

**RESOLUTION NO. 2023-19**  
**Clay County Redevelopment Commission**

**A RESOLUTION CONFIRMING THE  
BROWN JUG ECONOMIC DEVELOPMENT AREA  
AND ALLOCATION AREA and DESIGNATION OF A DESIGNATED TAXPAYER**

WHEREAS, the Clay County Redevelopment Commission adopted Resolution No. 2023-18 entitled "A RESOLUTION ESTABLISHING THE BROWN JUG ECONOMIC DEVELOPMENT AREA and DECLARING ALLOCATION AREAS" ("Resolution") on October 18 2023, establishing the Economic Development Area and establishing Allocation Areas and designating Brown Jug as a Designated Taxpayer within the Economic Development Area; and

WHEREAS, the Resolution establishes the Brown Jug Economic Development Area, declares certain Allocation Areas and designates Brown Jug, LLC as a Designated Taxpayer. Attached to and made a part of said Resolution are the Factual Report in support of Findings Contained in Resolution 2023-18 of the Clay County Redevelopment Commission and the Economic Development Plan for the Brown Jug Economic Development Area, including a general description of the area, a map of the area and a listing of the parcels included in the Allocation Area and a list of Proposed Projects all of which were presented at the meeting at which said Resolution was approved; and

WHEREAS, the Redevelopment Commission has found that there will be no residents of the Area who will be displaced by the Project; and

WHEREAS, the Redevelopment Commission published notice in The Brazil Times newspaper of the adoption and substance of the Resolution in accordance with I.C. 36-7-14-17 and I.C. 5-3-1, which notice also gave notice of a hearing on the proposed Resolution to be held by the Redevelopment Commission at least ten (10) days before said hearing; and

WHEREAS, said Resolution, Plan and Factual Report were approved by action of the Clay County Council and the Clay County Commissioners; and

WHEREAS, copies of the Resolution, Plan, Factual Report, notice of public hearing, and a statement disclosing the impact of the Allocation Area, including the following:

- a) The estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and
- b) The anticipated impact on tax revenues of each taxing unit;

were filed with the officer authorized to fix budgets, tax rates, and tax levies under I.C. 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Allocation Areas and the Plan Commission, Board of Zoning Appeals, Works Board, Parks Board, Building

Commissioner, and other departments dealing with planning, zoning, variances and building permits (if any) at least ten (10) days before said hearing; and

WHEREAS, the Redevelopment Commission, on December 13, 2023, conducted a public hearing at which hearing the Redevelopment 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 CLAY COUNTY REDEVELOPMENT COMMISSION:

1. The Redevelopment Commission has considered the evidence presented and now finds and determines that findings in the Resolution and Factual Report and Plan are true and that it will be of public utility and benefit to proceed with the establishment of the Economic Development Area and Allocation Areas and designation of the Designated Taxpayer within the Economic Development Area as described therein; and the proposed projects servicing and benefiting the Area;
2. The Resolution, Economic Development Plan and Factual Report approved by the Redevelopment Commission on October 18, 2023, are hereby accepted and confirmed in all respects Provided, However, that paragraph 13 of the Resolution shall be amended to read as follows:

“Designated Taxpayer. This paragraph shall be considered to designate Brown Jug, LLC (and any affiliate thereof, any entity resulting from consolidation or merger thereof, any successor thereto or any acquirer thereof and any such designee’s real and personal property located in the Allocation Area) as a Designated Taxpayer (“designated taxpayer”) pursuant to Indiana code §36-7-14-39.3. All of the designated taxpayer’s depreciable personal property located in the allocation area and all other depreciable property located and taxable on the designated taxpayer’s site of operations within the allocation area shall be considered depreciable personal property. The commission finds that the taxes to be derived from the depreciable personal property in the allocation area in excess of the taxes attributable to the base assessed value of that personal property are or will be needed to pay debt service or provide security for bonds to be issued under Indiana Code §36-7-14-25 on or to make payments or to provide security on leases payable under Indiana code §36-7-14-25.2 in order to provide local public improvements. The costs of such improvements cannot be met from other sources without bonding anticipated revenues from taxes to be derived from the depreciable personal property in the allocation area in excess of taxes attributable to the base assessed value. The commission further finds that the taxpayer’s property in the allocation area will consist primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects and that the taxpayer’s property in the allocation area will not consist primarily of retail, commercial or residential projects. The allocation provision of this resolution shall be deemed to modify the definition of “property

taxes” under Indiana Code §36-7-14-39 (a for purposes of said section the term “base assessed value” with respect to the depreciable personal property means, subject to Indiana code §36-7-14-39 (j) the net assessed value of all depreciable personal property as determined for the assessment date immediately preceding the adoption date of this resolution as adjusted under Indiana code §36-7-14-39 (h).”

3. The Secretary is instructed to record a copy of this Resolution and a copy of Resolution 2023-18 with the Clay County Recorder, immediately to notify the Indiana Department of Local Government Finance of the designation of the Allocation Areas within the area and to file this Resolution and Resolution 2023-18 with the Clay County Auditor.

Adopted unanimously at a meeting of the Clay County Redevelopment Commission, at which a quorum was present, following a public hearing held December 13, 2023, in the City of Brazil, Clay County, Indiana.

[Signatures appear on the following page]

CLAY COUNTY REDEVELOPMENT COMMISSION

\_\_\_\_\_  
Lance Hoffmann

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Vickie Mace

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Jan Howell

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Fred Nevils

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Tom Ames

Attest:

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Patricia Foxx, Auditor  
Clay County, Indiana