

RESOLUTION NUMBER 15-128

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, APPROVING THE ORDER OF THE WESTFIELD PLAN COMMISSION AND THE AMENDMENT BY THE WESTFIELD REDEVELOPMENT COMMISSION OF THE DECLARATORY RESOLUTION FOR THE EAST SIDE ECONOMIC DEVELOPMENT AREA

WHEREAS, on February 21, 2007, the Redevelopment Commission (the “Commission”) of the Town of Westfield, Indiana (the “Town” and on and after January 1, 2008, the “City”), adopted Resolution No. 1-2007 (the “Declaratory Resolution”), establishing the East Side Economic Development Area (the “Area”), all pursuant to and in accordance with Indiana Code 36-7-14 and Code 36-7-25 et. seq., and all acts supplemented and amendatory thereto (collectively, the “Act”); and

WHEREAS, the Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the Area as required by Indiana Code 36-7-14-41, (ii) approved an Economic Development Plan for the Area (the “Plan”), (iii) found that the Plan conforms to other development and redevelopment plans for the Town, (iv) found that no Area residents will be displaced due to the Plan, and (v) designated the Area as an “allocation area” to be known as the “East Side Economic Development Allocation Area” as required by Indiana Code 36-7-14-39 (the “East Side Allocation Area”); and

WHEREAS, on September 24, 2007, the Westfield-Washington Plan Commission (the “Plan Commission”) adopted Plan Commission Order No. 07-01 approving the Declaratory Resolution and Plan and finding that the Plan for the Area conforms to the comprehensive plan of development for the Town; and

WHEREAS, on October 8, 2007, the Westfield Town Council (the “Town Council”) adopted Resolution No. 07-18 approving the Order of the Plan Commission and the establishment of the Area; and

WHEREAS, on November 27, 2007, after notice and a public hearing thereon, the Commission confirmed the Declaratory Resolution by the adoption of Resolution No. 2-2007 (the “Confirmatory Resolution”); and

WHEREAS, the Commission amended Declaratory Resolution No. 1-2007 by the adoption of Resolution No. 3-2007, on November 27, 2007, by the adoption of Resolution No. 7-2008, on February 13, 2008 and by the adoption of Resolution No. 1-2009, on July 7, 2009, each of which resolutions was confirmed by the Commission by the adoption of a confirmatory resolution, all in accordance with Indiana Code Section 36-7-14-17.5 and now desires to further

amend Declaratory Resolution No. 1-2007, as heretofore amended, by the adoption of this resolution (the Declaratory Resolution, as amended hereby is hereinafter referred to as the “Declaratory Resolution”); and

WHEREAS, the Commission proposes to amend the Declaratory Resolution to remove from the Area and from the East Side Allocation Area certain parcels (the “Parcels”), as described in Exhibit A to the 2015 Amendatory Declaratory Resolution (hereinafter defined), all in accordance with Indiana Code Section 36-7-14-17.5; and

WHEREAS, the Parcels are located within the Area and within the East Side Allocation Area.

WHEREAS, on October 19, 2015, the Commission adopted its Resolution No. 10-2015 (the “2015 Amendatory Declaratory Resolution”), further amending the Declaratory Resolution as previously amended, to remove certain parcels (the “Deleted Parcels”) from the Area and from the East Side Allocation Area; and,

WHEREAS, the Commission submitted its 2015 Amendatory Declaratory Resolution and supporting data, as required by the Act, to the Westfield-Washington Township Plan Commission (the “Plan Commission”) and on November 2, 2015, the Plan Commission adopted its Order Number 15-05 approving the 2015 Amendatory Declaratory Resolution and the revision of the Plan to remove certain parcels identified in the 2015 Amendatory Declaratory Resolution; and

WHEREAS, the actions proposed by the 2015 Amendatory Declaratory Resolution will produce a net reduction of the size of the Area and of the East Side Allocation Area; and,

WHEREAS, in accordance with Indiana Code 36-7-14-16(b), the 2015 Amendatory Declaratory Resolution adopted by the Commission and the Order of the Plan Commission have been submitted to this Common Council for approval; and,

WHEREAS, after being fully advised in the matter,

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

SECTION I. The 2015 Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council of City of Westfield.

SECTION II. The Order of the Plan Commission, adopted on November 2, 2015, approving the 2015 Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.

SECTION III.

The revision of the Area, the revision of the East Side Allocation Area and the revision of the Plan to remove certain parcels from the Area and from the East Side Allocation Area each are, in all respects, approved, ratified and confirmed by the Common Council.

SECTION IV.

The Clerk-Treasurer of the City is hereby directed to file a copy of the 2015 Amendatory Declaratory Resolution and the Order of the Plan Commission with the permanent minutes of this meeting.

SECTION V.

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

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ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2015.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 15-128 was delivered to the Mayor of Westfield on the ____ day of _____, 2015, at ____:____ __.m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 15-128
this ____ day of _____, 2015.
at ____:____ __.m.

I hereby VETO Resolution 15-128
this ____ day of _____, 2015.
at ____:____ __.m.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This resolution prepared by:

James T. Crawford, Jr., Attorney at Law
Krieg DeVault LLP
12800 North Meridian Street, Suite 300
Carmel, IN 46032
317-238-6239

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ James T. Crawford, Jr.

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