

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2023-07

A RESOLUTION CONFIRMING RESOLUTION 2023-06 DECLARING A CERTAIN
AREA WITHIN THE TOWN OF WHITELAND AN ECONOMIC REVITALIZATION
AREA AND QUALIFYING CERTAIN REAL PROPERTY IMPROVEMENTS FOR
TAX ABATEMENT

(Axis Group 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 an initial declaratory resolution (Whiteland Town Council Resolution No. 2023-06 hereafter “Resolution No. 2023-06”), 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 March 28, 2023, Axis Group LLC (“Axis” or “Applicant”) filed its Statement of Benefits Real Estate Improvements as required by applicable law (the “Statement of Benefits”), which was included as part of the Application for Property Tax Abatement included as Exhibit B of Resolution No. 2023-06 (the “Application”);

WHEREAS, on April 18, 2023, the Council adopted a declaratory resolution, Resolution No. 2023-06, 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, and fixed 7:00 p.m. on May 9, 2023, at the Whiteland Town Hall 549 E Main Street, Whiteland, Indiana, for a final public hearing for the purpose of receiving any remonstrance or objections from any person in or affected by the Real Estate or its designation as an economic revitalization area;

WHEREAS, proper legal notice was published indicating the adoption of Declaratory Resolution No. 2023-06, and stating when and where the public hearing would be held; and

WHEREAS, 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 Axis for real property improvements tax abatement, and the confirmation of the adoption of Whiteland Town Council Resolution No. 2023-06.

Section 2. The Whiteland Town Council hereby confirms certain findings made within Resolution No. 2023-06 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 filed on March 28, 2023 by Axis, included within the Application, are in acceptable form and comply with the standards set forth in Resolution No. 2023-06;
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.

Section 5. The Council hereby confirms Resolution No. 2023-06 adopted April 18, 2023 and hereby finally approves the Application for Property Tax Abatement included as Exhibit B of Resolution No. 2023-06.

Section 6. The President of the Council is hereby authorized to complete and execute Axis' Statements of Benefits 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.

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.

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ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the ____ day of _____, 2023.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed

Joseph Sayler, President

Joseph Sayler, President

Richard Hill, Vice President

Richard Hill, Vice President

Brad Goedeker, Member

Brad Goedeker, Member

Laura Fleury, Member

Laura Fleury, Member

David Hawkins, Member

David Hawkins, Member

Attest:

Debra L. Hendrickson, Clerk-Treasurer

Exhibit A

Legal Description of Axis Group Economic Revitalization Area

A part of the East Half of the Northwest Quarter of Section 26, Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, more particularly described as follows:

Commencing at a Mag nail with washer marking the Northwest corner of the East Half of said Northwest Quarter per Johnson County Surveyor's Records; thence South 00 degrees 21 minutes 50 seconds East (assumed bearing) 1606.81 feet (1602.55 feet prior deed) coincident with the West line of said East Half Quarter to the Northwest corner of a 2.848 acre tract of land as described in a deed recorded as Instrument No. 2000-000474 in the Office of the Recorder of said Johnson County, Indiana; thence continuing South 00 degrees 21 minutes 50 seconds East 69.11 feet coincident with the West line of said East Half Quarter to a Mag nail with washer (P&H 890026) marking the Point of Beginning of the property herein described; thence North 89 degrees 06 minutes 44 seconds East 425.00 feet parallel with the North line of said 2.848 acre tract to a capped rebar (P&H 890026); thence South 00 degrees 21 minutes 50 seconds East 222.75 feet parallel with the West line of said East Half Quarter and coincident with the East line of said 2.848 acre tract to a capped rebar (P&H 890026); thence South 89 degrees 06 minutes 44 seconds West 425.000 feet coincident with the South line of said 2.848 acre tract to a Mag nail with washer (P&H 890026) on the West line of said East Half Quarter; thence North 00 degrees 21 minutes 50 seconds West 222.75 feet coincident with said West line to the Point of Beginning, containing 2.173 acres.

Depiction of Axis Group Economic Revitalization Area



Certification

I, Debra L. Hendrickson, Clerk-Treasurer of the Town of Whiteland, hereby certify that the attached copy of Whiteland Town Council Resolution No. 2023-07 is a true and complete copy of such resolution adopted by the Whiteland Town Council on the ____ day of _____, 202__.

Debra L. Hendrickson, Clerk-Treasurer
Town of Whiteland, Indiana