

RESOLUTION NUMBER 09-08

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 AND ECONOMIC DEVELOPMENT PLAN FOR THE EAST SIDE ECONOMIC DEVELOPMENT AREA

WHEREAS, on February 21, 2007, the Redevelopment Commission (the “Redevelopment 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 Advisory Planning 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 Redevelopment 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, and on April 30, 2008, the Redevelopment Commission further amended Declaratory Resolution No. 1-2007 by the adoption of Resolution No. 8-2008 to add certain parcels to the Area, and on July 7, 2009, the

Redevelopment Commission proposed to further amend Declaratory Resolution No. 1-2007 by the adoption of Resolution No. 1-2009 (the “Amendatory Resolution”, and together with the Declaratory Resolution, as amended, are hereinafter collectively referred to as the “Declaratory Resolution”) by amending (i) the Declaratory Resolution to remove a parcel from the Area (the “Parcel”), and (ii) the Plan to add certain projects (the “Project”) to the Plan (collectively, the “Amendment”), all in accordance with Indiana Code Section 36-7-14-17.5; 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, the Redevelopment Commission submitted the Amendatory Resolution and supporting data to the Plan Commission, and on July 20, 2009, the Plan Commission issued its written Order approving the Amendatory Resolution and the Plan; and,

WHEREAS, Indiana Code 36-7-14-16(b) of the Act requires the Common Council of City of Westfield (the “Common Council”) to approve the Order of the Plan Commission; 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 Common Council; and,

WHEREAS, the Amendatory Resolution adopted by the Redevelopment Commission, the Plan approved by the Amendatory Resolution and the Order of the Plan Commission regarding the Amendatory Resolution and the Plan have been submitted to the 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 Amendatory Resolution and the Plan for the Area 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 July 20, 2009, approving the Amendatory Resolution and the Plan is in all respects approved, ratified and confirmed by the Common Council

SECTION III. The area known as the East Side Economic Development Area as described in the Amendatory Resolution is determined to be an economic development area and hereby approved by the Common Council.

SECTION IV.

The Clerk-Treasurer of the City of Westfield is hereby directed to file a copy of the Amendatory Resolution, the Plan, 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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ADOPTED AND PASSED THIS ___ DAY OF AUGUST, 2009, 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

Steve Hoover

Steve Hoover

Steve Hoover

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

ATTEST:

Clerk-Treasurer, Cindy Gossard

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I hereby certify that RESOLUTION 09-08 was delivered to the Mayor of Westfield
on the _____ day of _____, 2009, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE RESOLUTION 09-08 I hereby VETO RESOLUTION 09-08
this _____ day of _____, 2009. this _____ day of _____, 2009.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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