

**WESTFIELD REDEVELOPMENT COMMISSION  
CONFIRMATORY RESOLUTION NO. 3-2010**

**RESOLUTION CONFIRMING THE AMENDED DECLARATORY RESOLUTION  
OF THE WESTFIELD REDEVELOPMENT COMMISSION REGARDING  
THE GRAND JUNCTION ECONOMIC DEVELOPMENT AREA**

**WHEREAS**, on July 7, 2009, the Redevelopment Commission (the “Redevelopment Commission”) of the City of Westfield (the “City”) adopted Declaratory Resolution No. 2-2009 (the “Declaratory Resolution”) establishing the Grand Junction Economic Development Area (the “Area”) as an economic development area under Indiana Code 36-7-14 and Indiana Code 36-7-25 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”); and,

**WHEREAS**, the Declaratory Resolution approved and incorporated the Factual Report (the “Report”) supporting the Declaratory Resolution and the Economic Development Plan (the “Plan”) presented at the July 7, 2009 meeting of the Redevelopment Commission, which Plan contained specific recommendations for 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 Declaratory Resolution established an allocation area (the “Allocation Area”) within the Area in accordance with Indiana Code 36-7-14-39; and,

**WHEREAS**, on July 20, 2009, the Redevelopment Commission submitted the Declaratory Resolution, the Plan and supporting data to the Westfield-Washington Advisory Planning Commission (the “Plan Commission”) and the Plan Commission issued its written Order approving the Declaratory Resolution and the Plan as submitted; and,

**WHEREAS**, on August 10, 2009, the Common Council of the City (the “Common Council”) approved the Order of the Plan Commission and approved the creation of the Area and approved the actions of the Redevelopment Commission establishing the Area pursuant to Indiana Code 36-7-14-16(b) and Indiana Code 36-7-14-41(c); and,

**WHEREAS**, on August 12, 2009, after publishing notice of and conducting a public hearing in accordance with the Act, the Redevelopment Commission adopted Resolution 5-2009 confirming the Declaratory Resolution (the “Confirmatory Resolution”); and,

**WHEREAS**, on July 13, 2010, the Redevelopment Commission adopted Resolution No. 2-2010 thereby amending the Declaratory Resolution (the “Amendatory Resolution”) by 1.) deleting paragraph 10 of the Declaratory Resolution, and 2.) authorizing the Redevelopment Commission to capture, collect and retain all accumulated assessed value, including all excess

assessed value, to be used by the Redevelopment Commission as necessary for purposes including but not limited to providing adequate debt service coverage for bonds issued to finance infrastructure and for other projects in the Area (the “Amendment”); and,

**WHEREAS**, the Redevelopment Commission submitted the Amendatory Resolution and supporting data to the Plan Commission, and on August 2, 2010, the Plan Commission issued its written Order approving the Amendatory Resolution; and,

**WHEREAS**, on August 9, 2010, the Common Council of the City (the “Common Council”) approved the Order of the Plan Commission and approved the Amendatory Resolution and the actions of the Redevelopment Commission pursuant to Indiana Code 36-7-14-16(b); and,

**WHEREAS**, the Redevelopment Commission published notice in *The Times* on August 6, 2010, of the adoption and substance of the Amendatory Resolution in accordance with Indiana Code 36-7-14-17.5 and Indiana Code 5-3-1 which public notice also gave notice of a public hearing on the proposed Amendment to be considered by the Redevelopment Commission and the opportunity to have remonstrances and objections heard by the Redevelopment Commission; and,

**WHEREAS**, the public notice described in the preceding paragraph was also filed in the office of the Plan Commission, the Westfield Board of Zoning Appeals, the Westfield Building Commissioner, the Westfield Board of Public Works and the Westfield Board of Parks and Recreation, and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits; and,

**WHEREAS**, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Redevelopment Commission conducted a public hearing at which the Redevelopment Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed; and,

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

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

1. The Redevelopment Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with and adopt the Amendatory Resolution.

2. Upon consideration of the evidence and findings presented to the Redevelopment Commission, the Redevelopment Commission hereby finds the Amendment, as set forth herein, 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 and confirms the Amendment.

3. The Redevelopment Commission hereby finds that the Plan, together with the proposed Amendment described herein, conform to the Comprehensive Plan for the City.

4. The Redevelopment Commission hereby amends the Declaratory Resolution to add and include the Amendment.

5. The Amendatory Resolution, as confirmed, shall be attached to and incorporated in this Confirmatory Resolution, as Exhibit A. The Secretary is hereby directed to maintain a copy of this Confirmatory Resolution with the Redevelopment Commission and record this Confirmatory Resolution with the Hamilton County Recorder.

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 Redevelopment 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 Confirmatory Resolution shall be effective upon its adoption and passage.

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ADOPTED AND PASSED THIS 16<sup>TH</sup> DAY OF AUGUST, 2010,  
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:

Kostas A. Poulakidas, Attorney at Law  
Krieg DeVault LLP  
12800 North Meridian Street, Suite 300  
Carmel, Indiana 46032  
317-238-6261

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

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**EXHIBIT A**

**AMENDED DECLARATORY RESOLUTION 2-2010 OF THE  
WESTFIELD REDEVELOPMENT COMMISSION REGARDING THE  
GRAND JUNCTION ECONOMIC DEVELOPMENT AREA,  
adopted by the Westfield Redevelopment Commission on July 13, 2010**

**WESTFIELD REDEVELOPMENT COMMISSION  
RESOLUTION NO. 2-2010**

**RESOLUTION OF THE WESTFIELD REDEVELOPMENT COMMISSION  
AMENDING THE DECLARATORY RESOLUTION OF  
THE GRAND JUNCTION ECONOMIC DEVELOPMENT AREA**

**WHEREAS**, on July 7, 2009, the Redevelopment Commission (the “Redevelopment Commission”) of the City of Westfield (the “City”) adopted Declaratory Resolution No. 2-2009 (the “Declaratory Resolution”) establishing the Grand Junction Economic Development Area (the “Area”) as an economic development area under Indiana Code 36-7-14 and Indiana Code 36-7-25 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”); and,

**WHEREAS**, the Declaratory Resolution approved and incorporated the Factual Report (the “Report”) supporting the Declaratory Resolution and the Economic Development Plan (the “Plan”) presented at the July 7, 2009 meeting of the Redevelopment Commission, which Plan contained specific recommendations for 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 Declaratory Resolution established an allocation area (the “Allocation Area”) within the Area in accordance with Indiana Code 36-7-14-39; and,

**WHEREAS**, on July 20, 2009, the Redevelopment Commission submitted the Declaratory Resolution, the Plan and supporting data to the Westfield-Washington Advisory Planning Commission (the “Plan Commission”) and the Plan Commission issued its written Order approving the Declaratory Resolution and the Plan as submitted; and,

**WHEREAS**, on August 10, 2009, the Common Council of the City (the “Common Council”) approved the Order of the Plan Commission and approved the creation of the Area and approved the actions of the Redevelopment Commission establishing the Area pursuant to Indiana Code 36-7-14-16(b) and Indiana Code 36-7-14-41(c); and,

**WHEREAS**, on August 12, 2009, after publishing notice of and conducting a public hearing in accordance with the Act, the Redevelopment Commission adopted Resolution 5-2009 confirming the Declaratory Resolution (the “Confirmatory Resolution”); and,

**WHEREAS**, the Redevelopment Commission proposes to amend the Declaratory Resolution by 1.) deleting paragraph 10 of the Declaratory Resolution, and 2.) authorizing the Redevelopment Commission to capture, collect and retain all accumulated assessed value, including all excess assessed value, to be used by the Redevelopment Commission as necessary for purposes including but not limited to providing adequate debt service coverage for bonds issued to finance infrastructure and for other projects in the Area (the “Amendment”); and,

**WHEREAS**, the Amendment will not increase the boundaries of the Area; and,

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

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

1. The Redevelopment Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to amend the Declaratory Resolution.

2. The Redevelopment Commission hereby amends the Declaratory Resolution by 1.) deleting paragraph 10 of the Declaratory Resolution, and 2.) authorizing the Redevelopment Commission to capture, collect and retain all accumulated assessed value, including all excess assessed value, to be used by the Redevelopment Commission as necessary for purposes including but not limited to providing adequate debt service coverage for bonds issued to finance infrastructure and for other projects in the Area.

3. Upon consideration of the evidence and findings presented to the Redevelopment Commission, the Redevelopment Commission hereby finds the Amendment to the Declaratory Resolution, as set forth in Sections 1 through 2 of this Resolution (the "Amendatory 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 Declaratory Resolution and the purposes of the Act, and hereby approves the Amendment.

4. The Redevelopment Commission hereby finds that the proposed Amendment described herein conforms to the Comprehensive Plan for the City.

5. This Amendatory Resolution shall constitute an amendment to the Declaratory Resolution and is incorporated into the Plan by this reference thereto.

6. In all other respects, the Declaratory Resolution, as amended by the Amendment, shall remain in full force and effect.

7. The Redevelopment 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 within the Area, all for the purposes set forth herein.

8. This Amendatory 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 Amendment, 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).

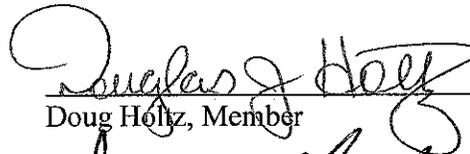
9. This Amendatory Resolution shall be effective upon its adoption and passage.

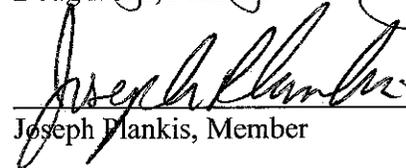
ADOPTED AND PASSED THIS 13<sup>th</sup> DAY OF JULY, 2010,  
BY A VOTE OF 3 IN FAVOR AND 0 OPPOSED, BY THE  
WESTFIELD REDEVELOPMENT COMMISSION, HAMILTON COUNTY, INDIANA.

By:   
Pete Emigh, Member

By: \_\_\_\_\_  
Joseph E. Ingalls, Member

By: \_\_\_\_\_  
Scott Robison, Member

By:   
Doug Holz, Member

By:   
Joseph Plankis, Member

ATTEST:

  
\_\_\_\_\_  
Bruce A. Hauk, Executive Secretary

This resolution prepared by:

Kostas A. Poulakidas, Attorney at Law  
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Carmel, Indiana 46032  
317-238-6261

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