



RESOLUTION NO. 23-03-09-001

**RESOLUTION OF THE KOSCIUSKO COUNTY REDEVELOPMENT COMMISSION
AMENDING AND CONFIRMING A DECLARATORY RESOLUTION AND
APPROVING THE ESTABLISHMENT OF THE SOUTH ETNA GREEN
RESIDENTIAL ECONOMIC DEVELOPMENT AREA AND RELATED ALLOCATION
AREA IN THE TOWN OF ETNA GREEN, INDIANA, APPROVING THE ECONOMIC
DEVELOPMENT PLAN FOR SAID AREA, AND ESTABLISHING A RESIDENTIAL
HOUSING PROGRAM IN SAID AREA**

WHEREAS, the Kosciusko County Redevelopment Commission (the "Commission"), governing body of the Town of Etna Green, Indiana (the "Town") Department of Redevelopment (the "Department") and the Town of Etna Green Redevelopment District (the "Redevelopment District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission on January 3, 2023, approved and adopted its Resolution No. 23-01-03-001 entitled "Resolution of the Kosciusko County Redevelopment Commission Designating and Declaring a Certain Area as an Economic Development Area, Approving an Economic Development Plan for Said Area, Establishing a Residential Housing Program in Said Area and Regarding Related Matters" (the "Declaratory Resolution"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Declaratory Resolution (i) designated an area known as the South Etna Green Residential Economic Development Area as an economic development area (the "Economic Development Area") pursuant to Section 41 of the Act; (ii) designated such Economic Development Area as an allocation area (the "Allocation Area") pursuant to Section 39 of the Act; and (iii) approved an economic development plan for the Economic Development Area (the "Plan") and established in the Economic Development Area, as a component of the Plan, a residential housing development program pursuant to Section 53 of the Act (the "Program"); and

WHEREAS, the Kosciusko Area Plan Commission, on January 4, 2023, approved and adopted Resolution No. 2023-PCRT-2 (the "Plan Commission Order") determining that the Declaratory Resolution and the Plan conform to the plan of development for the Town and approved the Declaratory Resolution and the Plan; and

WHEREAS, the Board of School Trustees (the "School Board") of Triton School Corporation ("Triton School Corporation") adopted a resolution on November 14, 2022 (the "School Board Resolution"), approving of the residential housing development program as set forth in the Declaratory Resolution and the Plan, as required by Section 53(g) of the Act; and

WHEREAS, pursuant to Section 16 of the Act, the Town Council of the Town (the "Town Council"), on January 10, 2023, adopted Resolution No. 2023-1 (the "Town Council Resolution") which approved the Declaratory Resolution, the Plan and the Plan Commission Order; and

WHEREAS, the Commission has received the written orders of approval as required by Section 17(a) of the Act; and

WHEREAS, pursuant to Sections 17(a) and 17(b) of the Act, the Commission caused to be published and filed a Notice of Public Hearing with respect to the Declaratory Resolution; and

WHEREAS, pursuant to Section 17(c) of the Act, the Commission also filed with each taxing unit located wholly or partially within the Allocation Area a copy of the Notice of Public Hearing and a statement disclosing the impact of the Economic Development Area; and

WHEREAS, at the hearing (the "Public Hearing") held by the Commission on March 9, 2023, the Commission heard all persons interested in the proceedings and received 0 written remonstrances that had been filed and considered those written remonstrances that were filed, if any, and all evidence presented; and

WHEREAS, the Commission now desires to take final action to determine the public utility and benefit of the proposed development projects for the Economic Development Area and amend and confirm the Declaratory Resolution, in accordance with Section 17 of the Act;

NOW, THEREFORE, BE IT RESOLVED by the Kosciusko County Redevelopment Commission, as follows:

1. The Commission hereby amends the references in Section 14 of the Declaratory Resolution to (i) provide that the base assessment date for the Allocation Area (as defined in the Declaratory Resolution) is January 1, 2023.

2. After considering the evidence presented at the Public Hearing, the Commission hereby confirms the findings, determinations, designations and approving and adopting actions contained in the Declaratory Resolution as amended hereby, including, without limitation, with respect to the Program.

3. After considering the evidence presented at the Public Hearing, the Commission hereby finds and determines that it will be of public utility and benefit to proceed with the proposed projects set forth in the Plan, and the Plan is hereby approved in all respects.

4. The Declaratory Resolution, as amended hereby, is hereby confirmed in all respects.

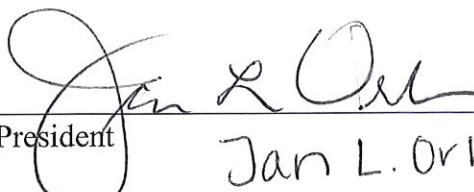
5. This Resolution constitutes final action, pursuant to Section 17(d) of the Act, by the Commission determining the public utility and benefit of the proposed projects and confirming the Declaratory Resolution pertaining to the Economic Development Area.

6. The Secretary of the Commission is directed to record and file the final action taken by the Commission pursuant to the requirements of Section 17(d) of the Act.


7. This resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Kosciusko County Redevelopment Commission held on the 9th day of March, 2023.

KOSCIUSKO COUNTY REDEVELOPMENT
COMMISSION


Vice-President _____
Jan L. Orban

ATTEST:


Secretary _____
Doug Haines

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.

Ashley R. Miller

EXHIBIT A

DECLARATORY RESOLUTION 23-01-03-001

(See attached)

RESOLUTION NO. 23-01-03-001

**RESOLUTION OF THE KOSCIUSKO COUNTY
REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING
A CERTAIN AREA AS AN ECONOMIC DEVELOPMENT AREA, APPROVING AN
ECONOMIC DEVELOPMENT PLAN FOR SAID AREA, ESTABLISHING A
RESIDENTIAL HOUSING PROGRAM IN SAID AREA AND REGARDING
RELATED MATTERS**

WHEREAS, the Kosciusko Redevelopment Commission (the "Commission"), the governing body of the Town of Etna Green Department of Redevelopment (the "Department") and the Town of Etna Green Redevelopment District (the "District") exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has thoroughly studied and investigated that area of the Town of Etna Green, Indiana (the "Town"), as described at Exhibit A attached hereto and hereby designated as the "South Etna Green Residential Economic Development Area" (the "Economic Development Area"); and

WHEREAS, the Department, pursuant to the Act, has conducted surveys and investigations and has thoroughly studied the Economic Development Area; and

WHEREAS, the Commission has caused to be prepared maps and plats of the Economic Development Area, said maps and plats of the Economic Development Area showing the boundaries of the Economic Development Area; the location of the various parcels of property, streets and alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, redevelopment or economic development of the Economic Development Area; and the parts of the Economic Development Area that are to be devoted to public ways, levees, sewerage, parks, playgrounds and other public purposes under the Plan (as defined herein); and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the economic development projects as set forth in the Plan; and

WHEREAS, the Commission has caused to be prepared a list of the property in the Economic Development Area proposed to be acquired as set forth in the Plan; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an economic development plan for the Economic Development Area entitled "Economic Development Plan for the South Etna Green Residential Economic Development Area" (the "Plan"); and

WHEREAS, the Plan and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, the Plan conforms to other development and redevelopment plans for the Town; and

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Deborah A Wright
Kosciusko County Recorder IN
Recorded as Presented



WHEREAS, Sections 39 and 56 of the Act permits the creation of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, Sections 41 and 43 of the Act permit the creation of "Economic Development Areas" and provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in an area needing redevelopment or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 39, 41, and 43 of the Act to the Plan and the financing of the Plan; and

WHEREAS, Section 53 of the Act permits the establishment, as a component of the Plan, of a "residential housing development program" by resolution for the construction of new residential housing or the renovation of existing residential housing in the manner provided in said section; and

WHEREAS, the Commission desires to establish, as a component of the Plan, a residential housing development program (the "Program") in the Economic Development Area, and, as required by Section 53(a)(2), the Department has determined that the average of new, single family residential houses constructed within the boundaries of the Town during the preceding three (3) calendar years is less than one percent (1.0%) of the total number of single family residential houses located within the boundaries of the Town as of January 1, 2023; and

WHEREAS, prior to this meeting, the Department (i) consulted with persons interested in or affected by the Program; (ii) provided the affected neighborhood associations, residents, and township assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program; and (iii) held a public meeting to obtain the views of neighborhood associations and residents;

NOW, THEREFORE, BE IT RESOLVED by the Kosciusko County Redevelopment Commission on behalf of the Town of Etna Green as follows:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the Town, will assist in attracting major new business enterprises to the Town, may result in the retention or expansion of significant business enterprises existing in the Town, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation, benefiting the public health, safety and welfare, increasing the economic well-being of the Town and the State of Indiana (the "State"), and serving to protect and increase property values in the Town and the State.

2. The Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, or other similar conditions, including without limitation the cost of the projects contemplated by the Plan and the necessity for requiring the proper use of land so as to best serve the interests of the Town and its citizens.

3. The Commission hereby finds and determines that the public health and welfare will be benefited by accomplishment of the Plan with respect to the Economic Development Area.

4. The accomplishment of the Plan for the Economic Development Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Commission hereby finds that the Declaratory Resolution and the Plan conforms to the comprehensive plan for the Town.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. The Plan does not currently contemplate the acquisition of property as part of the economic development strategy and the Department does not at this time propose to acquire any specific parcels of land or interests in land within the boundaries of the Economic Development Area. If the Department proposes to acquire additional interests in real property in the Economic Development Area, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to the affected property owners and a public hearing

8. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

9. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting.

10. The Economic Development Area is hereby designated as an "economic development area" under Section 41 of the Act.

11. The Commission hereby establishes the Program in the Economic Development Area as a component of the Plan, accepting the finding of the Department that the average of new, single family residential houses constructed within the boundaries of the Town during the preceding three (3) calendar years is less than one percent (1.0%) of the total number of single family residential houses located within the boundaries of the Town as of January 1, 2023 and acknowledging the actions of the Department to satisfy the requirements of Section 53(d) of the Act with respect to the establishment of the Program.

12. The Commission hereby finds and determines that the public health and welfare will be benefitted by the accomplishment of the Program and accomplishment of the Program will be of public utility and benefit as measured by: (i) the provision of adequate residential housing; (ii) an increase in the property tax base; or (iii) or similar benefits.

13. The Commission approves the Program as part of the Plan for the Economic Development Area. The Program shall not take effect until the Board of School Trustees of Triton School Corporation adopts a resolution approving the Program. The Program shall expire on a date which is not later than twenty-five (25) years from the date on which the first obligation was

incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the Program.

14. The Economic Development Area as described on Exhibit A is hereby designated as the "South Etna Green Residential Economic Development Area" (the "Allocation Area"). The Allocation Area is hereby designated as an allocation area pursuant to Section 39 as the same is modified by Section 56 of the Act for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided by said Sections. Based on an examination of the Economic Development Area and information provided to the Commission, the Commission hereby specifically finds that the adoption of the allocation provision as provided herein will result in new property taxes in the Allocation Area that would not have been generated but for the adoption of the allocation provision. Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed as follows:

Except as otherwise provided in said Sections 39 and 56, the proceeds of taxes attributable to the lesser of the assessed value of the property located in the Allocation Area for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Sections 39 and 56, property tax proceeds in excess of those described in the previous sentence for the Allocation Area shall be allocated to the District and when collected paid into the North Residential Economic Development Area Allocation Area Allocation Fund (the "Allocation Fund") that may be used by the District to do one or more of the things specified in Section 56(c) of the Act, as the same may be amended from time to time, and for such other purposes as may be permitted by law. Amounts deposited into the Allocation Fund may not be used for operating expenses of the Commission. The base assessment date for the Allocation Area shall be January 1, 2019. This allocation provision with respect to the Allocation Area shall expire on a date which is not later than twenty-five (25) years from the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues.

15. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) as the same is modified by Section 56(d) of the Act with respect to the Allocation Area.

16. The Secretary of the Commission is directed to file a certified copy of the Plan and this Resolution with the minutes of this meeting.

17. The officers of the Commission are hereby directed to make any and all required filings and recordings with the Indiana Department of Local Government Finance, the Kosciusko County Auditor and the Kosciusko County Recorder in connection with the actions of the Commission contained in this Resolution regarding the Allocation Area and the establishment of the Program.

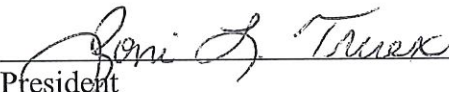
18. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

19. This Resolution, together with supporting data, shall be submitted to the Plan Commission and the Town Council, as provided by Sections 16 and 53(b) of the Act, for the approval of this Resolution, the Plan and the establishment of the Program, and if approved by both bodies, this Resolution and the Plan shall be submitted to public hearing and remonstrance as provided by Section 17 of the Act, after public notice in accordance with Sections 17 and 17.5 of the Act and Indiana Code 5-3-1 and after all required filings with governmental agencies and officers have been made pursuant to Section 17(b) of the Act.

20. This Resolution shall be in full force and effect from and after its adoption by the Commission.

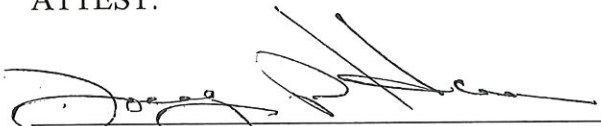
ADOPTED this 3 day of January, 2023.

KOSCIUSKO COUNTY REDEVELOPMENT
COMMISSION



President

ATTEST:



Secretary

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.

Ashley R. Miller

EXHIBIT A-1

DESCRIPTION OF THE AREA

Part of the Northwest Quarter of Section 34, Township 33 North, Range 4 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Commencing at a railroad spike found at the Northeast corner of said Northwest Quarter; thence S00°-28'E (deed bearing), on and along the East line of said Northwest Quarter, a distance of 484.5 feet to a Mag nail at the true point of beginning; thence continuing S00°-28'E, on and along said East line, being within the right-of-way of County Road 1050W, a distance of 511.6 feet to a Mag nail found at the Northeast corner of a certain tract of land recorded in Deed Record 276, page 238, of the records of Kosciusko County, Indiana, said Northeast corner being situated N00°-28'W, a distance of 1657.6 feet from a railroad spike found at the Southeast corner of said Northwest Quarter; thence S89°-41'-08"W, on and along the North line of said tract in Deed Record 276, page 238, a distance of 215.0 feet to a 5/8-inch diameter iron pin capped "Walker" found at the Northwest corner of said tract, being a Northeast corner of a certain tract of land recorded in Document Number 2003-01-1551, of said records; thence S89°-54'-02"W, on and along the North line of said tract in Document Number 2003-01-1551, a distance of 986.93 feet to an iron pin found at the Northwest corner of said tract, also being the Northeast corner of a certain tract of land recorded in Deed Record 194, page 604, of said records; thence N89°-32'-20"W, on and along the North line of said tract in Deed Record 194, page 604, a distance of 70.0 feet to a Mag nail found at the Northwest corner of said tract, being a point on the centerline of State Highway Number 19; thence N00°-34'-44"E, on and along the centerline of State Highway Number 19, a distance of 994.76 feet (recorded 999.5 feet) to a Mag nail found at the point of intersection with the North line of said Northwest Quarter, said point of intersection being situated N89°-49'-58"E, a distance of 1395.4 feet from the Northwest corner of said Northwest Quarter; thence N89°-49'-58"E, on and along said North line, being within the right-of-way of County Road 300N, a distance of 336.3 feet to a Mag nail, said Mag nail being situated S89°-49'-58"W, a distance of 917.5 feet from the Northeast corner of said Northwest Quarter; thence S00°-28'E, parallel to the East line of said Northwest Quarter, a distance of 484.5 feet to a 5/8-inch diameter iron pin capped "Walker"; thence N89°-49'-58"E, parallel to said North line, a distance of 917.5 feet to the true point of beginning, containing 18.672 acres of land, more or less, subject to legal right-of-way for County Road 1050W, State Highway Number 19 and County Road 300N, subject to all legal drain easements and all other easements of record.

EXHIBIT A-2

MAP OF THE AREA

