

## RESOLUTION NUMBER 08-23

### RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA CONFIRMING JUNE 9, 2008 RESOLUTION NUMBER 08-18 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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 08-18 (the “Declaratory Resolution”) on June 9, 2008 pursuant to the Act declaring the area whose boundaries are coterminous with the boundaries of the Aurora Project located in 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 08-18 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.

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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

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Bob Horkay

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Bob Horkay

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Bob Horkay

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Ken Kingshill

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Ken Kingshill

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Ken Kingshill

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Bob Smith

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Bob Smith

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Bob Smith

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Thomas Smith

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Thomas Smith

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Thomas Smith

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Rob Stokes

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Rob Stokes

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Rob Stokes

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Melody Sweat

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Melody Sweat

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Melody Sweat

ATTEST:

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Clerk-Treasurer, Cindy Gossard

This resolution prepared by:  
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I hereby certify that RESOLUTION 08-23 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ m.

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

I hereby APPROVE Resolution 08-23  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

I hereby VETO Resolution 08-23  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

This document prepared by  
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EXHIBIT A

Legal Description of Area

**DESCRIPTION OF AURORA SUB-AREA AND  
PROJECT SITE**

09-06-19-00-00-004.000	Aurora Investments, LLC
09-06-19-00-01-001.105	CR White Aurora, LLC
09-06-19-00-00-004.001	Gooding Investments, LLC
09-06-19-00-01-001.005	Henry Joe Walker
09-06-19-00-01-001.004	Land Owners, LLC
09-06-19-00-01-001.104	Land Owners, LLC
09-06-19-00-01-001.206	Land Owners, LLC
09-06-19-00-01-001.006	Land Owners, LLC
08-06-18-00-00-014.001	Kris S. Davis
08-06-19-00-01-017.000	Thomas and Hilda B. Sumner
08-06-19-00-00-016.000	Thomas and Hilda B. Sumner

**Land Owners, LLC, Henry Joe Walker and CR White Aurora, LLC Tracts**

Instruments 200000017014 and 200000017016  
*(Approximately 154.55 acres)*

Part of the Northeast Quarter, part of the Southwest Quarter and part of the Southeast Quarter of Section 19, Township 19 North, Range 4 East, Second Principal Meridian, Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 19, Township 19 North, Range 4 East, Second Principal Meridian, Washington Township, Hamilton County, Indiana; thence South 00 degrees 00 minutes 19 seconds East (Indiana State Plane Coordinate System-East Zone NAD 83) a distance of 237.40 feet on the East line of said Southeast Quarter to the Southeast corner of the real estate described in Deed Book 310, page 449 in the Office of the Recorder, Hamilton County, Indiana, said corner being the POINT OF BEGINNING; thence continuing South 00 degrees 00 minutes 19 seconds East 1101.42 feet on the East line of said Southeast Quarter to the Southeast corner of the North Half of said Southeast Quarter; thence North 89 degrees 50 minutes 20 seconds West 2671.16 feet on the South line of the North Half of said Southeast Quarter to the Southwest corner of the North Half of said Southeast Quarter; thence North 89 degrees 54 minutes 35 seconds West 825.00 feet on the South line of the North Half of the Southwest Quarter of said Section 19 to the Southwest corner of Tract "C" as recorded in Deed Book 345, page 360 in the Office of the Recorder, Hamilton County, Indiana; the following twelve (12) courses are on the perimeter of the real estate described in said Deed Book 345, Page 360; 1) thence North 00 degrees 00 minutes 29 seconds East 635.25 feet; 2) thence South 89 degrees 54 minutes 35 seconds East 734.25 feet; 3) thence North 00 degrees

00 minutes 29 seconds East 417.56 feet; 4) thence South 89 degrees 54 minutes 43 seconds East 238.00 feet; 5) thence North 00 degrees (10 minutes 29 seconds East 284.87 feet; 6) thence North 89 degrees 51 minutes 38 seconds West 147.25 feet; 7) thence North 00 degrees 00 minutes 08 seconds West 1334.75 feet; 8) thence South 89 degrees 53 minutes 10 seconds East 2079.90 feet; 9) thence South 01 degrees 28 minutes seconds West 1336.02 feet; 10) thence South 89 degrees 51 minutes 38 seconds East 129.97 feet; 11) thence South 00 degrees 06 minutes 14 seconds East 233.82 feet; 12) thence South 89 degrees 26 minutes 46 seconds East 495.09 feet to the POINT OF BEGINNING, containing 154.55 acres, more of less.

**Thomas and Hilda B. Sumner Tract**

Deed Book 329, P919  
*(Approximately 81.5 acres)*

An undivided one-half interest in and to the following described real estate, located in Hamilton County, Indiana:

Forty-seven and three-fourths (47-3/4) acres off the south side of the northwest quarter of section nineteen (19), township nineteen (19) north, range four (4) east. Also, the north half of the southwest quarter of said section 19, containing 74.3 acres, more or less, except beginning at the southwest corner of said north half of said southwest quarter and run north 659 feet, thence east 148.75 rods, thence south 38 1/2 rods, thence west 148.62 rods to the place of beginning, containing 36.74 acres, more or less.

Also, except a strip of land five and one-half (5-1/2) rods wide off the entire east end of the above two tracts, remaining after the aforesaid exception, containing 3.2 acres, more or less.

Also, except a cemetery lot described as follows: Beginning 78 rods east of the northwest corner of the first described tract and run south 9-3/4 rods; east 10 rods; north 9-3/4 rods; west 10 rods to the place of beginning, containing 0.61 acres, more or less. Containing after said exceptions eighty-one and one-half (81-1/2) acres, more or less.

**Kris S. Davis MacDonald Tract**

Instrument No. 200300010181  
*(Approximately 0.79 acres)*

A part of the East half of the Southeast Quarter of section 18, Township 19 North, Range 4 East, Described as follows:

Begin at a point on south line of said Southeast Quarter 409.0 feet East of the Southwest corner of the East half of the Southeast Quarter of section 18, Township 19 North, range 4 East half, thence north parallel with west line of said east 242.0 feet to a point in r/w of state road #38, thence southeasterly in r/w of said state road where it intersects the south of said quarter section 858.0 feet east of the southwest corner of said east half, thence west on said south line 449.0 feet to iron stake or place of beginning, in Hamilton county, Indiana; except: a part of the east half of

the southeast quarter of section 18, township 19 north, range 4 east in Hamilton county, state of Indiana, described as follows: begin at a point on the south line of said southeast quarter 409.00 feet east of the southwest corner of the east half of the southeast quarter of section 18, township 19, north, range 4 east in said county and state, thence north parallel with the west line of said east half 242.6 feet to a point in the right of way of state road number 38, thence southeasterly in said right of way 66.0 feet to a point, thence divert to the right or southwesterly 223.0 feet to the place of beginning.

**Aurora Investments, LLC, Gooding Investments, LLC and CR White Aurora, LLC Tracts**

Instruments 199909955120 and 200300110042  
*(Approximately 80.70 acres)*

Part of the Northeast Quarter of Section 19, Township 19 North, Range 4 East, 2<sup>nd</sup> P.M., Washington Township, Hamilton County, Indiana, described as follows:

BEGINNING at the Northwest. corner of the Northeast Quarter of Section 19, Township 19 North, Range 4 East, 2<sup>nd</sup> P.M., Washington Township, Hamilton County, Indiana; thence South 89 degrees 54 minutes 41 seconds East (Indiana State Plane Coordinates-East Zone NAD 83) a distance of 2248.54 feet on the North line of said Northeast Quarter to the Centerline of State Highway 38; thence South 60 degrees 52 minutes 07 seconds East 481.49 feet to the East line of said Northeast Quarter, thence South 00 degrees 02 minutes 34 seconds East 1102.19 feet on the East line of said Northeast Quarter to the Southeast corner of the North Half of said Northeast Quarter; thence North 89 degrees 53 minutes 20 seconds West 2669.90 feet on the south line of the North Half of said Northeast Quarter to the Southwest corner of the North Half of said Northeast Quarter, thence North 00 degrees 00 minutes 08 seconds West 1334.75 feet on the West line of said Northeast Quarter to the BEGINNING POINT, containing 80.70 acres, more or less.

**EXPANDED SUB-AREA AND  
EXPANSION PROJECT SITE PARCELS**

08-06-18-00-00-014.001  
08-06-19-00-01-017.000  
08-06-19-00-00-016.000

Kris Davis  
Thomas and Hilda Sumner  
Thomas and Hilda Sumner

EXHIBIT B

