

RESOLUTION NUMBER 08-28

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTFIELD, INDIANA, APPROVING THE EXPANSION OF THE EAGLETOWN ECONOMIC DEVELOPMENT AREA

WHEREAS, the Westfield Redevelopment Commission (the “Commission”), on May 14, 2008, approved an Economic Development Plan (the “Plan”) for the Eagletown Economic Development Area (the “Area”) in the City of Westfield, Indiana (the “City”); and,

WHEREAS, the Commission, on May 14, 2008, adopted Declaratory Resolution No. 10-2008 (the “Declaratory Resolution”) declaring that the Area is (i) an economic development area, which declaration was supported by a factual report and findings contained within the Declaratory Resolution, and (ii) subject to economic development activities pursuant to Indiana Code 36-7-14 and 36-7-25 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”); and,

WHEREAS, the Declaratory Resolution approved the Economic Development Plan (the “Plan”) presented at the May 14, 2008 meeting of the Commission, which Plan contained specific recommendations for development and economic development of the Area, including road, infrastructure and drainage improvements to the Area and related improvements and equipment serving the Area as further described in the Plan (the “Project”); and,

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the Westfield Plan Commission (the “Plan Commission”), and on May 19, 2008, the Plan Commission issued its written Order No. 08-03 approving the Declaratory Resolution and the Plan; and,

WHEREAS, on June 9, 2008, the Westfield City Council (the “City Council”) adopted Resolution No. 08-19 approving the Order of the Plan Commission and the establishment of the Area; and,

WHEREAS, in order to provide for the orderly and timely expansion of the Area for the development of the Eagletown Project, the County Board of Commissioners of Hamilton County (the “County”) and the City agreed to enter into an Interlocal Agreement transferring certain parcels located in the County (the “County Parcels”), which County Parcels are contiguous with the Area, to the City for the purpose of including the County Parcels into the Area; and,

WHEREAS, on June 9, 2008, the County adopted Resolution No. 6-9-08-1 Approving the Interlocal Agreement with the City, and the City Council adopted Resolution No. 8-20 Approving the Interlocal Agreement with the County; and,

WHEREAS, on June 12, 2008, after notice and a public hearing thereon, the Redevelopment Commission confirmed the Declaratory Resolution by the adoption of Resolution No. 14-2008 (the “Confirmatory Resolution”); and,

WHEREAS, on June 12, 2008, after notice and a public hearing thereon, the Commission amended the Declaratory Resolution to add several parcels to the Area pursuant to the Interlocal Agreement between the City and County by adopting Resolution No. 15-2008 (the “Amendatory Resolution”) as described in Exhibit A and as shown on the maps in Exhibit B of the Amendatory Resolution; and,

WHEREAS, the parcels to be added to the Area do not enlarge the boundaries of the Area by more than 20% of the original Area; and,

WHEREAS, Indiana Code 36-7-14-41(c) of the Act requires that the determination that a geographic area is an economic development area be approved by the City Council; and,

WHEREAS, the Declaratory Resolution adopted by the Commission, the Plan approved by the Declaratory Resolution and the Order of the Plan Commission regarding the Declaratory Resolution and the Plan have been submitted to the City Council for approval; and,

WHEREAS, after being fully advised in the matter,

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

SECTION I. The Plan for the Area is in all respects approved, ratified and confirmed by the City Council of City of Westfield.

SECTION II. The expansion of an economic development area in the area known as the Eagletown Economic Development Area as described in the Amendatory Resolution is hereby approved by the City Council.

SECTION IV. The Clerk-Treasurer of the City of Westfield is hereby directed to file a copy of the Amendatory Resolution and the Plan with the permanent minutes of this meeting.

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

ADOPTED AND PASSED THIS 23RD DAY OF JUNE, 2008, BY THE
WESTFIELD CITY COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD CITY COUNCIL
Hamilton County, Indiana

WESTFIELD CITY 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
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317-238-6238

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I hereby certify that RESOLUTION 08-28 was delivered to the Mayor of Westfield on the _____ day of _____, 2008, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 08-28
this _____ day of _____, 2008.

J. Andrew Cook, Mayor

I hereby VETO Resolution 08-28
this _____ day of _____, 2008.

J. Andrew Cook, Mayor

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

**WESTFIELD REDEVELOPMENT COMMISSION
RESOLUTION NO. 15-2008 AMENDING DECLARATORY RESOLUTION NO. 10-2008**

**RESOLUTION OF THE WESTFIELD REDEVELOPMENT COMMISSION
AMENDING THE DECLARATORY RESOLUTION FOR THE
EAGLETOWN ECONOMIC DEVELOPMENT AREA**

WHEREAS, on May 14, 2008, the Redevelopment Commission (the "Commission") of the City of Westfield, Indiana (the "City"), adopted Resolution No. 10-2008 (the "Declaratory Resolution"), establishing the Eagletown Economic Development Area (the "Area"), all pursuant to and in accordance with Indiana Code 36-7-14 and 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 City, (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 "Eagletown Economic Development Allocation Area" as required by Indiana Code 36-7-14-39 (the "Eagletown Allocation Area"); and

WHEREAS, on May 19, 2008, the Westfield-Washington Plan Commission (the "Plan Commission") adopted Plan Commission Order No. 08-03 approving the Declaratory Resolution and Plan and finding that the Plan for the Area conforms to the comprehensive plan of development for the City; and

WHEREAS, on June 9, 2008, the Westfield City Council (the "City Council") adopted Resolution No. 08-19 approving the Order of the Plan Commission and the establishment of the Area; and

WHEREAS, in order to provide for the orderly and timely expansion of the Area for the development of the Eagletown Project, the County Board of Commissioners of Hamilton County (the "County") and the City agreed to enter into an Interlocal Agreement transferring certain parcels located in the County (the "County Parcels"), which County Parcels are contiguous with the Area, to the City for the purpose of including the County Parcels into the Area; and

WHEREAS, on June 9, 2008, the County adopted Resolution No. 6-9-08-1 Approving the Interlocal Agreement with the City, and the City Council adopted Resolution No. 8-20 Approving the Interlocal Agreement with the County; and

WHEREAS, on June 12, 2008, after notice and a public hearing thereon, the Redevelopment Commission confirmed the Declaratory Resolution by the adoption of Resolution No. 14-2008 (the "Confirmatory Resolution"); and

WHEREAS, the Commission proposes to amend the Declaratory Resolution to add several parcels to the Area pursuant to the Interlocal Agreement between the City and County as described in Exhibit A and as shown on the maps in Exhibit B hereto, and in support thereof makes, acknowledges and reconfirms the findings contained in the Declaratory Resolution, as the addition of such parcels to the Area will assist the Commission in implementing the Plan (the "Amendment"); and

WHEREAS, the parcels to be added to the Area will not enlarge the boundaries of the Area by more than 20% of the original Area; and

WHEREAS, pursuant to Indiana Code 36-7-14-17.5(a), the Commission caused to be published and posted, in accordance with Indiana Code 5-3-1, a notice of public hearing regarding the Amendment, and caused all such further notices to be provided as required by law; and

WHEREAS, at the public hearing held by the Commission on the date hereof immediately prior to consideration of this Resolution, the Commission considered all written remonstrances and objections filed, if any, and heard all persons interested in or affected by the proceedings and such other evidence presented;

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

1. The Declaratory Resolution, the Plan, the Area and the Allocation Area are hereby amended to add the County Parcels described in Exhibit A and as shown on the maps in Exhibit B hereto (such added parcels, the "Expansion Area"). The Commission hereby finds that the size of the Expansion Area is not in excess of 20% of the size of the original Area.

2. The Area, as expanded by the Expansion Area, shall be a single economic development area pursuant to Indiana Code 36-7-14-17.5 and Indiana Code 36-7-14-41 to be known as the "Eagletown Economic Development Area."

3. The Expansion Area shall become a part of the Allocation Area and is hereby designated as an allocation area for purposes of the allocation and distribution of property taxes under Indiana Code 36-7-14-39 and shall have the same base assessment date for property in the original Area pursuant to Indiana Code 36-7-14-39 which shall be March 1, 2008. The allocation provisions of Section 39 of the Act shall, with respect to the Expansion Area shall expire on May 13, 2038, the same expiration date as the original Allocation Area. The original Allocation Area and the Expansion Area are hereby consolidated into a single allocation area for purposes of Indiana Code 36-7-14-39 to be known as the "Eagletown Economic Development Allocation Area."

4. Upon consideration of the evidence hereby presented to the Commission, the Commission hereby finds that the proposed amendment to the Area as set forth in Sections 1 through 3 of this Resolution is reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan and the purposes of the Act.

5. The Commission hereby finds that the Declaratory Resolution and the Plan, together with the proposed amendment described herein, conform to the comprehensive plan for the City.

6. This Resolution shall be submitted to the City Council of the City for its approval of the expansion of the Area pursuant to Indiana Code 36-7-14-41.

7. The Executive Secretary of the Commission is directed to record a copy of this Resolution pursuant to the requirements of Indiana Code 36-7-14-17.5(g) and shall provide a copy of said Resolution to the Auditor of Hamilton County.

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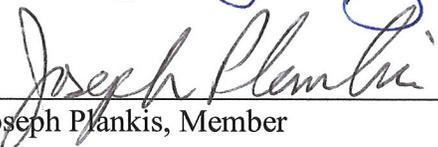
ADOPTED AND PASSED THIS 12th DAY OF JUNE, 2008,
BY A VOTE OF 3 IN FAVOR AND 0 OPPOSED, BY THE
WESTFIELD REDEVELOPMENT COMMISSION, HAMILTON COUNTY, INDIANA.

By: 
Pete Emigh, Member

By: _____
Joseph E. Ingalls, Member

By: _____
Scott Robison, Member

By: 
Doug Holtz, Member

By: 
Joseph Plankis, Member

ATTEST:



Bruce A. Hauk, Executive Secretary

This resolution prepared by:

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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.


Kostas A. Poulakidas, Attorney at Law

EXHIBIT A

**PARCELS TO BE ADDED TO THE WESTFIELD
EAGLETOWN ECONOMIC DEVELOPMENT AREA**

Parcel 1: 08-05-34-00-00-022.001
Parcel 2: 08-05-35-00-00-014.000
Parcel 3: 08-05-33-00-00-011.001
Parcel 4: 08-05-33-00-00-011.001
Parcel 5: 08-05-36-00-00-043.000
Parcel 6: 08-05-33-00-00-010.000
Parcel 7: 08-05-34-00-00-023.004
Parcel 8: 08-05-32-00-00-013.001
Parcel 9: 08-05-33-00-00-009.000
Parcel 10: 08-05-34-00-00-023.002
Parcel 11: 08-05-33-00-00-011.000
Parcel 12: 08-05-33-00-00-008.000
Parcel 13: 08-05-33-00-00-009.002
Parcel 14: 08-05-33-00-00-009.001
Parcel 15: 08-05-35-00-00-016.000
Parcel 16: 08-05-34-00-00-021.001
Parcel 17: 08-05-32-00-00-015.000
Parcel 18: 08-05-34-00-00-023.000
Parcel 19: 08-05-34-00-00-022.000
Parcel 20: 08-05-32-00-00-017.000
Parcel 21: 08-05-34-00-00-024.000

**DESCRIPTION OF RIGHT OF WAY EXTENSION OF
DITCH ROAD/EAGLE PARKWAY IN UNINCORPORATED WASHINGTON
TOWNSHIP AND OTHER MAJOR ROAD AND STREETS INCLUDED THE
EAGLETOWN ECONOMIC DEVELOPMENT AREA**

Description of Extension of Ditch Road/Eagle Parkway:

A part of the Northwest Quarter of Section 34, Township 19 North, Range 3 East and a part of Section 27, Township 19 North, Range 3 East and a part of Section 26, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:

A road right-of-way 130.0 feet in width commencing at the Southwest Corner of the Northwest Quarter of Section 34, Township 19 North, Range 3 East; Thence proceeding North and East a length of 8,500 feet to the apparent East right-of-way of Horton Road as it intersects 191st Street. Containing 25.37 acres, more or less.

Other Major Road and Streets Included within Area:

- SR 32, from Oakridge Road west to Centennial Road.
- Oakridge Road, from 161st Street north to 181st Street.
- 161st Street, from Springmill Road east to US 31.
- 169th Street, from Oakridge Road east to US 31.
- Springmill Road, from SR 32 south to 146th Street.
- Ditch Road, from SR 32 south to 156th Street.

EXHIBIT B

MAP OF PARECLS INCLUDED WITHIN EXPANDED WESTFIELD EAGLETOWN ECONOMIC DEVELOPMENT AREA AND MAP OF MAJOR ROAD, STREET AND RIGHT OF WAYS WITHIN EAGLETOWN ECONOMIC DEVELOPMENT AREA

