

RESOLUTION NO. 4-6-2023-9

A RESOLUTION OF THE TOWN OF BRISTOL REDEVELOPMENT
COMMISSION CONFIRMING THE DECLARATORY RESOLUTION
AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED STATE ROAD 15 ECONOMIC DEVELOPMENT
AREA

WHEREAS, the Redevelopment Commission ("Commission") of the Town of Bristol, Indiana ("Town") serves as the governing body of the Town's Redevelopment District ("District") under Indiana Code 36-7-14, as amended, (collectively, the "Act");

WHEREAS, the Commission previously adopted, confirmed and amended resolutions (collectively, the "Original Resolutions") establishing economic development areas, and subsequently consolidating such areas into the Consolidated State Road 15 Economic Development Area (the "Consolidated State Road 15 EDA"), and approving an economic development plan for the Consolidated State Road 15 EDA (the "Consolidated Plan") pursuant to the Act;

WHEREAS, on March 2, 2023, the Commission adopted Resolution No. R3-2-2023-5 (the "Declaratory Resolution"), attached hereto as Exhibit A, to amend the Consolidated Plan by adopting a supplemental to the Consolidated Plan as attached to the Declaratory Resolution (the "Plan Supplement");

WHEREAS, on March 9, 2023, the Elkhart County Plan Commission issued its order (the "Plan Commission Order") approving the Declaratory Resolution and determining that the Declaratory Resolution and Plan Supplement conforms to the plan of development for the Town;

WHEREAS, on March 16, 2023, the Town Council, pursuant to Sections 16 and 41 of the Act, adopted its Resolution No. 3-16-2023-7 approving the Plan Commission Order, the Declaratory Resolution, and the Plan Supplement;

WHEREAS, on March 25, 2023 and March 27, 2023, the Commission caused to be published in *The Elkhart Truth* and *The Goshen News*, respectively, notice (the "Notice") of the adoption and substance of the Declaratory Resolution in accordance with Sections 17 and 17.5 of the Act and Indiana Code 5-3-1, which Notice also gave notice of a public hearing (the "Public Hearing") on the proposed confirmation of the Declaratory Resolution to be considered by the Commission and the opportunity to have remonstrances and objections heard by the Commission;

WHEREAS, the Notice was also filed in the office of the Elkhart County Plan Commission, the office of the Elkhart Advisory Board of Zoning Appeals, the Elkhart Building Commissioner, the works board, and the Bristol Park Board, and any other departments, agencies or officers of the Town having to do with Town planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the Notice were also filed with affected neighborhood associations and persons owning property that is proposed to be added to the Commission's acquisition list included in the Plan Supplement;

WHEREAS, on this date, the Commission conducted the Public Hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, if any; and

WHEREAS, the Commission now desires to take final action determining the public utility and benefit of the proposed Amending Declaratory Resolution and confirming the Amending Declaratory Resolution, in accordance with the Act.

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

1. After considering the evidence presented at the Public Hearing, the Commission hereby confirms the findings and determinations, designations and approving and adopting actions contained in the Declaratory Resolution and Plan Supplement.

2. After considering the evidence presented at the Public Hearing, the Commission hereby finds and determines that it will be of public utility and benefit and will benefit the public health and welfare of the citizens of the Town to adopt the Declaratory Resolution and Plan Supplement.

3. The Declaratory Resolution adopted by the Commission on March 2, 2023 is hereby confirmed.

4. 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 project or other actions to be taken and confirming the Declaratory Resolution and approving the amendments described therein, including the Plan Supplement.

5. The Declaratory Resolution shall be attached to and incorporated in this resolution as Exhibit A. The Secretary of the Commission is hereby directed to maintain a copy of this resolution with the Commission and to record this resolution in accordance with Section 17(d) of the Act.

6. In all other respects, the Original Resolutions shall remain in full force and effect.

7. This resolution shall be effective upon its adoption and passage.

* * * * *

Adopted this 6th day of April, 2023.

BRISTOL REDEVELOPMENT
COMMISSION

By: _____
President

ATTEST:

Secretary

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Scott C. Frissell, Esq.*

This document prepared by:

Scott C. Frissell, Esq.
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EXHIBIT A

RESOLUTION NO. R3-2-2023-5

A DECLARATORY RESOLUTION OF THE TOWN OF BRISTOL
REDEVELOPMENT COMMISSION AMENDING THE ECONOMIC
DEVELOPMENT PLAN FOR THE CONSOLIDATED STATE ROAD
15 ECONOMIC DEVELOPMENT AREA

(Attached)

RESOLUTION NO. R3-2-2023-5

A DECLARATORY RESOLUTION OF THE TOWN OF BRISTOL
REDEVELOPMENT COMMISSION AMENDING THE ECONOMIC
DEVELOPMENT PLAN FOR THE CONSOLIDATED STATE ROAD
15 ECONOMIC DEVELOPMENT AREA

WHEREAS, the Redevelopment Commission ("Commission") of the Town of Bristol, Indiana ("Town") serves as the governing body of the Town's Redevelopment District ("District") under Indiana Code 36-7-14, as amended, (collectively, the "Act");

WHEREAS, the Commission previously adopted, confirmed and amended resolutions (collectively, the "Declaratory Resolutions") establishing economic development areas, and subsequently consolidating such areas into the Consolidated State Road 15 Economic Development Area (the "Consolidated State Road 15 EDA"), and approving an economic development plan for the Consolidated State Road 15 EDA (the "Consolidated Plan") pursuant to the Act;

WHEREAS, the Commission now desires to amend the Consolidated Plan by adopting a supplemental to the Consolidated Plan attached hereto as Exhibit A (the "Plan Supplement");

WHEREAS, in connection with the Plan Supplement, the Commission now desires to take action for purposes of establishing a parcel acquisition list and proposing the acquisition of certain parcels of property, as set forth in Exhibit B attached hereto and made a part hereof (collectively, the "Real Estate") in accordance with the Act;

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

WHEREAS, the Commission has caused to be prepared:

- (1) Maps and plats showing:
 - (A) the boundaries of the area in which property would be acquired by the Plan Supplement;
 - (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the Plan Supplement; and
 - (C) the parts of the area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds and other public purposes under the Plan Supplement.
- (2) A list of the Real Estate proposed to be acquired under the Plan Supplement; and

- (3) An estimate of the cost, if any, to be incurred for the acquisition and redevelopment of the Real Estate which is included in the Plan Supplement.

WHEREAS, the Commission finds that the Plan Supplement is necessary in connection with the redevelopment of the Consolidated State Road 15 EDA, satisfies the requirements of the Act, and carries out and contemplates the development of the Consolidated State Road 15 EDA in accordance with the Consolidated Plan; and

WHEREAS, the Commission now desires to approve the Plan Supplement.

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

1. The Plan Supplement promotes significant opportunities for the gainful employment of the citizens of the Town, attracts major new business enterprises to the Town, retains and expands significant business enterprises in the Town, and meets other purposes of the Act, including without limitation, benefiting public health, safety and welfare, increasing economic well-being of the Town, and serving to protect and increase property values in the Town.
2. The Plan Supplement cannot be achieved by regulatory process or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of the existence of conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.
3. The Commission hereby finds and determines that the public health and welfare will be benefited by accomplishment of the Plan Supplement.
4. The Commission hereby finds and determines that it will be of public utility and benefit to amend the Consolidated Plan by adopting the Plan Supplement.
5. As further described therein, the Plan Supplement contemplates the acquisition of certain Real Estate as part of the economic development strategy, and the Commission proposes to acquire such Real Estate within the boundaries of the Consolidated State Road 15 EDA and will follow the procedures under the Act with respect to the acquisition of such Real Estate.
6. The Commission finds that no residents of the Consolidated State Road 15 EDA will be displaced by any projects resulting from the Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.
7. The boundaries of the Consolidated State Road 15 EDA will remain unchanged by the adoption of the Plan Supplement. The projects set forth in the Plan Supplement will directly serve and benefit the Consolidated State Road 15 EDA and promote economic development activity in the Consolidated State Road 15 EDA, as further described in the Plan Supplement. The District will be permitted to engage in the activities necessary to complete the acquisition of the Real Estate and other activities set forth in the Plan Supplement.

8. The Commission hereby finds and determines that the Plan Supplement is reasonable and appropriate when considered in relation to the Consolidated Plan and the purposes of the Act, and that the Consolidated Plan, with the Plan Supplement, conforms to the comprehensive plan of development for the Town.

9. The Plan Supplement is hereby, in all respects, approved.

10. The establishment of the acquisition list for the Real Estate as set forth in Exhibit B attached hereto (which is designated as part of the Consolidated State Road 15 EDA) is hereby approved in all respects. The Commission estimates that the cost to acquire the Real Estate will be approximately Sixty-Five Thousand Dollars (\$65,000).

11. This presiding officer of the Commission is hereby authorized and directed to submit this Resolution to the Elkhart County Plan Commission (the "Plan Commission") and the Town Council as provided in the Act, and if approved by the Plan Commission and the Town Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

12. The Commission also directs the presiding officer to publish notice of the adoption and substance of this Resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, board of zoning appeals, works board, park board, building commissioner and any other departments, agencies or officers of the Town concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project or other actions to be taken under this Resolution and will determine the public utility and benefit of the proposed project or other actions. Copies of the notice must also be filed with affected neighborhood associations and to persons owning property that is proposed to be added to the acquisition list included in the Plan Supplement.

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

14. The findings and determinations set forth in the Declaratory Resolutions and the Consolidated Plan are hereby reaffirmed.

15. The officers and representatives of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

16. The forgoing recitals are hereby incorporated by reference.

17. This Resolution shall take effect immediately upon its adoption by the Commission.

* * * * *

Adopted this 2nd day of March, 2023.

BRISTOL REDEVELOPMENT
COMMISSION

By: Cathy Burke
President

ATTEST:

Jay W
Secretary

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EXHIBIT A

Plan Supplement

This document is the Plan Supplement to the Consolidated Economic Development Plan (the “Consolidated Plan”) for the Consolidated State Road 15 Economic Development Area (the “Consolidated Area”) in the Town of Bristol, Indiana (the “Town”). This Plan Supplement to the Consolidated Plan is intended for approval by the Bristol Redevelopment Commission (the “Commission”), the Elkhart County Plan Commission, and the Bristol Common Council (the “Town Council”) in conformance with Indiana Code 36-7-14, as amended from time to time (the “Act”).

The Project

The Consolidated Plan is hereby supplemented to include the following Project:

To help preserve property values in the Town and provide amenities for citizens of the Town, the Commission proposed to acquire for redevelopment purposes approximately 0.65 acres of real property commonly referred to as 509 East St. Joseph Street, Bristol, Indiana (Parcel Numbers 20-03-26-155-002.000-031 and 20-03-26-155-003.000-031) and 511 East St. Joseph Street (Parcel Number 20-03-26-155-004.000-031) (collectively, the “Real Estate”). At this time, the Commission will only acquire the Real Estate and pay incidental expenses related to demolishing the blighted improvements on the Real Estate (the “Project”).

After further study, the Commission may determine that the construction of buildings and other improvements on the Real Estate may be desirable. While many possibilities exist for the enhanced use of the Real Estate, the Commission has not decided to complete such improvements as of the Project and would consider a related amendment to the Consolidated Plan prior to doing so.

The Commission anticipates paying the costs of the Project with proceeds from the Commission’s South State Road 15 Allocation Area. The Commission estimates the cost of the Project to not be greater than One Hundred Thousand Dollars (\$100,000).

Acquisition of Property

The property described in Exhibit B to Resolution No. R3-2-2023-5 is to be added to the acquisition list for the Consolidated Plan for the Consolidated Area.

In the event the Commission determines to acquire additional interests in real property in the future, it shall follow procedures set forth in Section 19 of the Act.

Statutory Findings

The Plan Supplement meets the following required findings under the Act:

- 1. The Plan Supplement promotes significant opportunities for the gainful employment of the citizens of the Town, attracts new business enterprise to the Town, retains or*

expands a significant business enterprise existing in the boundaries of the Town, or meets other purposes of Sections 2.5, 41 and 43 of the Act.

The Project will help preserve property values in the Town by removing existing blighted improvements. As residents and commercial entities evaluate the Town as a place to relocate or remain located, they will consider the benefits from the Commission's removal of the existing blighted improvements in the Consolidated Area. As a result, the Plan Supplement generally benefits the Consolidated Area.

2. *The Plan Supplement 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 a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.*

The Real Estate is currently owned by multiple owners, with portions being used for residential purposes. The existing ownership of the Real Estate has not resulted in, and without the assistance of the Commission through the completion of the Project, is not likely to result in the removal of the blighted conditions on the Real Estate. The completion of the Project by the Commission, as contemplated by the Plan Supplement, overcomes the barriers of multiple property ownership and existing blighted improvements on the Real Estate.

3. *The public health and welfare will be benefited by accomplishment of the Plan Supplement.*

The Project will result in the removal of blighted improvements from the Town and allow the Commission the opportunity to use the four parcels located on East St. Joseph Street for future economic development purposes.

4. *The Plan Supplement will be a public utility and benefit as measured by public benefits similar to the attraction or retention of permanent jobs, or increase in the property tax base, improved diversity of the economic base, or other similar public benefits.*

As described above, the Project will remove the blighted improvements on the Real Estate which is a great importance to existing and prospective residents and commercial enterprises. By removing the blighted improvements, the Plan Supplement will be of public utility and benefit and allow the Town to continue to attract prospective residential and commercial enterprises to the Town.

5. *The Consolidated Plan, as amended by the Plan Supplement, conforms to other development and redevelopment plans for the Town.*

The Consolidated Plan, as amended by the plan Supplement, conforms with the intended development of the Consolidated Area.

EXHIBIT B

Parcel Acquisition List

Parcel Number	Address	Property Owner
20-03-26-155-002.000-031	509 East St. Joseph Street, Bristol, Indiana	Donna Free
20-03-26-155-003.000-031	509 East St. Joseph Street, Bristol, Indiana	Donna Free
20-03-26-155-004.000-031	511 East St. Joseph Street, Bristol, Indiana	KB Acquisitions LLC

