



RESOLUTION NO. 23-05-11-001

**RESOLUTION OF THE KOSCIUSKO COUNTY REDEVELOPMENT COMMISSION
AMENDING AND CONFIRMING A DECLARATORY RESOLUTION AND
APPROVING THE ESTABLISHMENT OF THE SOUTH SHORE RESIDENTIAL
ECONOMIC DEVELOPMENT AREA AND RELATED ALLOCATION AREA IN
KOSCIUSKO COUNTY, 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 Kosciusko County, Indiana (the "County") Department of Redevelopment (the "Department") and the Kosciusko County 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. 23-01-03-002 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 Shore 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-1 (the "Plan Commission Order") determining that the Declaratory Resolution and the Plan conform to the plan of development for the County and approved the Declaratory Resolution and the Plan; and

WHEREAS, the Board of School Trustees (the "School Board") of Wawasee Community School Corporation ("Wawasee School Corporation") adopted a resolution on May 14, 2023 (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 Kosciusko County Board of Commissioner (the "Commissioners"), on January 17, 2023, adopted Resolution No. 23-01-17-001 (the "Commissioners 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 May 11, 2023, the Commission heard all persons interested in the proceedings and received _____ 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 11th day of May, 2023.

KOSCIUSKO COUNTY REDEVELOPMENT COMMISSION

Joni B. Truex

President

Joni Truex

ATTEST:

Rhonda Helser

Secretary

Rhonda Helser

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 23-01-03-002

(See attached)





RESOLUTION NO. 23-01-17-001

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA, APPROVING AN ORDER OF KOSCIUSKO AREA PLAN COMMISSION APPROVING A RESOLUTION OF THE KOSCIUSKO COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE SOUTH SHORE RESIDENTIAL ECONOMIC DEVELOPMENT AREA

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

WHEREAS, on January 3, 2023, the Commission approved and adopted its Resolution No. 23-01-03-002 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"); and

WHEREAS, the Declaratory Resolution designated an area in Kosciusko County, Indiana (the "County") known as the South Shore Residential Economic Development Area (the "Economic Development Area") as an economic development area pursuant to Section 41 of the Act, designated such area as an allocation area pursuant to Section 39 of the Act, approved an economic development plan for such 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; and

WHEREAS, on January 4, 2023, the Kosciusko County Area Plan Commission (the "Plan Commission") met and adopted and approved its resolution, Resolution No. 2023-PCRT-1, a copy of which is attached hereto as Exhibit A, determining that the Declaratory Resolution and the Plan conform to the plan of redevelopment for the County and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Plan, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Redevelopment Commission from proceeding until the Plan Commission Order is approved by the county executive; and

WHEREAS, the Kosciusko County Board of Commissioners (the "Commissioners") are the Executive of the County and now desires to approve the Plan Commission Order in order to permit the Redevelopment Commission to proceed with the development of the Economic Development Area; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Kosciusko County, Indiana, as follows:

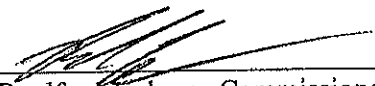
1. The Plan Commission Order attached hereto is hereby approved, ratified and confirmed in all respects.

2. The determination that the Economic Development Area constitutes an economic development area under the Act is hereby approved pursuant to Section 15 of the Act.

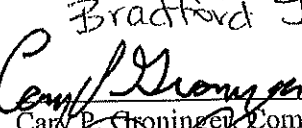
3. This Resolution shall be in full force and effect from and after its passage by the Commissioners.

ALL OF WHICH IS ADOPTED AND APPROVED THIS 17th DAY OF JANUARY, 2023, BY THE BOARD OF COUNTY COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA.

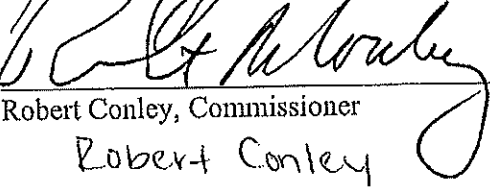
BOARD OF COUNTY COMMISSIONERS OF
KOSCIUSKO COUNTY, INDIANA



Bradford Jackson, Commissioner

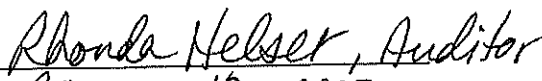


Cary P. Groninger, Commissioner



Robert Conley, Commissioner

ATTEST:



January 17, 2023
Rhonda Helser

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.

FILED

JAN 17 2023


Auditor of Kosciusko County



EXHIBIT A

Plan Commission Order

(See Attached)

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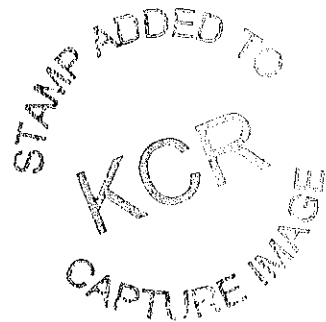


Exhibit A

RESOLUTION NO. 2023-PCRT-1

**RESOLUTION OF THE KOSCIUSKO COUNTY AREA PLAN COMMISSION
APPROVING A RESOLUTION OF THE KOSCIUSKO COUNTY
REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE
SOUTH SHORE RESIDENTIAL ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Kosciusko County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Kosciusko County, Indiana (the "County"); and

WHEREAS, the Kosciusko County Redevelopment Commission (the "Redevelopment Commission"), the governing body of the Kosciusko County Department of Redevelopment, pursuant to Indiana Code 36-7-14, as amended from time to time (the "Act"), on January 3, 2023, approved and adopted its Resolution No. 23-01-03-002 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"); and

WHEREAS, the Declaratory Resolution designated an area known as the "South Shore Residential Economic Development Area" (the "Economic Development Area") as an economic development area pursuant to Section 41 of the Act, designated such area as an allocation area pursuant to Section 39 of the Act, approved an economic development plan for such 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; and

WHEREAS, the Redevelopment Commission has submitted the Declaratory Resolution (which Declaratory Resolution is attached hereto as Exhibit A and made a part hereof) which each include the Plan, to the Area Plan Commission for approval pursuant to the provisions of the Act; and

WHEREAS, the Plan Commission has reviewed the Declaratory Resolution and the Plan and has determined that they conform to the plan of development for the County, and now desires to approve the Declaratory Resolution and the Plan and, pursuant to Section 16 of the Act, the Plan Commission desires to issue its written order approving the Declaratory Resolution and the Plan;

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

1. Pursuant to Section 16 of the Act, the Plan Commission hereby finds and determines that the Declaratory Resolution and the Plan conform to the plan of the development of the County.

2. The Declaratory Resolution and the Plan are in all respects approved.

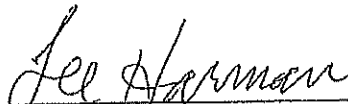
3. This Resolution shall constitute the Plan Commission's written order approving the Declaratory Resolution and the Plan pursuant to Section 16 of the Act.

4. Any development of the Economic Development Area shall still be required to seek proper approval under and compliance with all applicable zoning and subdivision control laws and ordinances.

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

Adopted this 4TH day of January, 2023.

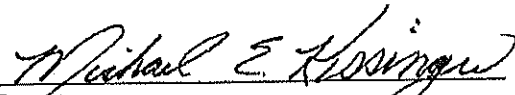
KOSCIUSKO COUNTY AREA PLAN
COMMISSION



Presiding Officer

Lee Harman

ATTEST:



Secretary

Michael E. Kissinger

EXHIBIT A

DECLARATORY RESOLUTION

(See Attached)

Stamp Added to Capture Image



Exhibit A

RESOLUTION NO. 23-01-03 002

**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 County Redevelopment Commission (the "Commission"), the governing body of the Kosciusko County Department of Redevelopment (the "Department") and the Kosciusko County 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 Kosciusko County, Indiana (the "County"), as described at Exhibit A attached hereto and hereby designated as the "South Shore 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 Shore 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 County; and

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 Turkey Creek Township ("Township") 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 Township 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 as follows:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the County, will assist in attracting major new business enterprises to the County, may result in the retention or expansion of significant business enterprises existing in the County, 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 Township and the State of Indiana (the "State"), and serving to protect and increase property values in the Township 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 Township 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 County.

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 Township 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 Township 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 benefited 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

Wawasee Community Schools 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 Shore Residential Economic Development Area Allocation 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.

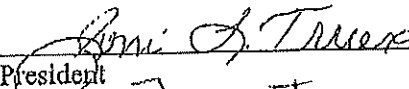
18. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

19. This Resolution, together with supporting data, shall be submitted to the Plan Commission and the County Commissioners, 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 3rd day of January 2023.

KOSCIUSKO COUNTY REDEVELOPMENT
COMMISSION



President
Joni Truex

ATTEST:



Secretary
Doug Hanes

EXHIBIT A-1

DESCRIPTION OF THE AREA

A tract of land located in the West half of Section 22, Township 34 North, Range 7 East, in Kosciusko County, State of Indiana, more specifically described as follows:

Commencing at a point 50 feet South 01 degree 18 minutes 04 seconds East of the Northwest corner of Section 22, Township 34 North, Range 7 East, said point being the Point of Beginning; thence North 87 degrees 43 minutes 51 seconds East to the right-of-way line of State Route 13; thence Southeasterly on and along said right-of-way line of State Route 13 to a point that is 1620.81 feet, more or less, North of the Southeast corner of the Southwest Quarter of Section 22, Township 34 North, Range 7 East; thence West by Deed, found to be South 88 degrees 29 minutes 28 seconds West 1456.87 feet to an iron pin; thence North 1771.0 feet by Deed, found to be North 00 degrees 31 minutes 43 seconds West 1783.09 feet to an iron post set in concrete; thence West 1123.3 feet by Deed, found to be South 89 degrees 17 minutes 20 seconds West, 1123.08 feet to an iron pin; thence North 01 degree 18 minutes 04 seconds West to the Point of Beginning.

EXHIBIT A-2

MAP OF THE AREA

