

RESOLUTION NO. 2011-03

**CONFIRMATORY 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, on October 24, 2011, the Commission adopted Resolution No. 2011-02, determining, among other things, to amend the Plan to remove a parcel from the Allocation Area, as more particularly described in such Resolution; and

WHEREAS, Resolution No. 2011-02 was submitted to the Zionsville Plan Commission (“Plan Commission”) for its approval of the removal of the parcel from the Allocation Area pursuant to Indiana Code 36-7-14-16(a), whereby upon written approval by the Plan Commission on November 21, 2011, the Plan Commission’s order approving modification of the Allocation Area was submitted to the Town Council for approval pursuant to Indiana Code 36-7-14-16(b); and

WHEREAS, following approval of Resolution No. 2011-02 by the Plan Commission and the Council on December 5, 2011, the Commission published notice of adoption and the substance of Resolution No. 2011-02 on December 9, 2011, in accordance with Indiana Code 5-3-1, for the Commission to take final action on determining the public utility and benefit of this Resolution in full compliance with Sections 17 and 17.5 of the Act and consider whether to confirm, modify and confirm, or rescind Resolution No. 2011-02 at this meeting; and

WHEREAS, the Commission published notice in *The Lebanon Reporter* on December 9, 2011 and *The Zionsville Times-Sentinel* on December 14, 2011 as to the public hearing in

accordance with Ind. Code § 36-7-14-17.5(a) and Chapter 5-3-1; and

WHEREAS, the Commission on December 20, 2011 conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were 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. Resolution No. 2011-02 and the Amendment to the Declaratory Resolution and Economic Development Plan approved by the Commission on October 24, 2011 is hereby confirmed.

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

7. The Secretary is hereby directed to record this Resolution in the Boone County Recorder's Office, immediately to notify the State Board of Tax Commissioners of the amendment of the Allocation Area, and to file this Resolution with the Boone County Auditor.

Adopted at a meeting of the Zionsville Redevelopment Commission held December 20,

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

James Longest, 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.

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. Andrew B. Buroker

Return this Resolution after recording to: Andrew B. Buroker, Esq., Krieg DeVault LLP, 12800 North Meridian Street, Suite 300, Carmel, IN 46032.

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