

## RESOLUTION NUMBER 08-21

### RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA CONFIRMING JUNE 9, 2008 RESOLUTION NUMBER 08-14 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 as the fiscal body of the City and 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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 08-14 (the “Declaratory Resolution”) on June 9, 2008 pursuant to the Act declaring the area commonly known as 910 East 169<sup>th</sup> Street, Westfield, Indiana more particularly described in Exhibit A (the “Area”) attached hereto and made a part hereof which Area 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 on June 23, 2008 which Notice was published at least ten (10) days prior to the date of the public hearing;

**WHEREAS**, the City Clerk-Treasurer in accordance with 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 public hearing;

**WHEREAS**, at the Public Hearing held on the date hereof, the Council received, heard and considered any remonstrances 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 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, substantial 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 a decline in employment and tax revenues.

**SECTION III.** Resolution 08-14 adopted by the Council on June 9, 2008 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

ADOPTED AND PASSED THIS 23<sup>rd</sup> DAY OF JUNE, 2008, BY THE  
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD COMMON COUNCIL**  
**Hamilton County, Indiana**

**WESTFIELD COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

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

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

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

\_\_\_\_\_  
Bob Horkay

\_\_\_\_\_  
Bob Horkay

\_\_\_\_\_  
Bob Horkay

\_\_\_\_\_  
Ken Kingshill

\_\_\_\_\_  
Ken Kingshill

\_\_\_\_\_  
Ken Kingshill

\_\_\_\_\_  
Bob Smith

\_\_\_\_\_  
Bob Smith

\_\_\_\_\_  
Bob Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Rob Stokes

\_\_\_\_\_  
Rob Stokes

\_\_\_\_\_  
Rob Stokes

\_\_\_\_\_  
Melody Sweat

\_\_\_\_\_  
Melody Sweat

\_\_\_\_\_  
Melody Sweat

ATTEST:

---

Clerk-Treasurer, Cindy Gossard

This resolution prepared by:  
Brian J. Zaiger, Attorney at Law  
KRIEG DEVAULT LLP  
949 E. Conner Street, Suite 200  
Noblesville, IN 46060  
317-238-6266

James T. Crawford, Jr., Attorney at Law  
KRIEG DEVAULT LLP  
949 E. Conner Street, Suite 200  
Noblesville, IN 46060  
317-238-6239

1485639\_1.DOC

I hereby certify that RESOLUTION 08-21 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 08-21  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

I hereby VETO Resolution 08-21  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

This document prepared by  
Brian J. Zaiger, Esq.  
KRIEG DEVAULT LLP  
(317) 238-6266

James T. Crawford, Jr., Esq.  
KRIEG DEVAULT LLP  
(317) 238-6239

## EXHIBIT A

### Legal Description of Area

Commonly Known as 910 East 169<sup>th</sup> Street, Westfield, Indiana

#### TRACT 2:

Parcel I: A part of the North Half of the Southwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana and being more particularly described as follows: Beginning at a point on the South line of the North Half of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, said point being North 87 degrees 15 minutes 25 seconds East a distance of 1137.26 feet from the Southwest corner thereof, thence North 00 degrees 12 minutes 20 seconds West and parallel to the East line of the Northwest Quarter of the Southwest Quarter a distance of 1331.21 feet to a point on the North line of said Quarter Quarter, thence North 86 degrees 34 minutes 58 seconds East over and along said North line a distance of 153.71 feet to the Northeast corner of said Quarter Quarter, thence continue North 86 degrees 34 minutes 58 seconds East over and along the North line of the Northeast Quarter of the Northwest Quarter a distance of 271.50 feet to a point, thence South 00 degrees 12 minutes 20 seconds East and parallel to the West line of said Quarter Quarter a distance of 1336.22 feet to a point on the South line of said Quarter Quarter, thence South 87 degrees 15 minutes 25 seconds West over and along the South line of said Quarter Quarter a distance of 271.50 feet to the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 1, thence continuing South 87 degrees 15 minutes 25 seconds West over and along the South line of the Northwest Quarter of the Southwest Quarter a distance of 153.71 feet to a point, said point being the place of beginning.

Parcel II: A part of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana and being more particularly described as follows: Beginning at a point on the South line of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East said point being North 87 degrees 15 minutes 25 seconds East a distance of 581.35 feet from the Southwest corner thereof, thence North 0 degrees 18 minutes 18 seconds West a distance of 1324.68 feet to a point on the North line of said Quarter Quarter, thence North 86 degrees 34 minutes 58 seconds East over and along said North line a distance of 397.48 feet to a point, thence South 00 degrees 12 minutes 20 seconds West and parallel to the East line of said Quarter Quarter a distance of 1329.27 feet to a point on the South line of said Quarter Quarter, thence South 87 degrees 15 minutes 25 seconds West over and along said South line a distance of 391.68 feet to a point, said point being the place of beginning.

Parcel III: A part of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana and being more particularly described as follows: Beginning at a point on the South line of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East said point being North 87 degrees 15 minutes 25 seconds East a distance of 973.03 feet from the Southwest

corner thereof, thence North 0 degrees 12 minutes 20 seconds West and parallel to the East line of said Quarter Quarter a distance of 1329.27 feet to a point on the North line of said Quarter Quarter, thence North 86 degrees 34 minutes 58 seconds East over and along said North line a distance of 164.23 feet to a point, thence South 00 degrees 12 minutes 20 seconds West and parallel to the East line of said Quarter Quarter a distance of 1331.21 feet to a point on the South line of said Quarter Quarter, thence South 87 degrees 15 minutes 25 seconds West over and along said South line a distance of 164.23 feet to a point, said point being the place of beginning.

The above described contiguous parcels I, II and III being further described by the following perimeter description as shown on survey dated June 4, 1991, prepared by Michael L. DeBoy, Registered Land Surveyor, No. S0539, For Weihe Engineers, Inc.:

Part of the North Half of the Southwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Beginning on the South line of the North Half of the Southwest Quarter of Section 1, Township 18 North, Range 3 East at the Southeast corner of real estate described in a Warranty Deed recorded as Instrument No. 89-18154, in the Office of the Recorder of Hamilton County, Indiana, said corner being also the Southwest corner of real estate described in Warranty Deed recorded on page 516 of Deed record 329 in said Recorder's Office and being located 581.35 feet North 87 degrees 15 minutes 25 seconds East (assumed bearing) from the Southwest corner of said North Half; thence North 87 degrees 15 minutes 25 seconds East on the South line of said North Half 981.15 feet to the Southwest corner of real estate described in a Warranty Deed recorded as Instrument Number 89-00008, in said Recorder's Office; thence North 00 degrees 01 minutes 31 seconds West on the West line of said Prolongation thereof, being the West line of real estate described in a Warranty Deed recorded as Instrument No. 88-27739, in said Recorder's Office a total distance of 1333.72 feet to the North line of said Southwest Quarter; thence South 86 degrees 37 minutes 16 seconds West on said North line 987.07 feet to the Northeast corner of real estate described in a Warranty Deed recorded on page 816 of Deed Record 328 in said Recorder's office, said corner being 574.65 feet North 86 degrees 37 minutes 16 seconds East of the Northwest corner of said Southwest Quarter; thence South 00 degrees 15 minutes 23 seconds East on the East line of said real estate and the prolongation thereof, being the East line of the aforesaid real estate described in Instrument Number 89-18154, a total distance of 1322.51 feet to the place of beginning.

TRACT 3:

Part of the North Half of the Southwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Southwest corner of the North Half of the Southwest Quarter of Section 1, Township 18 North, Range 3 East; thence North 87 degrees 24 minutes 16 seconds East (assumed bearing) on the South line of said North Half 1562.50 feet to the Southwest corner of real estate described in a deed recorded as Instrument 89-00006 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 07 minutes 20 seconds East on the West line of said real estate and the prolongation thereof, being the West line of real estate described in a

deed recorded as Instrument 88-27739 in said Recorder's Office, a total distance of 1193.34 feet to the place of beginning of the within described real estate; thence continuing North 00 degrees 07 minutes 20 seconds East on the West line of said real estate 140.38 feet to the Northwest corner thereof, being on the North line of the North Half of said Southwest Quarter; thence North 86 degrees 46 minutes 08 seconds East on said North line 434.40 feet to a point on the Westerly line of a non-exclusive Easement for Ingress and Egress, said point being 582.74 feet South 86 degrees 46 minutes 06 seconds West of the Northeast corner of said Southwest Quarter; thence South 00 degrees 00 minutes 00 seconds on said Westerly line 71.91 feet to the point of curvature of a curve to the right having a radius of 375.00 feet; thence Southwesterly, curving to the right on said Westerly line and curve, an arc distance of 74.10 feet to a line which bears North 87 degrees 24 minutes 18 seconds East from the place of beginning; thence South 87 degrees 24 minutes 16 seconds West on said line 427.15 feet to the place of beginning.

EXHIBIT B

