000-028
41-05-22-043-010.000-028
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41-05-22-044-012.000-028
41-05-22-044-013.000-028
41-05-22-044-014.000-028
41-05-22-044-015.000-028
41-05-22-044-016.000-028
41-05-22-044-017.000-028
41-05-22-044-018.000-028
41-05-22-044-019.000-028

EXHIBIT B

Map of Whiteland Advancement Allocation Area after Exclusion of the Saddlebrook Farms North Residential Property

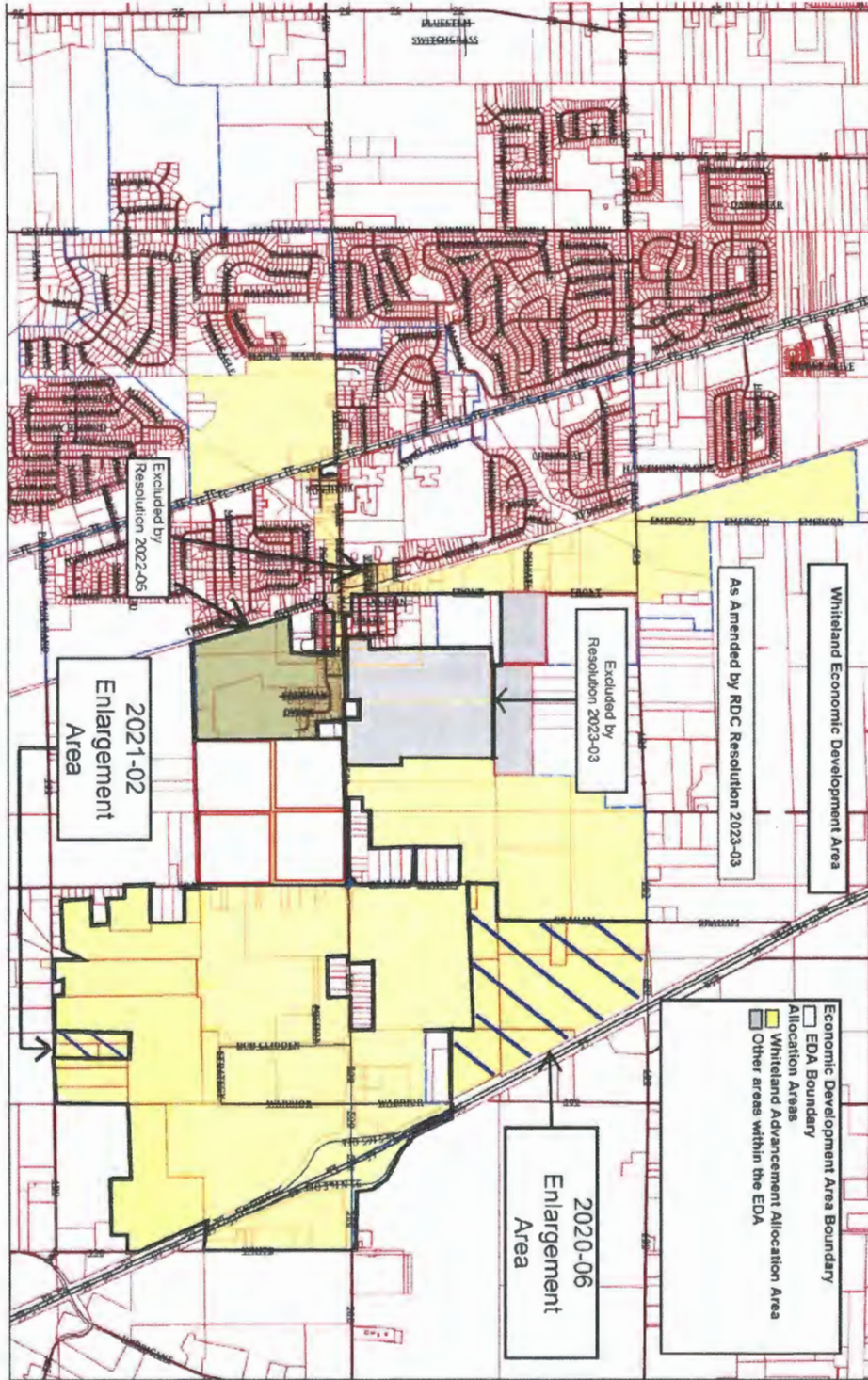


EXHIBIT C

FACTUAL REPORT IN SUPPORT OF FINDINGS CONTAINED IN RESOLUTION

As required by Indiana Statute, the Commission may designate the Whiteland Economic Development Area as an economic development area under I.C. 36-7-14-41 in that it satisfies the statutory criteria as follows:

1. The Plan for the EDA will promote significant opportunities for growth and the gainful employment of citizens of the Town of Whiteland by helping provide available and adequate infrastructure, which is necessary to attract new developments and new employers. To locate in the EDA, businesses and developers desire sites that are shovel ready with all required infrastructure, including water, wastewater services, along with road and drainage improvements. This Plan provides for the potential for public funding of those necessary improvements as development occurs. The establishment of the EDA enables the use of public funding to guide infrastructure design and construction and thus development of the EDA so as to promote employment and mixed uses of the land, to an extent individual property owners would not otherwise attain.
2. The Plan for the Area cannot be achieved by the regulatory processes or by ordinary operation of private enterprise without resorting to the Redevelopment Statutes (IND. CODE 36-7-14 and IND. CODE 36-7-25) because of the lack of public improvements and the Town's long running economic stagnation.
3. The Plan for the EDA will benefit the public health, safety, morals, and welfare in that the implementation of the Plan will diversify the local economy, add employment opportunities that do not now exist and cannot exist without the addition of public improvements, promote synergistic development throughout the EDA, and serve to protect and increase property values in the Town, County and the State of Indiana.
4. The accomplishment of the Plan for the Area will be of public utility and benefit as measured by the attraction or retention of permanent jobs, increase in the property tax base, improved diversity of the economic base, and other similar public benefits, in that the implementation of the Plan will and the installation of additional infrastructure in the EDA will make the property of the EDA more attractive for potential businesses and developers to locate in the EDA, which will result in more development, more assessed value, and more permanent jobs, and a greater diversity of businesses and employers.
5. The Plan conforms to other development and redevelopment plans for the unit in that the Plan expressly provides that it is designed and intended to promote the use of land in the Town of Whiteland in a manner consistent with the Whiteland Comprehensive Plan's recommendations regarding industrial and commercial growth. More specifically, industrial economic development is encouraged along and near the interstate and the railroad; and commercial development is planned along US 31 that will both employ citizens and encourage further residential and business growth.
6. The Residential Properties have been or are being developed as part of a residential subdivisions and as such the assessed value of such parcels may not be captured by the Commission.