

RESOLUTION NUMBER 10-06

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA CONFIRMING MAY 10, 2010 RESOLUTION NUMBER 10-05 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 acting in its capacity as the fiscal body of the City and acting 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a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;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 10-05 (the “Declaratory Resolution”) on May 10, 2010 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City commonly known as 17435 Tiller Court, 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 in accordance with the Act on May 24, 2010 which Notice was published at least ten (10) days prior to the date of the public hearing;

WHEREAS, the Council in accordance with Section 2 of 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 May 24, 2010 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 corporate boundaries of 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, substandard 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 10-05 adopted by the Council on May 10, 2010 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 24TH DAY OF MAY, 2010, BY THE
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD COMMON COUNCIL
Hamilton County, Indiana

Voting For

Voting Against

Abstain

John Dippel

John Dippel

John Dippel

Steve Hoover

Steve Hoover

Steve Hoover

Robert Horkay

Robert Horkay

Robert Horkay

Kenneth Kingshill

Kenneth Kingshill

Kenneth Kingshill

Bob Smith

Bob Smith

Bob Smith

Tom Smith

Tom Smith

Tom Smith

Rob Stokes

Rob Stokes

Rob Stokes

ATTEST:

Clerk-Treasurer, Cindy Gossard

I hereby certify that RESOLUTION 10-06 was delivered to the Mayor of Westfield on the _____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 10-06
this _____ day of _____, 2010.

J. Andrew Cook, Mayor

I hereby VETO Resolution 10-06
this _____ day of _____, 2010.

J. Andrew Cook, Mayor

This resolution prepared by:
Deanne Ludwig
Community Development Department
City of Westfield

EXHIBIT A

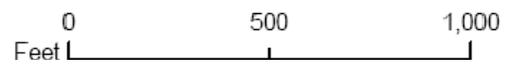
Legal Description of Area

Commonly Known as 17435 Tiller Court, Westfield, Indiana

Part of the Northeast Quarter of Section 2, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 2, Township 18 North, Range 3 East; thence South 88 degrees 40 minutes 35 seconds West (assumed bearing) on the North line of said Northeast Quarter 1493.37 feet to the Southwest corner off the East half of the Southwest Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 34 minutes 25 seconds East parallel with the East line of said Northeast Quarter 615.00 feet; thence South 88 degrees 40 minutes 35 seconds West parallel with the North line of said Northeast Quarter 620.18 feet; thence South 00 degrees 34 minutes 25 seconds East parallel with said East line 306.31 feet to a point on the Westerly prolongation of the Northerly line of Pine Ridge, Section Two, a subdivision in Hamilton County, Indiana, the Secondary Plat of which is recorded as Instrument Number 9640410 on Slide 719 in Plat Cabinet One, in the Office of the Recorder of Hamilton County, Indiana, said point being also the place of beginning of the within described real estate; thence continuing South 00 degrees 34 minutes 25 seconds East 238.27 feet; thence North 89 degrees 25 minutes 35 seconds East 26.16 feet; thence South 43 degrees 38 minutes 22 seconds East 152.37 feet to a point on the Westerly prolongation of the Southern line of Lot #26 in said Pine Ridge, Section Two; thence North 89 degrees 25 minutes 35 seconds East on said Line 413.60 feet to the Southwest corner of said Lot #26; then North 00 degrees 34 minutes 25 seconds West on the Westerly line of said subdivision 360.91 feet to the Northwesterly corner of Lot #22 in said subdivision; thence South 88 degrees 13 minutes 58 seconds West on the Westerly prolongation of the Northerly line of said subdivision 543.83 feet to the Place of Beginning, containing 4.234 acres, more or less.

EXHIBIT B



Legend

-  17435 Tiller Court
-  Streets
-  Parcels