

TO: Zionsville Redevelopment Commission
FROM: Andrew B. Buroker
RE: Amending the Zionsville Redevelopment Plan to remove REI Parcel
DATE: October 11, 2011

1. State Law (I.C. § 36-7-14-15)
 - a. RDC must make finding that:
 - i. Amendment is
 - (A) reasonable and appropriate in consideration of the original plan
 - (B) conforms to the Town comprehensive plan
 - b. Prepare:
 - i. map of area to be acquired for redevelopment and plan amendment
 - c. Adopt Resolution containing:
 - i. public utility and benefit to amend the plan
 - ii. describe the activities that the department of redevelopment is permitted to take
2. Timeline for Processing the Amendment
 - a. RDC review and preliminarily approve – October 24, 2011
 - i. Submit to Plan Commission – November 21, 2011 (confirm having meeting)
 - ii. approve or disapprove
 - iii. issue written order
 - b. Town Council approves Plan Commission's order – December 5, 2011
 - c. Publish notice of adoption of amendment – December ____, 2011
 - i. state maps prepared and can be inspected
 - ii. date of hearing for remonstrance and objections and determine public utility and benefit
 - d. RDC holds Public Hearing – December 26, 2011
 - i. determine public utility and benefit
 - ii. confirm, modify or rescind resolution
 - iii. record final action with County Auditor and Recorder and State

RESOLUTION NO. 2011-_____

**PRELIMINARY RESOLUTION MODIFYING
THE DECLARATORY RESOLUTION OF THE
ZIONSVILLE REDEVELOPMENT COMMISSION
AND ECONOMIC DEVELOPMENT PLAN
PURSUANT TO INDIANA CODE § 36-7-14-17.5**

WHEREAS, the Town of Zionsville (“Town”) Redevelopment Commission (“Commission”) on February 14, 2000 adopted a declaratory resolution entitled “Declaratory Resolution of the Zionsville Redevelopment Commission” (“Declaratory Resolution”), establishing the Zionsville Economic Development Area (“Area”) as an economic development area under Ind. Code Chapters 36-7-14 and 36-7-25; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan presented at the February 14, 2000 meeting of the Commission, which Economic Development Plan contained specific recommendations for redevelopment and economic development of the Area, as further described in the Economic Development Plan (collectively, “Projects”); and

WHEREAS, the Declaratory Resolution established an allocation area (“Allocation Area”) within the Area in accordance with Ind. Code § 36-7-14-39; and

WHEREAS, the Allocation Area was amended by resolution of the Commission on May 14, 2001; April 11, 2005, June 9, 2008 and October 26, 2009; and

WHEREAS, the Commission is required to have a public hearing on the amendment in accordance with Ind. Code § 36-7-14-17.5(a) and Chapter 5-3-1, at which the Commission is to hear all persons interested in the proceedings and consider all written remonstrances and objections filed.

NOW, THEREFORE, BE IT RESOLVED BY THE ZIONSVILLE REDEVELOPMENT COMMISSION THAT:

1. The Commission has considered the evidence presented and now finds and determines that amending the Area is reasonable and appropriate in relation to the original Declaratory Resolution and Economic Development Plan and the purposes of Ind. Code 36-7-14, and that the amendment of the Area conforms to the existing Zionsville Master (comprehensive) Plan.

2. The Declaratory Resolution and Economic Development Plan shall be modified as follows:

- (a) Exhibit A shall be amended to exclude from the Area certain parcels due to their residential use.

- (b) Exhibit B shall be amended to reflect such map changes of the Area and the written legal description of the Area.

3. The Declaratory Resolution and Economic Development Plan approved by the Commission on February 14, 2000 and amended on May 14, 2001, April 11, 2005, June 9, 2008 and October 26, 2009, which are incorporated herein by reference, are hereby modified and confirmed.

4. This Resolution and the modification of the Allocation Area shall constitute an amendment to the Plan and the Factual Report and is incorporated into the Plan and the Factual Report by this reference thereto.

5. The presiding officer of the Commission is hereby authorized and directed to submit this Resolution to the Zionsville Plan Commission ("Plan Commission") for its approval of the modification of the Allocation Area, pursuant to Indiana Code 36-7-14-16(a), whereby upon written approval by the Plan Commission, the Plan Commission's order approving and the this amendment shall be submitted to the Council for approval pursuant to Indiana Code 36-7-14-16(b).

6. If and when this Resolution shall be approved by the Plan Commission and the Council as described in Section 5 hereof, the Commission shall publish notice of adoption and substance of this Resolution in accordance with Indiana Code 5-3-1 and the Commission shall then take final action determining the public utility and benefit of this Resolution in full compliance with Sections 17 and 17.5 of the Act, and either confirm, modify and confirm, or rescind this Resolution.

7. This Resolution shall be effective upon its adoption and passage by the Commission.

Adopted at a meeting of the Zionsville Redevelopment Commission held October 24, 2011, in the Zionsville Town Hall, in the Town of Zionsville, Boone County, Indiana.

ZIONSVILLE REDEVELOPMENT
COMMISSION

Michael Latz, President

Mark Plassman, Vice-President

Carol Marquiss, Secretary

Craig Anderson, Member

Jeff Basch, Member

Shari Alexander-Richey, Advisory Member

ATTEST:

Carol Marquiss, Secretary

This instrument prepared by Andrew B. Buroker, Krieg DeVault LLP, 12800 North Meridian Street, Suite 300, Carmel, IN 46032.

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LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 1, Township 17 North, Range 2 East of the Second Principal Meridian, in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the southwest corner of Section 6, Township 17 North, Range 3 East, said corner being North 00 degrees 30 minutes 47 seconds West 22.57 feet from the southeast corner of Section 1, Township 17 North, Range 2 East; thence North 00 degrees 30 minutes 47 seconds West along the west line of said Section 6 and the east line of said Section 1 a distance of 1,997.91 feet to the POINT OF BEGINNING of this description; thence South 85 degrees 01 minute 49 seconds West 905.50 feet to the southeast corner of Lot 2 in Bennett Technology Park-Lots 1 and 2, a subdivision recorded in Plat Book 13, Page 19, in the Office of the Recorder of the aforesaid County, said point also being the southeast corner of said subdivision; thence the following five (5) courses along the east side of said subdivision:

- 1) North 00 degrees 40 minutes 17 seconds West along the east line of said Lot 2 a distance of 159.19 feet to the south line of Lennox Court per said plat to a point on a non-tangent curve having a radius of 60.00 feet, the radius point of which bears North 00 degrees 40 minutes 17 seconds West;
- 2) Easterly and Northerly along said curve an arc distance of 131.59 feet to a reverse curve having a radius of 100.00 feet, the radius point of which bears North 53 degrees 40 minutes 10 seconds East;
- 3) Northerly along said curve an arc distance of 62.24 feet to the point of tangency thereof, said point bearing South 89 degrees 19 minutes 43 seconds West from the radius point;
- 4) North 00 degrees 40 minutes 17 seconds West 258.54 feet to the point of curvature of a curve having a radius of 18.00 feet, the radius point of which bears North 89 degrees 19 minutes 43 seconds East;
- 5) Northerly and Easterly along said curve an arc distance of 26.76 feet to the point of tangency thereof, said point bearing North 5 degrees 29 minutes 38 seconds West from the radius point, also being on the south right-of-way of Bennett Park Way per dedication described in Instr. No. 9605157 in said Recorder's Office;

thence the following three (3) courses along said south right-of-way:

- 6) North 84 degrees 30 minutes 22 seconds East 656.29 feet;
- 7) North 79 degrees 07 minutes 33 seconds East 93.76 feet;
- 8) North 73 degrees 44 minutes 45 seconds East 116.22 feet, to the east line of the aforesaid Section 1;

thence South 00 degrees 30 minutes 47 seconds East along said east line and along the west line of the aforesaid Section 6 a distance of 624.07 feet to the point of beginning, containing 11.936 acres, more or less.