

2019-11

DESIGNATION OF AN INFRASTRUCTURE DEVELOPMENT ZONE

WHEREAS, Indiana Code 6-1.1-12.5-4 et seq. authorizes the county executive to adopt an ordinance designating a geographic territory as an Infrastructure Development Zone; and

WHEREAS, Indiana Code 6-1.1-12.5-4 et seq. requires the county executive to conduct a public hearing, including the publishing of a notice in accordance with IC 5-3-1; and

WHEREAS, Indiana Code 6-1.1-12.5-4(3) authorizes the ordinance to establish the facilities and technologies used in the deployment and transmission of broadband service once the county executive can show: (A) adequate broadband services are unavailable in Hendricks County; (B) a business personal property tax exemption (other than for real property) is provided to a corporation as the corporation's services will provide (i) increased availability of broadband service; and (ii) economic benefits; in the designated zoning area of Hendricks County; and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the County Commissioners of Hendricks County, Indiana, as follows:

Section 1. Designation of an Infrastructure Development Zone. Hendricks County Commissioners shall adopt the following ordinance which shall read as follows:

1. In accordance with I.C. 6-1.1-12.5-4 the County Commissioners shall establish an Infrastructure Development Zone.
2. The Infrastructure Development Zone shall incorporate all of the unincorporated areas in Hendricks County.
3. The Infrastructure Development Zone shall provide broadband services to Hendricks County residents residing in the Infrastructure Development Zone.
4. The Infrastructure Development Zone shall include a business personal property tax exemption available to companies for certain infrastructure associated with the development of broadband technology.
5. The tax exemption for certain infrastructure shall only include the installation of fiber to homes, businesses, schools and publicly owned buildings. The exemption shall **not** be available for maintenance and refurbishment to existing facilities, land that the infrastructure is located on, fiber to cell towers or satellites, or long haul/pass thru fiber infrastructure.

6. The exemption shall only be available to broadband infrastructure projects that are completed within five (5) years from the date of passage of this ordinance, and upon approval of the Hendricks County Council.

Section 2. Publication. The county commissioners are hereby directed to file a copy of this ordinance with the appropriate entities and record the ordinance in the appropriate location.

Section 3. Conflicting Ordinances. Any ordinance or provision of any Ordinance of Hendricks County in conflict with the provisions of this Ordinance is hereby repealed.

Section 4. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

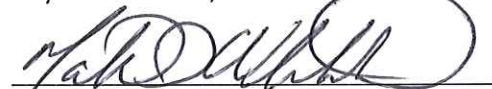
Section 5. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the County Commissioners and publication as required by law.

PASSED AND ADOPTED by the County Commissioners of Hendricks County, Indiana, on the 23rd day of April, 2019.

COUNTY COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA



Phyllis A. Palmer, President



Matthew D. Whetstone, Vice President



Bob Gentry, Member

ATTEST:



County Auditor

ATTACHMENT 1.

The County Commissioners have made the following findings as required by Indiana Code 6-1.1-12.5-4 and should therefore adopt this Ordinance.

Upon conducting a public hearing on the proposal of the Ordinance, the County Commissioners find:

- (A) Hendricks County currently lacks the availability of adequate broadband services homes, businesses, schools and publicly owned buildings;
- (B) Equal education for the citizens of Hendricks County, Indiana, is limited by the lack of fiber to the homes and businesses in the county;
- (C) The growth of student enrollment is limited by the lack of fiber to the homes in the county;
- (D) Access to healthcare technologies is limited by the lack of fiber to the homes and businesses in the county;
- (E) The lack of fiber to businesses in the county is one of the largest threats to small business in Hendricks County, Indiana;
- (F) Providing a property tax exemption to corporations providing broadband services through the establishment of the Infrastructure Development Zone, will increase the availability of broadband services to the affected zone area, and will provide economic development benefits to the zone area encompassing Hendricks County.