

RESOLUTION NO. 2023-49

RESOLUTION OF THE HENDRICKS COUNTY REDEVELOPMENT COMMISSION AMENDING THE DECLARATORY RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN FOR THE 70/39 COMMERCE PARK ECONOMIC DEVELOPMENT AREA

WHEREAS, the Hendricks County Redevelopment Commission (the “Commission”) pursuant to IC 36-7-14 (the “Act”) serves as the governing body of the Hendricks County Department of Redevelopment; and

WHEREAS, the Commission has previously adopted and confirmed Resolution No. 2014-1 (the “Declaratory Resolution”) which established an economic development area known as the “70/39 Commerce Park Economic Development Area” (the “Economic Development Area”), designated the entire Economic Development Area as an allocation area pursuant to Section 39 of the Act, designated as the 70/39 Commerce Park Allocation Area (the “70/39 Commerce Park Allocation Area”) and approved an economic development plan for the Economic Development Area (the “Plan”) pursuant to the Act; and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Plan to (i) add the parcel described on Exhibit A attached hereto (the “2023 Expansion Area”) as part of the Economic Development Area, (ii) remove the parcels described on Exhibit B attached hereto from the 70/39 Commerce Park Allocation Area (the “Excised Parcels”), (iii) designate the entirety of the 2023 Expansion Area and the Excised Parcels as a new allocation area pursuant to Section 39 of the Act to be known as the 2023 Strategic Capital Partners Allocation Area (the “2023 Allocation Area”), and (iv) adopt a supplement to the Plan attached hereto as Exhibit D (the “2023 Plan Supplement”) (clauses (i) through and including (iv), collectively, the “2023 Amendments”); and

WHEREAS, the Commission hereby finds that normal development and occupancy in the 2023 Expansion Area are undesirable or impossible because of lack of development and cessation of growth, which conditions cannot be corrected by regulatory processes or the ordinary operations of private enterprise without resort to the Act, that the public health and welfare will be benefited by the acquisition and/or redevelopment of the 2023 Expansion Area under the Act, and that the 2023 Amendments will result in new taxes in the 2023 Expansion Area that would not have been generated but for the adoption of the 2023 Amendments; and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the 2023 Expansion Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the 2023 Expansion Area, the parts of the 2023 Expansion Area to be devoted to public ways, levees, sewerage, and other public purposes under the Plan, and lists of the owners of any parcels proposed to be acquired, together with an estimate of the cost of acquisition and redevelopment; and

WHEREAS, the 2023 Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Sections 41 and 43 of the Act permit the creation of “economic development areas” and provide that all of the rights, powers, privileges and immunities that may be exercised by this 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, Section 39 of the Act has been enacted and amended to permit the creation and expansion of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Sections 39, 41 and 43 of the Act to the 2023 Amendments; and

WHEREAS, the Commission now desires to approve the 2023 Amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE HENDRICKS COUNTY REDEVELOPMENT COMMISSION, GOVERNING BODY OF THE HENDRICKS COUNTY DEPARTMENT OF REDEVELOPMENT, as follows:

1. The 2023 Amendments promote significant opportunities for the gainful employment of its citizens, attraction of major new business enterprises to Hendricks County, Indiana (the “County”), retention and expansion of significant business enterprises existing in the boundaries of the County, and meet other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the County and the State of Indiana (the “State”), and serving to protect and increase property values in the County and the State.

2. The 2023 Plan Supplement for the 2023 Allocation Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of development, cessation of growth, deteriorating improvements and age.

3. The public health and welfare will be benefited by the 2023 Amendments.

4. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan for the Economic Development Area, as expanded by the 2023 Expansion Area, as provided in the 2023 Amendments and to continue to develop the Economic Development Area, as expanded by the 2023 Expansion Area, and including the 2023 Allocation Area, as under the Act.

5. The accomplishment of the 2023 Plan Supplement for the 2023 Allocation Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

6. The Declaratory Resolution and the Plan, as amended by this Resolution and the 2023 Plan Supplement, conform to the comprehensive plan of development for the County.

7. The 2023 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act.

8. The findings and determinations set forth in the Declaratory Resolution and the Plan are hereby reaffirmed.

9. In support of the findings and determinations set forth in Sections 1 through 7 above, the Commission hereby adopts the specific findings set forth in the 2023 Plan Supplement.

10. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the 2023 Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan, as amended by the 2023 Plan Supplement, under the Act will be followed, including notice by publication to affected property owners and a public hearing.

11. The Commission finds that no residents of the Economic Development Area or the 2023 Expansion Area will be displaced by any project resulting from the 2023 Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

12. The 2023 Expansion Area is hereby added to the Economic Development Area and is designated as an “economic development area” under Section 41 of the Act and constituting a portion of the Economic Development Area.

13. The 2023 Amendments are hereby approved.

14. The Excised Parcels are hereby removed from the 70/39 Commerce Park Allocation Area effective as of the assessment date of January 1, 2023.

15. The area described in Exhibit C is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act to be known as the “2023 Strategic Capital Partners Allocation Area,” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property

tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the 2023 Allocation Area hereby designated as the “2023 Strategic Capital Partners Allocation Area Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

16. The foregoing allocation provision shall apply to the 2023 Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the 2023 Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit D. The base assessment date for the 2023 Allocation Area is January 1, 2023.

17. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the 2023 Allocation Area shall expire on the date that is twenty-five (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 derived from the 2023 Allocation Area.

18. This Resolution, together with any supporting data and together with the Plan, shall be submitted to Hendricks County Area Plan Commission (the “Plan Commission”), and upon the approval of the Plan Commission to the Board of Commissioners of the County of Hendricks, Indiana (the “Commissioners”), as provided in the Act, and if approved by the Commissioners shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

19. The officers of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

20. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

Adopted the 20th day of December, 2023.

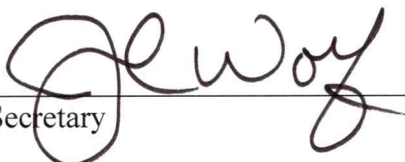
HENDRICKS COUNTY REDEVELOPMENT
COMMISSION




President



Vice President



Secretary



Member

absent

Member

EXHIBIT A

Description of 2023 Expansion Area

The 2023 Expansion Area consists of the area as depicted on the map below, together with any and all public rights of way that physically connect any of the described parcels to each other and the existing Economic Development Area, the 2023 Expansion Area shall be added to and form a part of the existing Economic Development Area.

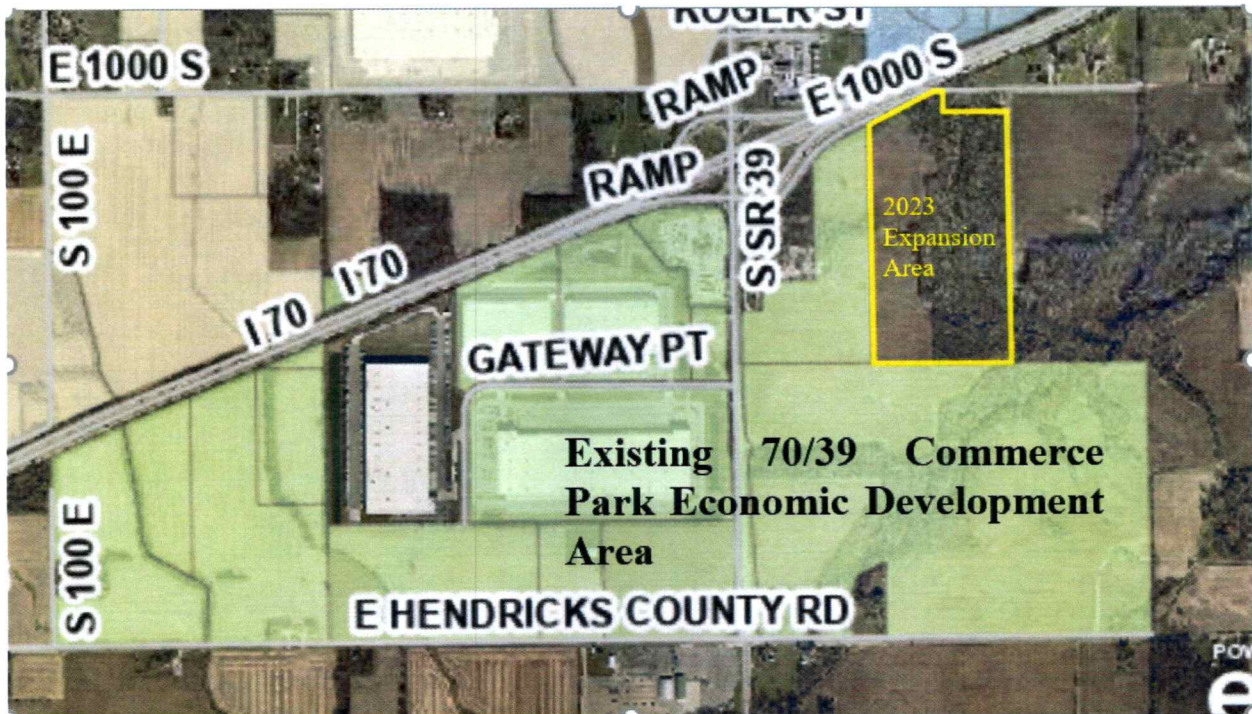


EXHIBIT B

Description of Excised Parcels

The parcels listed below are removed from the existing 70/39 Commerce Park Allocation Area.

Parcel ID Numbers:

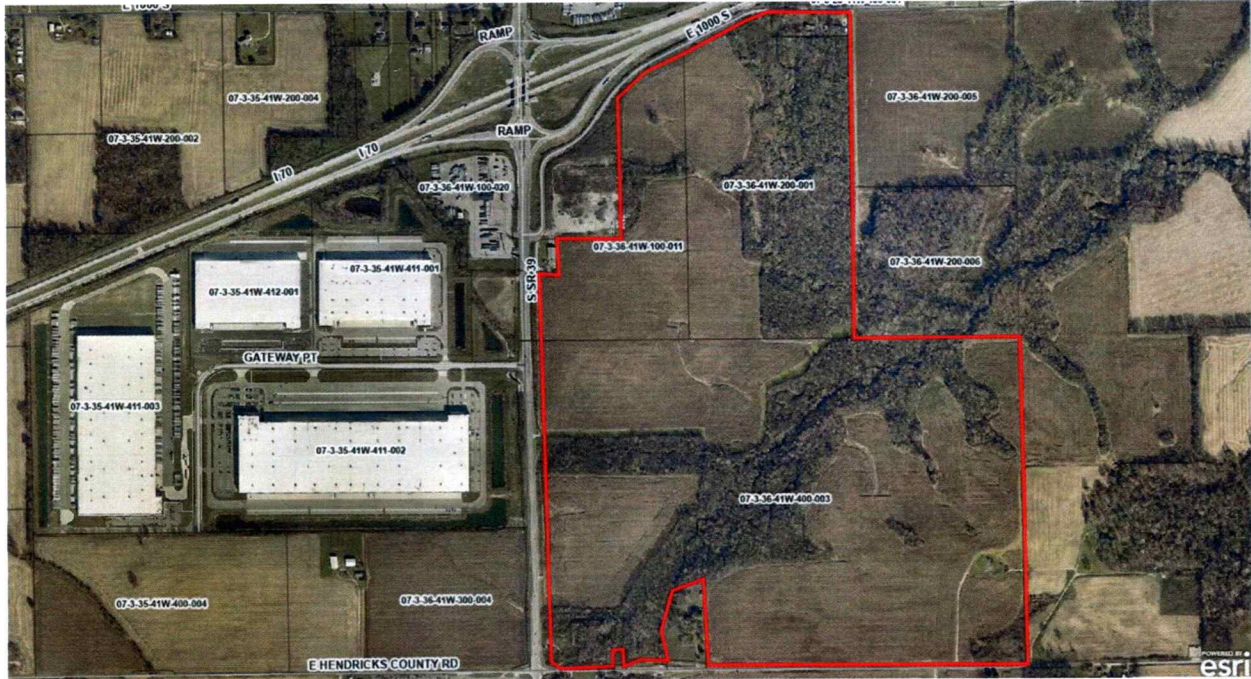
32-14-36-400-003.000-013

32-14-36-100-011.000-013

EXHIBIT C

Description of the 2023 Strategic Capital Partners Allocation Area

The 2023 Strategic Capital Partners Allocation Area consists of the following area:



Parcel ID Numbers:

32-14-36-400-003.000-013
32-14-36-100-011.000-013
32-14-36-200-001.000-013

EXHIBIT D

2023 Plan Supplement

The Plan is hereby supplemented by adding the following projects to the Plan:

All or any portion of the design and construction of infrastructure improvements, including without limitation wastewater, water and road improvements, utility relocations and/or streetscape development, in or directly serving and benefiting the 2023 Strategic Capital Partners Allocation Area (the “2023 Allocation Area”), which will support the development of the 2023 Allocation Area by Strategic Capital Partners and its affiliates (the “Developer”). The estimated cost of these improvements is \$18,300,000. The Commission anticipates capturing tax increment revenues from the 2023 Allocation Area and applying a portion of such tax increment revenues to further assist in the development of the 2023 Allocation Area, either directly or through bonding.

Based on representations of the Developer, the Commission has determined that the development will not proceed as planned without the contribution of tax increment revenues to be derived from the 2023 Allocation Area to the projects described above.