

RESOLUTION NO. 2024-12
OF THE CLAY COUNTY REDEVELOPMENT COMMISSION
A RESOLUTION AMENDING THE I 70/ STATE ROAD 59 ECONOMIC
DEVELOPMENT AREA

WHEREAS, the Clay County Redevelopment Commission ("Commission"), is desirous of Amending the I 70/ STATE ROAD 59 ECONOMIC DEVELOPMENT AREA (the "EDA") established by Resolutions 2000-1 and 2000-2 and was later amended by Resolutions in 2009 (the "Resolutions"); and

WHEREAS, the Commission has investigated, studied, and surveyed economic development within the boundaries of Clay County, Indiana and the EDA as well as the Plan for the EDA adopted by the Resolutions and has determined that it is best interests of the citizens of Clay County, Indiana that the Plan for the EDA previously adopted be Amended as set forth in the attached Plan Amendment for the EDA; and

WHEREAS, the Commission has prepared a Plan Amendment for the Economic Development Plan ("Plan") for the Area, which Plan Amendment is attached to and incorporated by reference in this Resolution; and

WHEREAS, the Commission has caused to be prepared:

1. Maps and plats showing:
 - a. The boundaries of the Economic Development Area in which property would be acquired for or otherwise affected by the establishment of a Redevelopment Project Area; and,
 - b. The location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning or economic development of the area, indicating any parcels of property to be excluded from the area or otherwise excluded from the effects of establishment and amendment of the Redevelopment Project Area; and,
 - c. The parts of the area that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan.
2. Lists of the owners of any parcels in the area proposed to be acquired, if any; and,
3. An estimate of the cost of redevelopment and economic development.

WHEREAS, the Commission has designated Allocation Areas within the Economic Development Area in accordance with I.C. 36-7-14-39 for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Allocation Areas; and

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WHEREAS, the Commission has caused to be prepared a Factual Report (“Factual Report”) in support of the findings contained in the Resolutions, which Factual Report is attached to and incorporated by reference in the Resolutions;

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

1. The Commission confirms its finding that an area within the territory under its jurisdiction is an area needing redevelopment, as defined in I.C. 36-7-1-3 and the conditions described in I.C. 36-7-1-3 cannot be corrected in the area by regulatory processes or in the ordinary operations of private enterprise without resort to the mechanisms provided in I.C. 36-7-14 and the public health and welfare will be benefitted by the acquisition and/or redevelopment of the area under I.C. 36-7-14.
2. The Commission has selected as an economic development area, an area within the corporate boundaries of the County, which area the Commission designated the I70 /State Road 59 Economic Development Area;
3. The Commission found that the Economic Development Plan for the Area (the “Plan”) and finds that the Plan Amendment:
 - a. Promotes significant opportunities for the gainful employment of the citizens of Clay County and the State of Indiana;
 - b. Attracts new business enterprises to Clay County and the State of Indiana;
 - c. Retains or expands a significant business enterprise in the County;
 - d. Benefits the public health, safety, morals, and welfare of the citizens of Clay County and the State of Indiana;
 - e. Increases the economic well-being of Clay County and the State of Indiana; and
 - f. Serves to protect and increase property values in Clay County and the State of Indiana.
 - g. Meets other purposes of section 41 and section 2.5 and section 43 of Indiana code 36-7-14
4. The Commission finds that the Plan and Plan Amendment cannot be achieved by the regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under I.C. 36-7-14 because of:
 - a. The lack of local public improvements.
 - b. The undeveloped nature of parts of the area.

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- c. Multiple ownership of the land
 - d. Other similar conditions, specifically: The cost of infrastructure improvements needed to serve the Area prevents the improvements from being accomplished by private enterprise and there is no regulatory process available to build infrastructure to provide an incentive to encourage economic growth.
5. The Commission finds that the public welfare will be benefited by the accomplishment of the Plan and the Plan Amendment for the Area, specifically by (a) the construction, reconstruction, improvement, and extension of public infrastructure and improvements as defined in the plan including but not limited to: sanitary sewer collection and treatment facilities, distribution systems for potable water and fire water protection, streets, roads and alleyways, curbs, gutters, sidewalks, storm drainage, utilities, street lighting, street trees, directional signage, traffic control signage and devices, way finding signs, parking facilities, and other public infrastructure and public amenities such as public furniture, street trees, parks, recreational facilities, trails; (b) increasing revenues available for police and fire services for both capital expenditures and operating expenses and for funding contracts with eligible entities to provide certain programs pursuant to Indiana code section 36-7-25-7 (c) providing funding for training of employees of industrial facilities as provided in Indiana code §36-7-14-39 (b) (4) (K); (d) provision of various appropriate financial incentives to new and existing businesses which will use the property in the Area in a responsible manner that will not be a nuisance to residents of the county and will ultimately benefit public health and welfare for residents within the County; and (e) making funds available for all other purposes permitted by law including financing projects, improvements or purposes outside the district pursuant to Indiana code section 36-7-25-3. All as more particularly provided in the Plan and the Plan Amendment.
6. The Commission finds that the adoption of the allocation provision of the Resolutions and this Resolution will ultimately result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision, by making the improvements contemplated by the Plan and the Plan Amendment, the Area will become more attractive to business and industry which may locate in the Area in the future. This finding is based on the following:
- a. Infrastructure in the Area including sanitary sewer collection and treatment facilities, distribution systems for potable water and fire water protection, streets, roads and alleyways storm drains, curbs, gutters, sidewalks, street lighting, street trees, directional signage, traffic control signage and devices, way finding signs, parking facilities, is not adequate to support new commercial and industrial development in the Area, but if improved would result in new investment.
 - b. Several roads and streets in the Area do not meet local standards for street construction, pavement width, and other engineering criteria.

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- c. Planned public improvements to infrastructure and public safety and educational opportunities will improve the competitiveness of the local area for the attraction of new business and industry that would not otherwise locate in the area.
 - d. In order to be competitive in the recruitment of business and industry, which will result in new tax revenues, the County needs to undertake substantial improvements to public infrastructure and improvements in the area including upgrade roads to support truck traffic, upgrade utilities (specifically install new water and sewer lines) to extend service in the area and install water lines for fire protection, and improve and provide additional public infrastructure and amenities and offer incentives in support of private investment and provide funds to improve local public safety and educational opportunities.
7. The Commission finds that the accomplishment of the Plan and Plan Amendment will be of public utility and benefit as measured by:
 - a. The attraction and retention of permanent jobs;
 - b. An increase in the property tax base;
 - c. Improved diversity of the economic base;
 - d. Improvements in public infrastructure; and,
 - e. Protection of the existing public and private investment in the area.
8. The Plan and Plan Amendment for the Area conform to other development and redevelopment plans for the County and the previously adopted plans, as amended.
9. The Commission may acquire interests in real property within the boundaries of the Area for development purposes to-wit public streets and roads located within the boundaries of the area. The County, the City, acting on its own and/or through the City's utility departments may need to acquire interests in real property such as rights-of-way and easements for improvements to streets, railroad spur tracks, and/or the installation of utility lines. The Commission may reimburse the City and/or the County for the acquisition of rights-of-way.
10. The Commission estimates that the cost of implementing the Plan are shown in the Plan. Some costs of the Plan are still to be determined. Some costs may be offset by grants or other funding sources.
11. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

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12. **This paragraph shall be considered the allocation provision for the purposes of I.C. 36-7-14-39.** The parcels listed in Exhibit A to the PPlan constitute the current allocation area as defined in I.C. 36-7-14-39 (“Allocation Area”). Any real property taxes levied on or after the effective date of this resolution by and 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 in accordance with I.C. 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 30 years after the effective date of Resolutions 2000-1 and 2000-2. The original boundaries of the Economic Development Area shall remain unchanged.
13. Effective on December 1, 2024, the parcels listed in Exhibit B to the Plan shall be removed from the Allocation Area. The original boundaries of the Economic Development Area shall remain unchanged.
14. All rights, powers, privileges, and immunities that may be exercised by the Commission in a Redevelopment Area or Urban Renewal Area may be exercised by the Commission in the Area, subject to the limitations in I.C. 36-7-14-43.
15. The presiding officer of the Commission is hereby authorized and directed to submit this Resolution, the Plan, and Factual Report to, the Clay County Commissioners and the Clay County Council for their approval.
16. The Commission also directs the presiding officer, after approval of the Plan by the Clay County Council and Commissioners to publish notice of the adoption and substance of this Resolution in accordance with I.C. 5-3-1-4 and to file notice with the building commissioner and any other departments or agencies of the City or County concerned with city planning, zoning variances, land use or the issuance of building permits, if any. The notice must state that maps and plats have been prepared and can be inspected at the Office of the Redevelopment Commission and must establish a date when the Commission will receive and hear remonstrances and objections from persons in or affected by the proceedings pertaining to the proposed projects and will determine the public utility and benefit of the proposed projects. Copies of the notice and a tax impact statement must also be 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 Area at least ten (10) days before the hearing.
17. The Commission also directs the presiding officer to prepare or cause to be prepared a statement (the “tax impact 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 and personal property assessed values; and

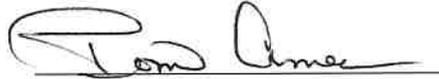
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b. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Allocation Area. A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least ten (10) days before the date of the hearing described in Section 16 of this resolution.

18. This Resolution shall be effective as of the date of its adoption.

ADOPTED at a meeting of the Clay County Redevelopment Commission held the 18th day of September, 2024, in the City of Brazil, Clay County, Indiana.

CLAY COUNTY REDEVELOPMENT COMMISSION



Tom Ames



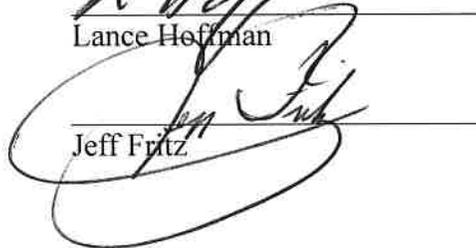
Vicki Mace



Jan Howell



Lance Hoffman



Jeff Fritz