

RESOLUTION NO. 10-17-2024-

A RESOLUTION OF THE TOWN OF BRISTOL REDEVELOPMENT COMMISSION CONFIRMING THE AMENDING DECLARATORY RESOLUTION AND 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, on March 18, 2008, the Commission adopted Resolution No. 3-18-08 (the “Original South State Road 15 Declaratory Resolution”), as confirmed by Resolution No. 5-13-08 following a public hearing, to establish an economic development area known as the South State Road 15 Economic Development Area (the “South State Road 15 EDA”);

WHEREAS, the Original South State Road 15 Declaratory Resolution (i) identified certain parcels of real estate to be included in and designated as the South State Road 15 EDA as required by Section 41 of the Act, (ii) approved an economic development plan for the South State Road 15 EDA (the “South State Road 15 Development Plan”), (iii) found that the South State Road 15 Development Plan conforms to other development and redevelopment plans for the Town, and (iv) designated the entire South State Road 15 EDA as an allocation area in accordance with Section 39 of the Act (the “South State Road 15 Allocation Area”);

WHEREAS, on August 31, 2021, the Commission adopted Resolution No. R8-31-21 (the “2021 Declaratory Resolution”), as confirmed by Resolution No. R9-23-21B following a public hearing, to amend the Original South State Road 15 Declaratory Resolution and South State Road 15 Development Plan to: (i) expand the boundaries of the South State Road 15 EDA (the “Expansion Area No. 1”), (ii) designate the Expansion Area No. 1 as an allocation area to be known as the Seahawk Allocation Area (the “Seahawk Allocation Area”) in accordance with Section 39 of the Act, (iii) remove certain territory from the South State Road 15 Allocation Area and include such area in the Seahawk Allocation Area, (iv) designate a certain taxpayer, known as MJB Wood Group, LLC, for the purposes of capturing personal property taxes pursuant to Section 39.3 of the Act, and (v) make certain amendments to the South State Road 15 Development Plan;

WHEREAS, on June 16, 2022, the Commission adopted Resolution No. R6-16-22 (the “2022A Declaratory Resolution”), as modified and confirmed by Resolution No. R8-18-22A following a public hearing, to amend the Original South State Road 15 Declaratory Resolution, as previously amended by the 2021 Declaratory Resolution to: (i) expand the boundaries of the South State Road 15 EDA (the “Expansion Area No. 2”); (ii) designate the Expansion Area No. 2 as an allocation area to be known as the Valmont Newmark/Thor Industries Allocation Area (the “Valmont Newmark/Thor Industries Allocation Area”) in accordance with Section 39 of the Act, (iii) consolidate the South State Road 15 EDA, as expanded, and the North State Road 15 EDA (as defined in the 2022A Declaratory Resolution) into a single consolidated economic development area to be referred to as the Consolidated State Road 15 Economic Development Area (the “Consolidated State Road 15 EDA”); and (iv) amend and combine the South State Road

15 Development Plan and the North State Road 15 Development Plan (as defined in the 2022A Declaratory Resolution) to create the Economic Development Plan for the Consolidated State Road 15 EDA as attached to the 2022A Declaratory Resolution as Exhibit B (the “2022 Consolidated Plan”);

WHEREAS, on October 6, 2022, the Commission adopted Resolution No. R10-6-22 (the “2022B Declaratory Resolution”), as confirmed by Resolution No. R12-1-22 following a public hearing, to amend the Original South State Road 15 Declaratory Resolution, as previously amended by the 2021 Declaratory Resolution and 2022A Declaratory Resolution, to: (i) remove certain parcels as described therein from the South State Road 15 Allocation Area; and (ii) designate such parcels as a separate allocation area for economic development purposes, to be known as the “Rail Park Allocation Area” pursuant to and in accordance with Section 39 of the Act (the “Rail Park Allocation Area”) for the purpose of capturing all incremental property tax revenues generated in the Rail Park Allocation Area in excess of the assessed valuation described in Section 39(b)(1) of the Act, which Rail Park Allocation Area is located in the Consolidated State Road 15 EDA and subject to the 2022 Consolidated Plan;

WHEREAS, on March 2, 2023, the Commission adopted Resolution No. R3-2-2023-5 (the “2023A Declaratory Resolution”), as confirmed by Resolution No. 4-6-2023-9 following a public hearing, to amend the 2022 Consolidated Plan by adopting a supplemental to the 2022 Consolidated Plan (the “2023A Plan Supplement”);

WHEREAS, on October 19, 2023, the Commission adopted Resolution No. 10-19-2023-22 (the “2023B Declaratory Resolution”), as confirmed by Resolution No. 12-21-2023-28 following a public hearing, to amend the 2022 Consolidated Plan by adopting a supplemental to the 2022 Consolidated Plan (the “2023B Plan Supplement”, and together with the 2022 Consolidated Plan and the 2023A Plan Supplement, the “Consolidated Plan”);

WHEREAS, the Original South State Road 15 Declaratory Resolution, as amended as set forth above, is collectively referred to as the “Original Area Resolution”;

WHEREAS, on September 5, 2024, the Commission adopted Resolution No. 9-5-2024-6, which resolutions is attached hereto as Exhibit A (the “Amending Declaratory Resolution”), to amend the Original Area Resolution and Consolidated Plan to: (i) expand the boundaries of the Consolidated State Road 15 EDA to include certain additional territory as identified on Exhibit A attached hereto known as the Expansion Area No. 3 (the “Expansion Area No. 3”); (ii) designate the Expansion Area No. 3 as an allocation area for economic development purposes, to be known as the “AWT Allocation Area” pursuant to and in accordance with Indiana Code 36-7-14-39 (the “AWT Allocation Area”) for the purpose of capturing all incremental property tax revenues generated in the AWT Allocation Area in excess of the assessed valuation described in Indiana Code 36-7-14-39(b)(1), and (iii) make certain amendments to the Consolidated Plan as described in Exhibit B (the “2024 Plan Supplement”);

WHEREAS, on September 12, 2024, the Elkhart County Plan Commission issued its order (the “Plan Commission Order”) approving the Amending Declaratory Resolution, the 2024 Plan Supplement and determining that the Amending Declaratory Resolution and the 2024 Plan Supplement conform to the plan of development for the Town;

WHEREAS, on October 4, 2024, the Commission caused to be published in *The Goshen News* and *The Elkhart Truth*, respectively notice (the “Notice”) of the adoption and substance of the Amending 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 Amending 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 and were mailed to any affected neighborhood associations and the owner of the Expansion Area No. 3;

WHEREAS, copies of the Notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the AWT Allocation Area, together with a statement disclosing the impact of the AWT Allocation Area and the 2024 Plan Supplement, which includes:

- a. The estimated economic benefit and costs incurred by the AWT Allocation Area, as measured by increased employment and anticipated growth of real property assessed values; and
- b. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the AWT Allocation Area.

WHEREAS, on October 3, 2024, the Town Council, pursuant to Sections 16 and 41 of the Act, adopted its Resolution No. 10-3-2024- approving the Plan Commission Order, the Amending Declaratory Resolution and the 2024 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 2024 Plan Supplement 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 Amending Declaratory Resolution.
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 amend the Declaratory Resolution and the Consolidated Plan as set forth in the Amending Declaratory Resolution.

3. The Amending Declaratory Resolution adopted by the Commission on September 5, 2024 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 Amending Declaratory Resolution and approving the amendments described therein, including the 2024 Plan Supplement and the designation of the AWT Allocation Area.

5. The Amending 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, to record this resolution with the Elkhart County Recorder, in accordance with Section 17(d) of the Act, and to file a copy hereof with the Elkhart County Auditor and the Indiana Department of Local Government Finance.

6. In all other respects, the Original Area Resolution and the Consolidated Plan shall remain in full force and effect.

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

* * * * *

Adopted this 17th day of October, 2024.

BRISTOL REDEVELOPMENT
COMMISSION

By: _____
Greg Tuholski, President

ATTEST:

Doug DeSmith, 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:

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EXHIBIT A

RESOLUTION NO. 9-5-2024-6

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

(See Attached)