

WHITELAND TOWN COUNCIL
RESOLUTION NO. 2023-11

A RESOLUTION WAIVING NONCOMPLIANCE WITH ABATEMENT FILING
TIMING REQUIREMENTS
(Mohr Logistics Park, Phase 1, Section 4 – MLP Lot 4 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, pursuant to Whiteland Council Resolution 2021-01, the Whiteland Town Council established the Mohr Logistics Park Economic Revitalization Area as an ERA within the Town of Whiteland;

WHEREAS, pursuant to Whiteland Council Resolution 2021-01, Whiteland Town Council approved tax abatement for an approximately 330,220 square foot warehouse building to be located on Lot 4 within the Mohr Logistics Park, with an estimated assessed value of \$15,874,560, and with an estimated completion date of December 1, 2024 (the “Real Estate”);

WHEREAS, Lot 4 was split into Lot 4A and Lot 4B, and MLP Lot 4 LLC constructed a warehouse building on Lot 4A and second warehouse building on Lot 4B;

WHEREAS, the improvements constructed on Lot 4A have been given an assessed valuation of \$7,916,000, and the improvements constructed on Lot 4B have been given an assessed valuation of \$5,789,100;

WHEREAS, Ind. Code § 6-1.1-12.1-5.1(b) requires the property owner who receives the tax abatement to provide the County Auditor and the Whiteland Town Council with information showing the extent to which there has been compliance with the Statement of Benefits (“SB-1”) that was approved, which must be updated each year in which the tax abatement is applicable by annually filing the Compliance with Statement of Benefits form (“CF-1”) with the County Auditor and Town;

WHEREAS, MLP Lot 4 LLC has filed its CF-1 form and Form 322 for the 2023 pay 2024 tax year after the applicable deadline;

WHEREAS, after receiving notice that it had not filed the CF-1 and Form 322 by the deadline, MLP Lot 4 LLC has now filed the 2023 CF-1 with the Town and the 2023 Form 322 with the County Auditor;

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-9.5(b)(1), the designating body may waive a property owner's failure to timely comply with the filing requirements of Ind. Code § 6-1.1-12.1-5 and 5.1 provided the property owner files the required documents and the designating body waives the noncompliance by resolution;

WHEREAS, it has been determined that the failure of MLP Lot 4 LLC to timely file the CF-1 and 322 forms for 2023 was not intentional and that WDP1 has otherwise substantially complied with the terms of the tax abatement by constructing real property improvements as contemplated within the Statement of Benefits and that MLP Lot 4 LLC otherwise qualifies for the property tax deduction;

WHEREAS, a public hearing has been held as required by law;

WHEREAS, it has been determined that it is in the best interest of the Town to waive MLP Lot 4 LLC's failure to timely comply with the Compliance with the Statement of Benefit and Form 322 filing requirements of Ind. Code § 6-1.1-12.1-5 and 5.1 and to permit the late filing of the CF-1 and 322 forms for 2023;

WHEREAS, in accordance with Ind. Code § 6-1.1-12.1-9.5(b), after reviewing information from MLP Lot 4 LLC and other interested parties, it is hereby determined that the non-compliance of MLP Lot 4 LLC regarding the timely filing of the CF-1 and 322 forms for 2023 as required by law should be waived; and

WHEREAS, since Lot 4 has been split into Lot 4A and Lot 4B and further since the improvements in the original SB-1 were contemplated to be a single warehouse building, MLP Lot 4 LLC has prepared an amended SB-1 applicable to each of Lot 4A and Lot 4B, respectively, reflecting the construction of one warehouse building on each of Lot 4A and Lot 4B.

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

Section 1. The Whiteland Town Council hereby approves the amended SB-1 for each of Lot 4A and Lot 4B.

Section 2. The Whiteland Town Council hereby finds that MLP Lot 4 LLC did not timely file the CF-1 and 322 forms for 2023, that it did construct real property improvements contemplated by the Statement of Benefits Form and otherwise qualifies for the property tax deductions set forth therein, and that MLP Lot 4 LLC subsequently filed the 2023 CF-1 and 322 forms prior to the adoption of this Resolution.

Section 3. The Whiteland Town Council hereby determines that compliance by MLP Lot 4 LLC with the requirements of Ind. Code § 6-1.1-12.1-5 and 5.1 regarding the timely filing of the CF-1 and 322 forms should be and is hereby waived.

Section 4. The Clerk-Treasurer is directed to mail a certified copy of this Resolution to MLP Lot 4 LLC, the Auditor of Johnson County, and the Indiana Department of Local Governmental Finance.

Section 5. This Resolution shall be effective immediately upon its passage.

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ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 11 day of July, 2023.
TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Joseph Sayler, President

Voting In Favor

Voting Opposed



Joseph Sayler, President

Joseph Sayler, President




Richard Hill, Vice President

Richard Hill, Vice President



David Hawkins

David Hawkins



Brad Goedeker

Brad Goedeker



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

Exhibit A

Identification of the Real Estate (Lot 4A)

(Parcel 41-05-23-012-004.000-028)

Lot 4A of the Mohr Logistics Park, in Whiteland, Indiana, being generally located at the SW intersection of CR 600N and I-65, as depicted in the attached drawing.

Identification of the Real Estate (Lot 4B)

(Parcel 41-05-23-012-002.000-028)

Lot 4B of the Mohr Logistics Park in Whiteland, Indiana, being generally located at the SW intersection of CR 600N and I-65, as depicted in the attached drawing.

