

**RESOLUTION NO. 2022-\_\_\_\_\_**

**AMENDING DECLARATORY RESOLUTION OF THE WHITLEY COUNTY  
REDEVELOPMENT COMMISSION**

WHEREAS, the Whitley County, Indiana (“**County**”) Redevelopment Commission (“**Commission**”) has selected an economic development are to be developed under IC 36-7-14 and IC 36-7-25 (collectively, the “**Act**”) and did on March 15, 2010, adopt a declaratory resolution (as amended, “**Area 2 Declaratory Resolution**”) establishing the Whitley County Economic Development Area No. 2 (“**Area 2**”) and the Area 2 Declaratory Resolution was confirmed by a confirmatory resolution adopted on April 19, 2010, (collectively, as amended, “**Area Resolution**”);

WHEREAS, the Area Resolution approved the Economic Development Plan of Area 2, each as amended (the “**Original Plan**”) which Original Plan contained specific recommendations for economic development in Area 2; and

WHEREAS, the Commission now desires to amend the Area Resolution and Original Plan to adopt a supplement to the Original Plan, as set forth in Exhibit A attached hereto (the “**Plan Supplement**”).

NOW, THEREFORE, BE IT RESOLVED by the Whitley County Redevelopment Commission, as follows:

Section 1. The Plan Supplement is reasonable and appropriate when considered in relation to the Area Resolution, the Original Plan, and the purposes of IC 36-7-14; and

Section 2. The Commission finds that the Plan Supplement for Area 2 cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under IC 36-7-14-41, IC 36-7-14-2.5, IC 36-7-14-43, IC 36-7-14 and IC 36-7-25 because of:

- a. lack of local public improvement;
- b. existence of improvements or conditions that lower the value of the land below that of nearby land;
- c. multiple ownership of land; and/or
- d. other similar conditions;

Section 3. The Commission hereby finds and determines that the public health and welfare will be benefited by the accomplishment of the Plan Supplement.

Section 4. The accomplishment of the Plan Supplement for Area 2 will be of 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, and it will be of public utility and benefit to amend the Area 2 Declaratory Resolution as set forth by the Plan Supplement.

Section 5. The amendments in the Plan Supplement are reasonable and appropriate when considered in relation to the Area 2 Declaration Resolution, the Plan, and the purposes of the Act.

Section 6. The findings and determinations set forth in the Area 2 Declaratory Resolution and Original Plan are hereby reaffirmed.

Section 7. The Plan Supplement is hereby approved in all respects.

Section 8. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of Area 2. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed.

Section 9. The Commission finds that no residents will be displaced by any project described in the Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

Section 10. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Plan to the Whitley County Plan Commission ("**Plan Commission**") for its approval.

Section 11. The Commission also directs the presiding officer, after receipt of the written order of the approval of the Plan Commission which has been approved by the Board of Commissioners, to publish notice of the adoption and substance of this resolution in accordance with I.C. 5-3-1-4 and to file notice with the 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 County 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 County'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 action to be taken 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 I.C. 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Allocation Area 2.

Section 12. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of Allocation Area 2, including the following:

- a. The estimated economic benefits and costs incurred by Allocation Area 2, as measured by increased employment and anticipated growth of real property assessed values; and
- b. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within Allocation Area 2. A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under IC 36-7-14-17 at least 10 days before the date of the public hearing required under the Act.

Section 13. The Commission further directs the presiding officer to submit this resolution to the Board of Whitley County Commissioners for its approval of the establishment of the EDA.

Section 14. The officers and representatives of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

Section 15. Except as to the extent amended and supplemented by the Plan Supplement, the Area Resolution and the Original Plan, each as previously amended, shall remain in full force and effect and the contents of said Area Resolution and of said Original Plan, each as previously amended, are hereby ratified and confirmed. On and after the adoption of this resolution, all references to Original Plan and documents of like import will mean and be a reference to the Original Plan as amended and supplemented by the Plan Supplement.

Section 16. This resolution shall be effective as of its date of adoption.

**Signature Page to Follow**

Adopted November 15, 2022.

WHITLEY COUNTY REDEVELOPMENT  
COMMISSION

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James Argerbright

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Chad Banks

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Frank Kessler

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Michael Schrader

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Kim Wheeler

ATTEST:

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Tiffany Deakins, Treasurer

**EXHIBIT A**  
**Plan Supplement**

A new section shall be inserted into the Original Plan, which reads as follows:

**General Projects, Improvements, and Use of TIF:**

Tax increment revenues from the Area or other sources of funds available to the Redevelopment Commission may be used to finance the cost of infrastructure improvements in or serving the Area (as well as demolition, in, serving or benefiting the Area), including without limitation:

- (1) transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, bridge improvements, rail crossings and spur track improvements, sidewalk and multiuse pathway improvements, street lighting, traffic signals, signage, parking lot improvements, and site improvements including landscape buffers;
- (2) utility infrastructure projects including, without limitation, utility relocation, water lines, water wells, water towers, lift stations, waste water lines, storm water lines, retention ponds, ditches, and storm water basin improvements;
- (3) the acquisition or construction of projects (or participation in) to enhance the cultural attractiveness, benefit public safety of the Area, and facilitate and develop other infrastructure and improvements to benefit the Area;
- (4) public park improvements and recreational equipment;
- (5) job training and assistance as permitted under I.C. 36-7-14-39(b)(3)(K) and I.C. 36-7-25-7, including without limitation program classrooms, program equipment, program materials, and other program costs;
- (6) eligible efficiency projects as permitted under I.C. 36-7-14-39(b)(3)(L); and
- (7) all projects related to any of the foregoing projects and all other purposes permitted by law.

Although the precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Allocation Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Area.