

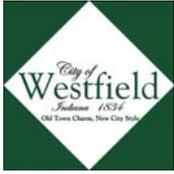
<b>ORDER NUMBERS:</b>	09-01
<b>PETITIONER:</b>	City of Westfield
<b>REQUEST:</b>	Order of the Westfield-Washington Plan Commission determining that the amended Declaratory Resolution and amended Economic Development Plan approved and adopted by the Westfield Redevelopment Commission conform to the Comprehensive Plan and approving that amended resolution and the Economic Development Plan (Union Street Project)
<b>EXHIBITS:</b>	1. Staff Report
	2. Plan Commission Order Number 09-01
	3. RDC Resolution 1-2009
<b>STAFF REVIEWER:</b>	Kevin M. Todd, AICP

**PETITION HISTORY**

- **February 21, 2007** – Redevelopment Commission adopted a Declaratory Resolution, establishing the East Side Economic Development Area (Res. No. 1-2007).
- **September 24, 2007** – Plan Commission adopted a Plan Commission Order, finding that the Declaratory Resolution was consistent with the Comprehensive Plan (PC Order No. 07-01).
- **October 8, 2007** – Town Council adopted a Resolution, approving the Plan Commission Order and establishing the East Side Economic Development Area (Res.07-18).
- **November 27, 2007** – Redevelopment Commission adopted a Confirmatory Resolution, confirming the Declaratory Resolution (Res. No. 2-2007).
- **February 13, 2008** – Redevelopment Commission amended the Declaratory Resolution No. 1-2007, modifying and expanding the East Side Economic Development Area.
- **July 7, 2009** – Redevelopment Commission adopted an Amendatory Resolution, amending the East Side Economic Development Area (Res. No. 1-2009).

**PROCEDURAL**

- The Plan Commission’s responsibility is to confirm compliance with the Comprehensive Plan and approve an Amendatory Resolution.
- Orders of the Plan Commission do not require a Public Hearing.
- Notification of the July 20, 2009 APC Special Meeting was published in the newspapers, the City’s website, and at City Hall.



**ANALYSIS**

The Grand Junction Addendum to the Westfield-Washington Township Comprehensive Plan (the “Plan”) recommends that enhancements be made to the Union Street streetscape. This proposal is consistent with the Plan and will allow the City to implement its plan for making such enhancements.

The Amendatory Resolution of the Redevelopment Commission expands the boundaries of the East Side Economic Development Area to include property within and contiguous to the Union Street right-of-way, from State Road 32 to 161<sup>st</sup> Street, and it removes an area that was previously included in the East Side Economic Development Area. This removed area will be part of the new Grand Junction Economic Development Area, as referenced in Plan Commission Order No. 09-02.

**RECOMMENDATION**

Approve this Order as presented.

\*\*\*\*\*

***KMT***

## PLAN COMMISSION ORDER NUMBER 09-01

**ORDER OF THE WESTFIELD-WASHINGTON PLAN COMMISSION  
DETERMINING THAT THE AMENDED DECLARATORY RESOLUTION  
AND AMENDED ECONOMIC DEVELOPMENT PLAN APPROVED AND ADOPTED  
BY THE WESTFIELD REDEVELOPMENT COMMISSION CONFORM  
TO THE COMPREHENSIVE PLAN AND APPROVING THAT AMENDED  
RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN  
(Union Street Project)**

**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 Redevelopment 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, and by the adoption of Resolution No. 7-2008, on February 13, 2008 to modify and expand the Area, 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 proposed to amend the Declaratory Resolution to remove a parcel from the Area (the “Parcel”), all in accordance with Indiana Code Section 36-7-14-17.5; and

**WHEREAS**, the Commission further determined that it would be of public utility and benefit include within the Plan a project to develop and redevelop certain real property and improvements thereto located on or contiguous to a certain public right-of-way within the Area, commonly known as Union Street, from the intersection of Union Street and State Road 32 south to Union Street and 161<sup>st</sup> Street, in Westfield, Indiana, (the “Project”), utilizing the powers and authority of the Commission consistent with the provisions of the Act; and

**WHEREAS**, the Commission proposed to amend the Plan to add the Project to the Plan, as the addition of the Project to the Plan will assist the Commission in implementing the Plan by adding the Project to the list of economic development area projects and areas needing redevelopment in the Area; and

**WHEREAS**, the Parcel and the Project are located within the Area and the boundaries of the Area need not be increased as a result of the removal of the Parcel or the addition of the Project to the Plan.

**WHEREAS**, on July 7, 2009, the Redevelopment Commission adopted Resolution No. 1-2009 (the “Amendatory Resolution”) thereby amending (i) the Declaratory Resolution to remove the Parcel from the Area, and (ii) the Plan to add the Project to the Plan (collectively, the “Amendment”); and

**WHEREAS**, Section 16(a) of the Act provides that following adoption of a resolution by the Redevelopment Commission that amends a resolution or plan for an existing area, the Redevelopment Commission shall submit the resolution and supporting data to the Plan Commission of the unit being the Westfield-Washington Plan Commission (the “Plan Commission”) and the Plan Commission may determine whether the Amendatory Resolution and the Amendment conform to the plan of development for the unit and approve or disapprove the Amendatory Resolution and the Amendment; and

**WHEREAS**, the determination of the Plan Commission pursuant to Section 16(a) of the Act does not and shall not constitute a change in the current zoning or a variance thereof or the approval of any future use of the site of the Project and, any rezoning, variance or other use of the site of the Project is subject to all applicable laws and ordinances regarding zoning, variance and land use; and

**WHEREAS**, after being fully advised in the matter,

**NOW, THEREFORE, BE IT ORDERED BY THE PLAN COMMISSION, AS FOLLOWS:**

**SECTION I.** The Amendment to the Plan for the Area conforms to the Comprehensive Plan of development for the City.

**SECTION II.** The Plan, as amended, is in all respects approved, ratified and confirmed.

**SECTION III.** The Secretary of the Plan Commission is hereby directed to file a copy of the Amendatory Resolution and the Plan with the permanent minutes of this meeting.

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PASSED THIS \_\_\_\_\_ DAY OF JULY, 2009, BY THE  
WESTFIELD-WASHINGTON PLAN COMMISSION, HAMILTON COUNTY, INDIANA.

\_\_\_\_\_  
President, Plan Commission

ATTEST:

\_\_\_\_\_  
Secretary, Plan Commission

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**WESTFIELD REDEVELOPMENT COMMISSION  
RESOLUTION NO. 1-2009**

**RESOLUTION OF THE WESTFIELD REDEVELOPMENT COMMISSION  
AMENDING THE DECLARATORY RESOLUTION AND DEVELOPMENT PLAN  
OF 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 Redevelopment 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, and by the adoption of Resolution No. 7-2008, on February 13, 2008 to modify and expand the Area, 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 a parcel from the Area (the “Parcel”), as described in Exhibit A, all in accordance with Indiana Code Section 36-7-14-17.5; and

**WHEREAS**, the Commission has further determined that it would be of public utility and benefit to include within the Plan a project to develop and redevelop certain real property and improvements thereto located on or contiguous to certain public right-of-ways within the Area, including the right-of-way commonly known as Union Street, from the intersection of Union Street and State Road 32 south to Union Street and 161<sup>st</sup> Street, in Westfield, Indiana, (the “Project”), utilizing the powers and authority of the Commission consistent with the provisions of the Act; and

**WHEREAS**, the Commission proposes to amend the Plan to add the Project to the Plan, as described in Exhibit B hereto, as the addition of the Project to the Plan will assist the Commission in implementing the Plan by adding the Project to the list of economic development area projects and areas needing redevelopment in the Area; and

**WHEREAS**, the Parcel and the Project are located within the Area and the boundaries of the Area need not be increased as a result of the removal of the Parcel or the addition of the Project to the Plan.

**NOW, THEREFORE**, be it resolved by the Commission that:

1. The Commission hereby amends (i) the Declaratory Resolution to remove the Parcel, as described in Exhibit A hereto, from the Area, and (ii) the Plan to add the Project to the Plan, as described in Exhibit B hereto (collectively, the “Amendment”).
2. The Commission hereby finds that the boundaries and size of the Area are not increased because of the removal of the Parcel or by including the Project in the Plan.
3. Upon consideration of the evidence and findings presented to the Commission, the Commission hereby finds the Amendment to the Plan, as set forth in Sections 1 through 2 of this Resolution, will benefit the public health and welfare of the citizens of the City and the State of Indiana and is reasonable and appropriate when considered in relation to the original Plan and the purposes of the Act, and hereby approves the Amendment.
4. The Commission hereby finds that the Plan, together with the proposed Amendment described herein, conform to the Comprehensive Plan for the City.
5. This Resolution shall constitute an amendment to the Declaratory Resolution and the Plan and is incorporated into the Plan by this reference thereto.
6. In all other respects, the Declaratory Resolution and the Plan, as amended by the Amendment, shall remain in full force and effect.

7. The Commission may exercise its authority pursuant to the Act for the purpose contemplated by the Amendment herein, including but not limited to the development and redevelopment of the Project within the Area, all for the purposes set forth herein.

8. This Resolution shall be submitted to the Plan Commission of the City, pursuant to Indiana Code 36-7-14-16(a), for its approval of the (i) removal of the Parcel from the Area, and (ii) the addition of the Project within the Plan, whereby upon written approval by the Plan Commission, the Plan Commission's order approving the removal of the Parcel and adding the Project into the Plan shall be submitted to the Common Council for approval pursuant to Indiana Code 36-7-14-16(b).

9. This Resolution shall be effective upon its adoption and passage.

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ADOPTED AND PASSED THIS 7th DAY OF JULY, 2009,  
BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ 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:

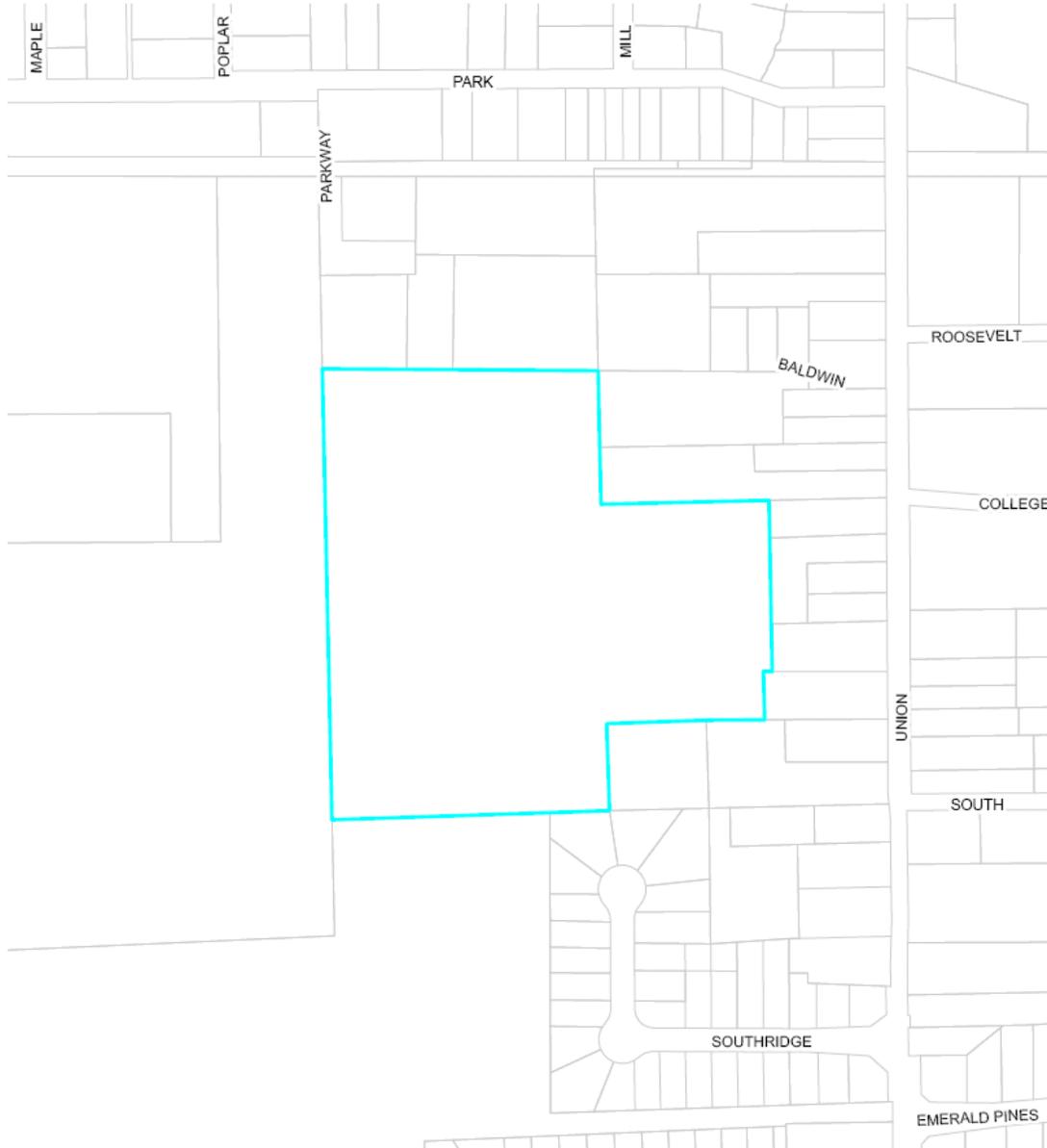
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**EXHIBIT A**

**DESCRIPTION OF PARCEL TO BE REMOVED FROM THE  
EAST SIDE ECONOMIC DEVELOPMENT AREA**



FmtPrclNo	DeededOwr	LocAddress
09-09-01-00-00-008.000	Lilly Investment Group LLC	441 Union St S

**Legend**

 Westfield City Limits  Parcels

L:\GIS\_Processing\Department\_Projects\Administration\Parcel\_List\_09\_06\_16\_LW.mxd



## **EXHIBIT B**

### **DESCRIPTION OF PROJECTS TO BE ADDED TO ECONOMIC DEVELOPMENT PLAN FOR THE EAST SIDE ECONOMIC DEVELOPMENT AREA**

#### **A. Road and Street Improvements**

All road and street improvements in described herein, serving, benefiting and connecting the East Side Area, together with all off-site utility improvements excepting any such improvements located within the State of Indiana right-of-way, including but not limited to:

1. **Union Street/State Road 32 south to Union Street/161<sup>st</sup> Street.**

a. Plan, design, engineer, acquire and construct street, sidewalk, trail and related improvements in each direction, including the resurfacing and widening of the street, sidewalk and related trails and pathways, and any other improvements required by the City or Redevelopment Commission, as needed.

#### **B. Additional Requirements; Additional Improvements**

1. **Additional Requirements.** Improvements described above under “Road and Street Improvements” include all:

a. Planning, designing, engineering and surveying services and construction staking, permitting (including fees), testing, inspection, accounting and legal fees and right-of-way acquisition costs (including surveying and legal fees) for real property situated outside the Area.

b. Asphalt, stone, curbing, SSD, lime stabilization and associated earthwork, and multi-use paths and trails with-in the right-of-way.

c. Traffic control devices, including controls, markings, signage and signalization.

d. Drainage improvements, including storm sewers, associated earthwork and detention ponds and waterways.

e. Gravity sanitary sewers and stormwater improvements.

f. Water main improvements (pipe size to be from eight to twelve inches in diameter, or as appropriate).

- g. Erosion control, landscaping, including seeding, and water quality improvements.
- h. Utility relocation and location, as appropriate.
- i. Acquisition, development and redevelopment of real estate, as needed.

2. **Additional Improvements.** These improvements include the planning, designing, engineering, acquisition and construction of:

- a. All off-site legal drain improvements.
- b. All gravity sanitary sewers along the streets listed above, on-site lift stations, on-site and off-site force mains and easements.
- c. All water main connections (to existing water tower).
- d. All utility relocation and conduits for utility services, including natural gas, electricity and telecommunications, including telephone, lighting, data transmission and broadband/internet services.
- e. All public pathways, trails, walkways and waterways, and related and supporting infrastructure.