

## **RESOLUTION NUMBER 12-119**

### **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA CONFIRMING NOVEMBER 12, 2012 RESOLUTION NUMBER 12-116 DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET**

**WHEREAS**, pursuant to Indiana Code 6-1.1-12.1-1, *et. seq.* (the “Act”), the City of Westfield, Indiana (the “City”) by and through its Common Council acting in its capacity as the fiscal body of the City and acting as the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area and to also abate the payment of personal property taxes within the Economic Revitalization Area;

**WHEREAS**, pursuant to the Act, the Council may find that a particular area within the jurisdiction of the City is an Economic Revitalization Area and may by adoption of a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;

**WHEREAS**, the Council adopted its Resolution Number 12-116 (the “Declaratory Resolution”) on November 12, 2012 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City commonly known as 209 East 175<sup>th</sup> Street, Westfield, Indiana more particularly described in Exhibit A (the “Area”) attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B and made a part hereof as an Economic Revitalization Area in which property owners making application to the City pursuant to the Act subsequently approved by this Council pursuant to the Act may receive real property tax abatement and/or personal property tax abatement pursuant to the applicable procedures of the Act;

**WHEREAS**, the Council has caused to be published a notice (the "Notice") pursuant to the Act and Indiana Code 5-3-1 of the adoption and substance of the Declaratory Resolution, including notice that the Council would hold a public hearing in accordance with the Act on December 10, 2012 which Notice was published at least ten (10) days prior to the date of the public hearing;

**WHEREAS**, the Council in accordance with Section 2 of the Act has caused to be filed a copy of the Notice and the Declaratory Resolution with the Hamilton County Assessor and the officers of each taxing unit which is authorized to fix budgets, tax rates, and tax levies under Indiana Code 6-1.1-17-5 in the Area at least ten (10) days prior to the date of the December 10, 2012 public hearing;

**WHEREAS**, at the Public Hearing held on the date herof, the Council received, heard and considered any remonstrance's and objections from interested persons and heard evidence concerning the qualification of the Area as an Economic Revitalization Area;

**WHEREAS**, after considering the evidence, this Council desires to take final action determining whether the qualifications for an economic revitalization area have been met and further, to take final action confirming the Declaratory Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF WESTFIELD, INDIANA AS FOLLOWS:**

**SECTION I.** The Area is located within the corporate boundaries of the City.

**SECTION II.** The area is undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property or is an area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to decline in employment and tax revenues.

**SECTION III.** Resolution 12-116 adopted by the Council on November 12, 2012 is hereby confirmed.

**SECTION IV.** This Resolution shall be in full force and effect immediately upon its adoption.

THE REMAINDER OF THIS PAGE IS BLANK INTENTIONALLY

ALL OF WHICH IS ORDAINED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

**WESTFIELD CITY COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
John Dippel

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John Dippel

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John Dippel

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 12-119 was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE RESOLUTION 12-119

this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO RESOLUTION 12-119

this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

Prepared By:  
Ryan P. Clark, Associate Planner  
City of Westfield, Indiana

EXHIBIT A

Legal Description of Area

Commonly Known as 209 East 175<sup>th</sup> Street, Westfield, Indiana  
46074

A part of NW ¼ of Section 2, in the NE ¼ of Township 18 North, Range 3 East located in  
Washington Township, Hamilton County

Starting at said point S 1-36-35 E Distance: 642.173 ft.

To the point of beginning:

Thence N 89-15-32 E Distance: 184.025 ft.

Thence S 0-0-0 W Distance: 259.27 ft.

Thence S 89-36-49 W Distance: 115.683 ft.

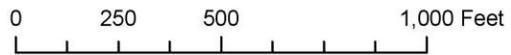
Thence N 0-13-42 W Distance: 27.59 ft.

Thence: S 89-45-47 W Distance: 106.431 ft.

Thence: N 1-59-13 E Distance: 21.633 ft.

Thence: N 10-9-58 E Distance: 212.232 feet back to the place of beginning, containing 1.62  
acres more or less

EXHIBIT B



**Legend**

-  209 East 175th Street
-  Parcels