

WHITELAND REDEVELOPMENT COMMISSION

RESOLUTION 2022-01

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 AND ESTABLISHING THE PATCH ALLOCATION AREA

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 § 36-7-14-2.5, the assessment, planning, replanning, remediation, development, and redevelopment of economic development areas are public uses and purposes for which public money can be spent and private property may be acquired;

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

WHEREAS, the Commission has selected an economic development area to be developed under IC 36-7-14 and IC 36-7-25 (collectively, the “Act”);

WHEREAS, the Commission has prepared an economic development plan (“Plan”) for the selected economic development area, which Plan is attached to and incorporated by reference into this resolution as Exhibit A;

WHEREAS, the Commission has caused to be prepared:

- (1) Maps and plats showing:
 - (A) the boundaries of the economic development area, 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 contained within the Plan and is incorporated by reference into this resolution.

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

Section 1. The above recitals are hereby incorporated into the body of this resolution.

Section 2. The Commission has determined that the approximately 163 acres of property owned by Susan I. Horsley, described and depicted in Exhibit B attached hereto and incorporated herein, located in the southwest quadrant of the intersection of Whiteland Road and Graham Road, and having parcel numbers 41-05-27-011-001.000-048, 41-05-26-022-010.000-048, 41-05-26-023-010.001-048, and 41-05-27-014-002.000-048 (the “Horsley Property”) will no longer be of benefit to include within the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area. (Parcel 41-05-27-014-002.000-048 was never included within the Whiteland Advancement Allocation Area.)

Section 3. The Horsley Property, is hereby removed from the Whiteland Economic Development Area, and the parcels numbered 41-05-27-011-001.000-048, 41-05-26-022-010.000-048, 41-05-26-023-010.001-048 are hereby removed from the Whiteland Advancement Allocation Area. The new boundaries of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, as amended by this resolution to remove the Horsley Property, are depicted on Exhibit C.

Section 4. The Commission has selected the Horsley Property to be a new separate economic development area within its corporate boundaries, which area the Commission hereby designates as the Patch Economic Development Area (the “Patch EDA”) and the “Patch Allocation Area”.

Section 5. The Commission hereby adopts the Plan and finds that the Plan for the Patch EDA:

- (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; and
- (E) Serves to protect and increase property values in the Town and the State of Indiana.

Section 6. The Commission finds 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 IC 36-7-14 because of:

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

Section 7. The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan for the Patch EDA, specifically because the plan and ensuing development will provide significant investment and job opportunities, thereby increasing the demand for support services which positively affects the commercial and residential market factors and further increases the economic vitality of the Town of Whiteland.

Section 8. The Commission finds that 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, including without limitation, new public safety infrastructure and new parks and recreation property and improvements.

Section 9. The Commission proposes to acquire an as yet undetermined part of the real property within the boundaries of the Patch EDA to be used for public safety and parks and recreation purposes as stated in the Plan, through a voluntary agreement between the Commission or the Town and the developer of the Patch EDA. Pursuant to IC 36-7-14-15(b)(2), attached as Exhibit D is a List of Owners of the Property Proposed for Possible Acquisition.

Section 10. The Commission finds that no residents of the Patch EDA 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 11. This paragraph shall be considered the allocation provision for the purposes of IC 36-7-14-39. The Patch EDA shall constitute an allocation area as defined in IC 36-7-14-39, to be known as the "Patch Allocation Area". 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 allocation area shall be allocated and distributed in accordance with IC 36-7-14-39. This allocation provision shall expire no later than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the Patch Allocation Area, unless terminated at an earlier date by the Commission.

Section 12. The Commission hereby finds that the adoption of the above allocation provision for the Patch Allocation Area will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision, and supporting evidence for such finding is provided within the Factual Findings portion of the Plan.

Section 13. All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment project area or urban renewal area may be exercised by the Commission in the Patch EDA, subject to the limitations in IC 36-7-14-43.

Section 14. The presiding officer of the Commission is hereby authorized and directed to submit this resolution, the Plan, and the Report to the Whiteland Plan Commission for its approval.

Section 15. 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 IC 5-3-1 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 IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed allocation area.

Section 16. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the allocation area, including the following:

- (A) The estimated economic benefits and costs incurred by the 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 allocation area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in Section 15 of this resolution.

Section 17. The Commission further directs the presiding officer to submit this resolution to the Town Council for its approval of the establishment of the Patch EDA and the Patch Allocation Area.

Section 18. This Resolution shall be effective as of its date of adoption.

Adopted: June 9, 2022

WHITELAND REDEVELOPMENT COMMISSION


David Hawkins, President

ATTEST:



Katy Cavaleri, Secretary

EXHIBIT A

WHITELAND REDEVELOPMENT COMMISSION

ECONOMIC DEVELOPMENT PLAN FOR THE PATCH ECONOMIC DEVELOPMENT AREA (Adopted June 9, 2022)

Project Objectives. This document is the Whiteland Redevelopment Commission’s (the “Commission”) Economic Development Plan (the “Plan”) for the Patch Economic Development Area (the “EDA”) located within the Town of Whiteland and further identified within Appendix A, attached hereto and incorporated herein. The purposes and goals of this Plan are to attract and retain permanent quality jobs, to increase the property tax base, to retain and expand existing business enterprises, to attract new business enterprises, and to improve the diversity of the economic base of the Town of Whiteland.

Description of the Plan Projects. The Plan is designed to accomplish its purposes and goals by helping provide local public improvements that will serve and/or directly benefit the EDA, and facilitate and help fund the development of the EDA in accordance with the Planned Unit Development rezoning ordinance for the EDA property adopted as Whiteland Town Council Ordinance No. 2022-05 (the “PUD Ordinance”), and generally in accordance with the EDA Concept Plan attached to this Plan as Appendix B and incorporated herein (the “EDA Concept Plan”). The Plan includes the development and construction of a new Town public safety building and a new Town park facility within a portion of the EDA, the potential locations of which are generally depicted on the EDA Concept Plan. The Plan also includes supporting and facilitating the goals and purposes of the Economic Development Plan for the Whiteland Economic Development Area to the extent funds are available to do so and such projects serve or directly benefit the EDA.

Estimated Cost. Development of the EDA as contemplated in the PUD Ordinance and the EDA Concept Plan is estimated to cost a total of approximately \$140,000,000, with the majority of such costs being paid for or financed by the private developer of the EDA.

Economic Development Incentives. The purposes and goals of the Plan include the attraction of new development to the EDA, which may be accomplished by providing economic development incentives to the extent permissible under the laws of the State of Indiana and otherwise in harmony with this Plan.

Funding of the Projects. It is the intention of the Commission to use tax increment revenue as authorized within the Redevelopment Statute and to capture incremental real property assessed

value from the designated allocation area within the EDA in order to help fund the projects within the scope and purposes of the Plan. The Plan may be funded through the issuance of bonds or bond anticipation notes, or the pledge tax increment revenue, based on the incremental property taxes allocated under IC 36-7-14-39, in order to raise money for completion of the projects within the scope and purposes of the Plan.

**FACTUAL REPORT IN SUPPORT
OF THE FINDINGS CONTAINED IN RESOLUTION 2022-01**

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

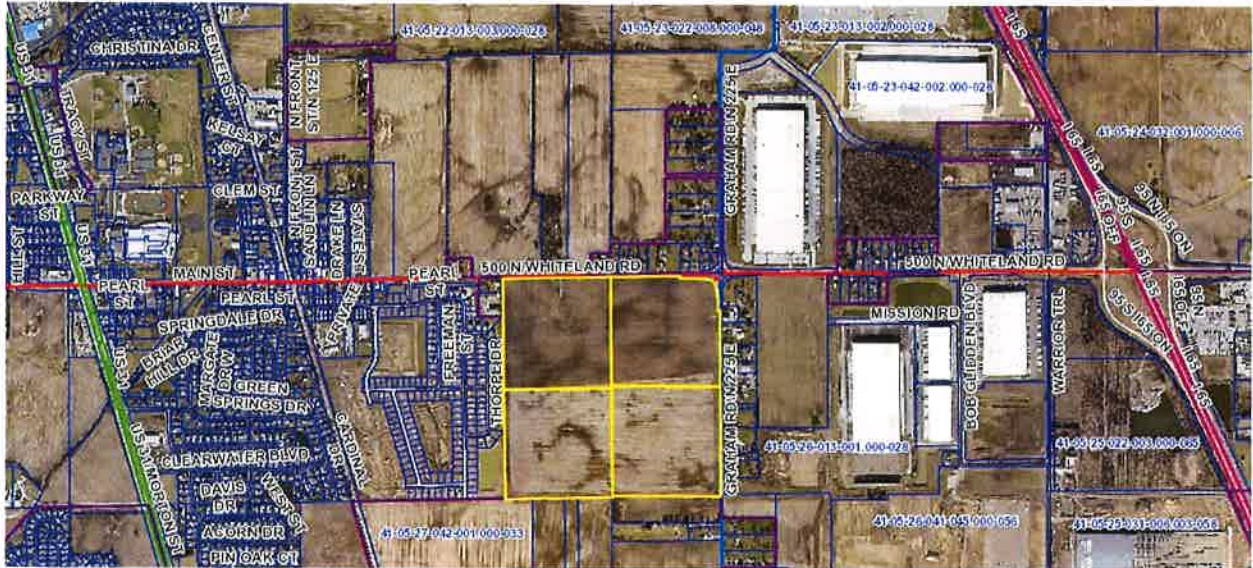
1. The Plan for the EDA will promote significant opportunities for growth and the gainful employment of citizens of the Town of Whiteland by helping provide available and adequate infrastructure, which is necessary to attract new developments and new employers. This Plan provides for the potential for 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.
2. The Plan for the EDA cannot be achieved by the regulatory processes or by ordinary operation of private enterprise without resorting to the Redevelopment Statutes (IC 36-7-14 and IC 36-7-25) because of the lack of public improvements and the Town's long running economic stagnation. Due to the limited growth and expansion of the Town associated with the economic stagnation, few businesses have located in the Town in recent years. Since new businesses tend to locate where other businesses have also found economic success, this stagnation has affected the willingness for companies to come into Town. Public governmental involvement is now needed to initiate economic development and overcome the Town's 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 the Town, 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 EDA 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. Increasing the availability of rental housing units within the EDA will help provide more supply of housing for the Town. Providing more capacity for workforce housing has a direct impact on the Town's broader economic development goals as the larger workforce pool will help current and future businesses meet hiring needs.
5. The Plan conforms to other development and redevelopment plans for the unit in that the Plan is consistent with and facilitates the development of the EDA in accordance with the recently adopted rezoning of the EDA to Planned Unit Development zoning as requested by the proposed developer of the EDA.

6. The adoption of the allocation provision of the Resolution, which establishes the Patch EDA as a new allocation area, will result in new property taxes in the allocation area that would not have been generated but for the adoption of the allocation provision, because the Patch EDA is currently unimproved land, such property has been undeveloped for decades, and such property has been recently proposed for development by a private developer conditioned upon the Town entering into a public-private partnership to assist in the financing of the proposed development through the use of TIF funding or other public funding.

Appendix A

Identification of the Patch Economic Development Area

(Parcels highlighted in yellow)



Appendix B

Patch EDA Concept Plan



patch development

CONCEPT PLAN

January 2022



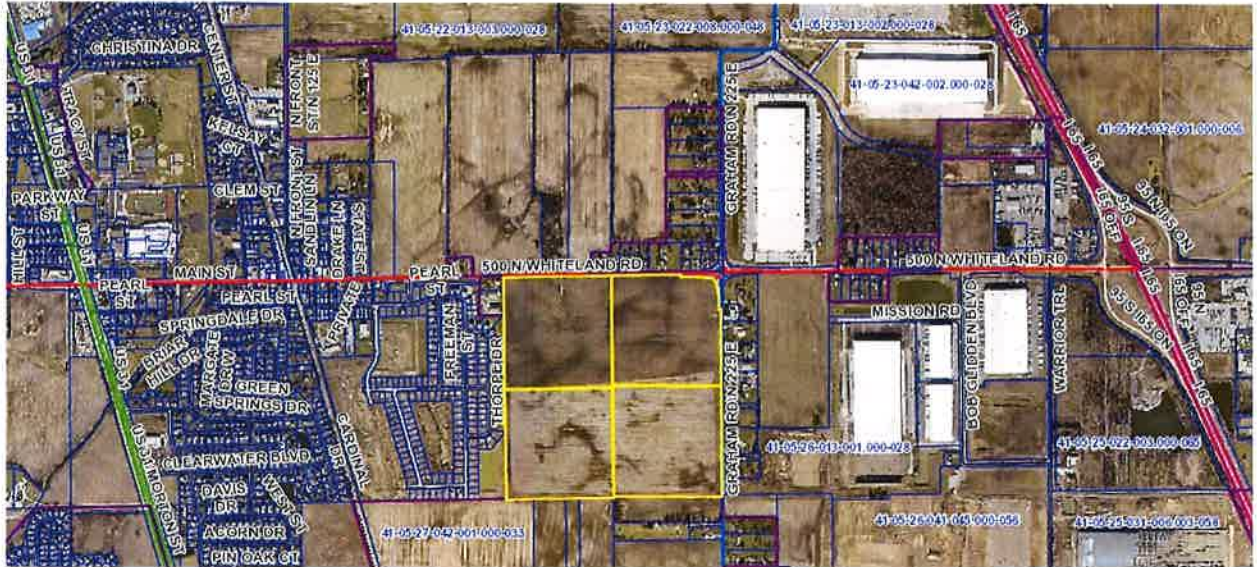
0 150' 300' 600'
Scale: 1"=300'

Exhibit B

Description and Depiction of the Horsley Property

(Parcels highlighted in yellow)

(Also being the new Patch Economic Development Area and the Patch Allocation Area)



Parcel numbers:

41-05-27-011-001.000-048,

41-05-26-022-010.000-048,

41-05-26-023-010.001-048, and

41-05-27-014-002.000-048

Exhibit C

New boundaries of the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area

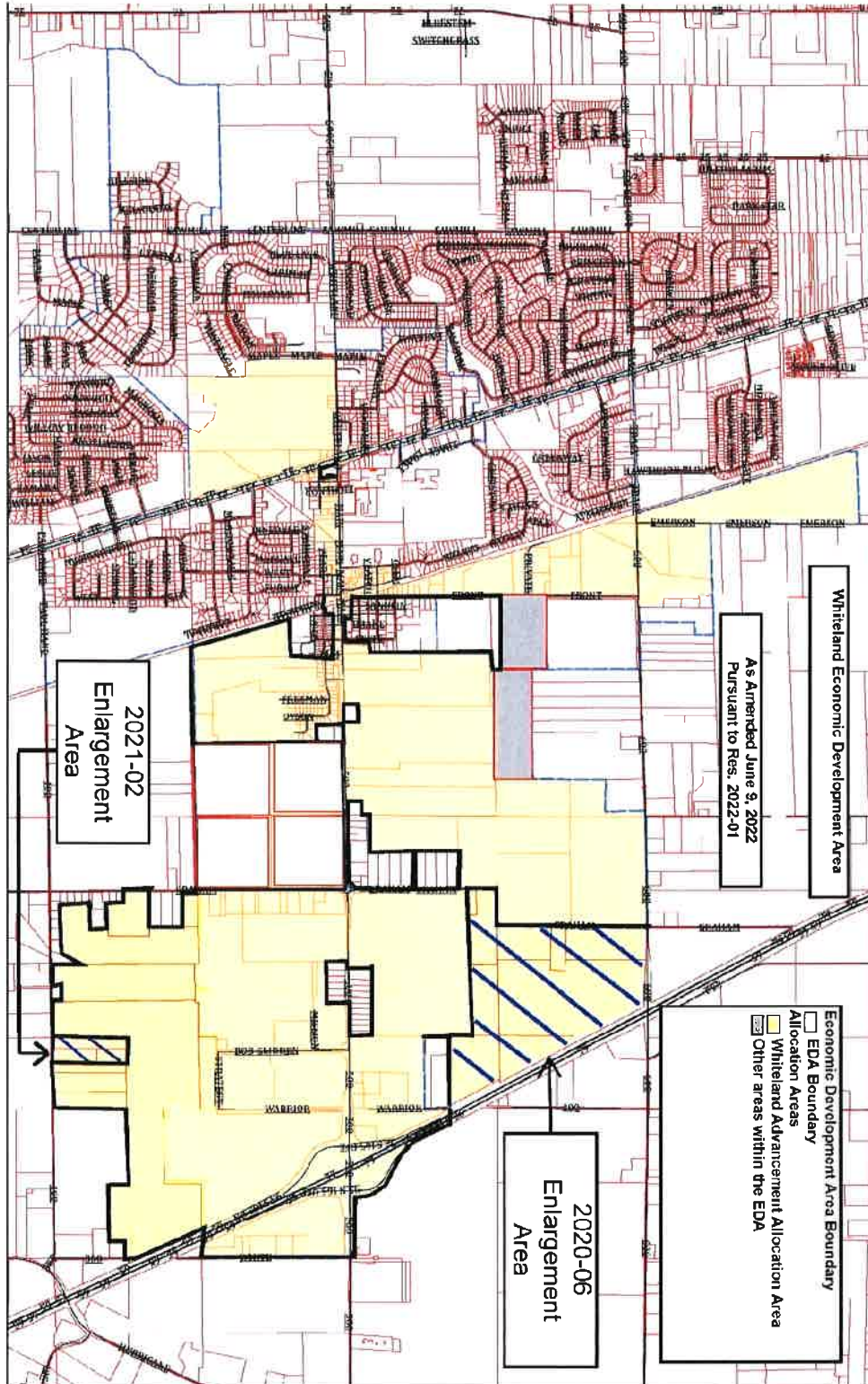


Exhibit D

List of Owners of the Property Proposed for Possible Acquisition

- Susan I. Horsley