

RESOLUTION # 7-2015

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BATESVILLE, INDIANA, APPROVING THE ORDER OF THE BATESVILLE PLAN COMMISSION AND THE EXPANSION OF THE BATESVILLE I-74 ECONOMIC DEVELOPMENT AREA BY THE BATESVILLE REDEVELOPMENT COMMISSION

WHEREAS, on March 30, 2010, the Redevelopment Commission (the “Commission”) of the City of Batesville, Indiana (the “City”), adopted Declaratory Resolution No. 2-2010 (the “Original Declaratory Resolution”) establishing the Batesville I-74 Economic Development Area (the “Area”) which (a) identified certain parcels of real estate to be included in and designated as the Area as required by Indiana Code 36-7-14-41, (b) approved the Economic Development Plan for the Area (the “Plan”), (c) found that the Plan conforms to other development and redevelopment plans for the City, (d) considered whether Area residents will be displaced due to the Plan, and (e) designated an “allocation area” within the Area as required by Indiana Code 36-7-14-39 (the “Allocation Area”), and on April 27, 2010, the Commission adopted Resolution 4-2010, modifying and confirming its Original Declaratory Resolution (the “Original Confirmatory Resolution”), 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 (the “Act”);

WHEREAS, on January 21, 2013, the Commission adopted Declaratory Resolution 2-2013 enlarging and expanding the Area and Allocation Area and made other required findings pursuant to the Act (the “Amended Declaratory Resolution”), and on February 26, 2013, after conducting a public hearing, amended and confirmed the Amended Declaratory Resolution;

WHEREAS, on April 22, 2015, the Commission adopted amended Declaratory Resolution No. 6-2015 (the “Amendatory Resolution”) (the Original Declaratory Resolution, the Amended Declaratory Resolution and the Amendatory Resolution hereinafter are referred to collectively as the “Declaratory Resolution”) to (a) further expand the Area and the Allocation Area to include additional parcels within its corporate boundaries into the Area and the Allocation Area (the “Expanded Area”) and designate the Expanded Area as an economic development area, (b) designate certain allocation areas within the Expanded Area pursuant to Indiana Code 36-7-14-39 to be known as (i) the Expanded Allocation Area, (ii) the Wood-Mizer Allocation Area, and (iii) the GE Allocation Area, (c) designate the taxpayer, Wood-Mizer LLC, its subsidiaries and affiliates, as a designated taxpayer pursuant to Indiana Code 36-7-14-39.3 of the Act for the purpose of modifying the definition of property taxes under Indiana Code 36-7-14-39 to include certain depreciable personal property within the Wood-Mizer Allocation Area (the “Designated Taxpayer”), and (d) to amend the Plan to authorize such economic and redevelopment within the Expanded Area pursuant and consistent with the Act (the “Amended Plan”)(collectively, the “Amendment”), all as further described within the Amendatory Resolution;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the Batesville Planning Commission (the “Plan Commission”), and on May 18, 2015, the Plan Commission issued its written Order approving the Declaratory Resolution and the Plan, as amended;

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

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;

WHEREAS, the Declaratory Resolution adopted by the Commission, the Plan approved by the Declaratory Resolution and the Order of the Plan Commission regarding the Declaratory Resolution and the Plan, as amended, have been submitted to the Common Council for approval;

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BATESVILLE, INDIANA, AS FOLLOWS:

1. The Declaratory Resolution and Plan for the Area, as amended, adopted by the Commission is in all respects approved, ratified and confirmed by the Common Council of City of Batesville, Indiana.

2. The Order of the Plan Commission approving the Declaratory Resolution and the Plan, as amended, is in all respects approved, ratified and confirmed by the Common Council.

3. The expansion and establishment of an economic development area known as the Expanded Area which will include certain allocation areas within the Expanded Area to be known as (i) the Expanded Allocation Area, (ii) the Wood-Mizer Allocation Area, and (iii) the GE Allocation Area, all as described in the Declaratory Resolution, is hereby approved by the Common Council.

4. The Clerk-Treasurer of the City is hereby directed to file a copy of the Declaratory Resolution, the Plan, and the Order of the Plan Commission with the permanent minutes of this meeting.

5. This Resolution shall be effective upon its passage by the Common Council and approval by the Mayor of the City, in accordance with procedures as required by law.

ADOPTED, by the Common Council of the City of Batesville, Indiana, this 26th day of May, 2015 at 5:30 o'clock pm., by a vote of _____ ayes and _____ nays.

Richard Fledderman
Mayor of the City of Batesville, IN

ATTEST:

Ronald C. Weigel
Clerk-Treasurer, City of Batesville, IN