

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

**RESOLUTION WAIVING CERTAIN FILING REQUIREMENTS OF THE ECONOMIC
REVITALIZATION AREA DESIGNATION APPROVED BY RESOLUTION
2022-A-029, AND APPROVING AMENDMENTS TO THE ASSOCIATED AGREEMENT**

RESOLUTION NO. 2025-A-038

REAL PROPERTY TAX ABATEMENT

Indy Fresh Market Enterprises, LLC

6190 East 38th Street

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") and in "Economic Revitalization Areas"; and

WHEREAS, on Wednesday, August 18th, 2021, the Metropolitan Development Commission (hereinafter "Commission") adopted Preliminary Economic Revitalization Area Resolution No. 2021-A-040, 2021 preliminarily designating 6190 East 38th Street, Indianapolis, Indiana (the "Subject Real Estate") as an Economic Revitalization Area; and

WHEREAS, on Wednesday, September 1st, 2021, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2021-A-041, 2021 (hereinafter, the "Resolution"), designating the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving ten (10) years real property tax abatement for the benefit of Cook Indy Investments, LLC. & Indy Fresh Market, LLC. (hereinafter "Applicant" and the "Abatement"); and

WHEREAS, on Wednesday November 16, 2022, after conducting a public hearing, the Commission adopted Resolution 2022-A-029 to amend the statement of benefits.

WHEREAS, I.C. 6-1.1-12.1-5 requires an Applicant for Economic Revitalization Area designation to annually file with the real property return a certified deduction schedule, including forms known as the Compliance with a Statement of Benefits Real Estate Improvements Property, or Form CF1/Real Property (hereinafter "CF-1"), (hereinafter the "Deduction Application") with the Marion County Assessor (hereinafter "Assessor"); and

WHEREAS, in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement (hereinafter referred to as the "MOA") executed by and between the Applicant and the City of Indianapolis (hereinafter referred to as the "City"), the Applicant committed to investing \$6,900,000 in real property improvements at the Subject Real Estate, and hire two (2) permanent positions at an average wage of \$20.00 per hour as a result of the Project (collectively, the "Commitments"); and

WHEREAS, the Applicant's submitted SB-1 Statement of Benefits forms for years 2024 and 2025 showed that the Applicant exceeded the real property investment commitment; and

WHEREAS, the Applicant submitted on May 15, 2025, a request to amend the 2022 commitments in the Amended and Restated amendment.

WHEREAS, the Applicant subsequently requested DMD to remove Cook Indy Fresh Investments, LLC., as an affiliate company named in the MOA.

WHEREAS, the City and Applicant (collectively, the “Parties”) desire to amend the MOA in the following manner: 1) remove Cook Indy Fresh Investments as an applicant in the MOA; and 2) the parties agree that Goodwill serve as the employer for the two (2) new positions at a minimum wage rate of \$20 per hour with those employees assigned to work at Indy Fresh 6190 East 38th St. However, Parties acknowledge that if Goodwill ceases to pay for/ serve as the employer for the 2 new positions, Applicant, whether Indy Fresh Market Enterprises LLC or a successor/ assignee, will be responsible to maintain the 2 new positions as described above and at the minimum wage rate of \$20.00 per hour, as outlined in the 2022 First Amendment MOA. Once the Parties resolved to propose these amendments, the City subsequently set 1:00 p.m. on Wednesday, October 1st, 2025, for the public hearing of remonstrances and objections from persons interested in the Applicant’s compliance with Resolutions and MOA, and if the payment of the damages should be made to the City; and

WHEREAS, I.C. 6-1.1-12.1-11.3(a)(5) allows the Commission to waive non-compliance for certain filing requirements of the statutory abatement process, including the filing deadline for the certified deduction applications, provided that the Commission holds a public hearing and adopts a resolution approving such waivers (hereinafter “the Waiver”); and

WHEREAS, the Assessor, without the Commission’s adoption of the Waiver, is legally prohibited from accepting the Applicant’s 2024 deduction applications due to the untimeliness of the filing; and

WHEREAS, the Commission fixed 1:00 p.m. on October 1st, 2025, in the Public Assembly Room of the City-County Building for public hearing regarding the Waiver of Applicant’s noncompliance relative to the 2024 Pay 2025 deduction application filing dates (hereinafter, the “Public Hearing”); and

WHEREAS, such Public Hearing shall consider the above desired amendments and only consider the specified Waiver relative to the Applicant’s deduction filing and shall not constitute any other waiver of non-compliance of any other requirements of the Project pursuant to the Resolution and the executed Memorandum of Agreement, including but not limited to the Applicant’s commitments regarding the number and deadline dates for job creation , wages and salaries of Applicant’s employees, and capital investment in the Project; and

WHEREAS, the Department of Metropolitan Development published proper legal notices for the Public Hearing stating the time, date, and location that the Commission would hear remonstrances and public input concerning the above desired amendments and the Waiver of Applicant’s noncompliance with the filing deadline for the 2024 Pay 2025 Abatement deduction applications.

NOW, THEREFORE, IT IS RESOLVED:

1. Following the Public Hearing and after consideration of all public input and the facts presented to the Commission, the Commission now confirms, adopts and approves the Waiver of Applicant’s failure to file, in a timely manner, the 2024 deduction application, for which Applicant desires to claim deductions for taxes payable in 2025 under I.C. 6-1.1-12.1 *et seq.*, and the Commission finds and confirms all such noncompliance relative to the 2024 Pay 2025 deduction application filing deadline is hereby waived.
2. The Commission determines that permitting Goodwill to be the employer for the two (2) new positions as of December 31, 2023, at a minimum wage rate of \$20 per hour, with employees

assigned to Indy Fresh at 6190 East 38th St and removing Cook Indy Fresh Investments LLC. as an applicant as set forth in this resolution, are reasonable deviations from the Commitments set forth in the SB-1s, Resolutions and MOA, and authorizes the Director of DMD to execute the Amended Memorandum of Agreement, attached hereto as Exhibit A and incorporated herein, between the Parties (“Amended MOA”).

3. A copy of this resolution shall be filed with the Marion County Auditor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 18th day
of September 2025.

Sheila Kinney
Asst. Corp. Counsel