

RESOLUTION NO. 2024-E-047

RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, CONFIRMING A RESOLUTION (I) DECLARING AN AREA IN THE CITY OF INDIANAPOLIS, INDIANA A REDEVELOPMENT PROJECT AREA, (II) DECLARING SAID REDEVELOPMENT PROJECT AREA AS AN ALLOCATION AREA AND (III) APPROVING A REDEVELOPMENT PLAN FOR SAID REDEVELOPMENT PROJECT AREA

WHEREAS, on November 6, 2024, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “City”), adopted its Resolution No. 2024-E-039 (the “Declaratory Resolution”) in accordance with Indiana Code 36-7-15.1, as amended (the “Act”), declaring an area of the City as the “CSX Redevelopment Project Area” (the “Redevelopment Area”) to be an area needing redevelopment within the meaning of the Act, designating the entire Redevelopment Area as an allocation area known as the “CSX Allocation Area” (the “Allocation Area”) for purposes of Indiana Code 36-7-15.1-26, and approving a Redevelopment Plan for the Redevelopment Area (the “Plan”); and

WHEREAS, on December 2, 2024, pursuant to Section 9 of the Act, the City-County Council for the City and for Marion County, Indiana (the “City-County Council”), adopted its General Resolution No. 44, 2024 which approved the Declaratory Resolution and the Plan; and

WHEREAS, pursuant to Sections 10(a) and 10(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 10(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 Allocation Area; and

WHEREAS, at the hearing (the “Public Hearing”) held by the Commission on December 18, 2024, the Commission heard all persons interested in the proceedings and considered any written remonstrances that were filed and all evidence presented; and

WHEREAS, the Commission now desires to take final action determining the public utility and benefit of the Declaratory Resolution and the Plan, in accordance with Section 10 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, that:

SECTION 1. 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.

SECTION 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 to proceed with the proposed projects set forth in the Plan. The Plan is hereby approved in all respects.

SECTION 3. The Declaratory Resolution attached hereto as Exhibit A and incorporated herein by reference is hereby confirmed in all respects.

SECTION 4. This Resolution constitutes final action, pursuant to Section 10(d) of the Act, by the Commission determining the public utility and benefit of the Declaratory Resolution and the Plan, and confirming the Declaratory Resolution. The Secretary of the Commission is directed to (i) record the final action taken by the Commission pursuant to the requirements of Section 10(d) of the Act and (ii) to file this Resolution with the Marion County Auditor and the Indiana Department of Local Government Finance in accordance with Section 10(e) of the Act.

SECTION 5. This Resolution shall take effect immediately upon its adoption by the Commission.

Adopted at a regular meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 18th day of December, 2024, at the City-County Building, Public Assembly Room, Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY,
INDIANA, acting as the Redevelopment
Commission of the City of Indianapolis, Indiana

John J. Dillon, III, Chairperson

This Resolution prepared by Dennis H. Otten, Bose McKinney & Evans, LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204.

I, Dennis H. Otten, 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. /s/ Dennis H. Otten

EXHIBIT A

Declaratory Resolution



RESOLUTION NO. 2024-E-039

RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA DECLARING AN AREA IN THE CITY OF INDIANAPOLIS, INDIANA A REDEVELOPMENT PROJECT AREA AND APPROVING A REDEVELOPMENT PLAN FOR THE REDEVELOPMENT PROJECT AREA

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has investigated, studied and surveyed those areas within the consolidated city boundaries of the City of Indianapolis, County of Marion, Indiana (the "City") that may be areas needing redevelopment pursuant to the provisions of Indiana Code 36-7-15.1, as amended (the "Act"); and

WHEREAS, the Commission has determined that there exists in the City an area needing redevelopment (the "Area") to be redeveloped pursuant to the Act; and

WHEREAS, the Commission finds that normal development and occupancy of the Area is undesirable or impossible because of lack of development, cessation of growth, deterioration of improvements, environmental contamination, character of occupancy, age, obsolescence, substandard buildings, and other factors that impair the values or prevent the normal use or development of the Area; and

WHEREAS, the Commission has prepared a redevelopment plan (the "Plan") for the Area, which Plan 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 area in which property would be acquired for, or otherwise affected by, the establishment of an redevelopment area;
- (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 Area;
- (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 (as defined herein); and

(2) Lists of the owners of the various parcels of property proposed to be acquired, if any;

7. 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.

8. In support of the findings and determinations set forth in Section 1 through 7 above, the Commission hereby adopts the specific findings set forth in the Plan.

9. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

10. The entire Area described in Exhibit A is hereby designated as an "allocation area" pursuant to Section 26 of the Act to be known as the "CSX Allocation Area" (herein, the "CSX Allocation Area") for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by Section 26 of the Act. Any taxes imposed under Indiana Code 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the CSX Allocation Area shall be allocated and distributed in accordance with Section 26 of the Act as follows:

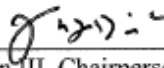
Except as otherwise provided in Section 26, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 26, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the CSX Allocation Area hereby designated as the "CSX Allocation Fund" and may be used by the redevelopment district to do one or more of the things specified in Section 26(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of this Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 26(b)(4) of the Act.

The base assessment date for property in the CSX Allocation Area shall be January 1, 2024.

11. The provisions of this resolution shall be subject in all respects to the Act and any amendments hereto and the allocation provision herein relating to the CSX Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived in the CSX Allocation Area. The Commission shall notify the Indiana Department of Local Government Finance of the designation of the Area as an allocation area.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on November 6, 2024, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY,
INDIANA, acting as the Redevelopment
Commission of the City of Indianapolis,
Indiana



John J. Dillon III, Chairperson

Map of Area



**** The Area is bounded in solid red on the map above****

Description of the Area

The Area is located downtown at 230, 238 and 240 South Pennsylvania Street and includes local parcel numbers 1016729, 1045784 and 1045785. The Area is bounded on the north by West Georgia Street, on the east by Pennsylvania Street, on the south by the southern boundary of parcel 1045785 and on the west by South Scioto Street.

Project Description

The project consists of the demolition of the existing CSX building and the construction of a new mixed use development including (i) a 13 story boutique hotel with approximately 170 keys (236,300 square feet), (ii) a live music venue with a 4,000 person capacity (83,300 square feet/back of house 10,100 square feet), (iii) retail (18,700 square fee), (iv) parking garage with approximately 253 spaces (104,900 square feet), and (v) a pedestrian bridge connecting the hotel to Gainbridge Fieldhouse. The project will result in a \$312,203,370 redevelopment of a functionally obsolete property into a new mixed-use project of completely new construction with uses that will engage and activate the last undeveloped building in the neighborhood, including a live music venue, an upscale boutique hotel, street level retail, a restaurant and a pedestrian bridge connecting the project to Gainbridge Fieldhouse. The completion date of the project is estimated to occur by December 31, 2027.

Acquisition List

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire interests in real property in the future, it shall follow procedures set forth in Section 12 of the Act.

Estimate of the Cost of Acquisition and Redevelopment

Because the Commission does not intend to acquire property for the project, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the project. The estimated cost of the project to be supported by the Commission is \$40,600,000 to provide funding for a portion of the costs of the project. The project is expected to result in the following public and community benefits, among others:

- Will activate a previously inactive area through the demolition of the CSX building
- Will provide density and commercial activity to the neighborhood
- Will strengthen downtown as a livable neighborhood, destination and place for business
- Will serve as a bridge between Gainbridge Fieldhouse and the proposed hotel
- Will support a preliminary estimated 379 temporary full-time construction jobs during the development of the Project and a preliminary estimated 210 permanent jobs upon completion of the Project
- Will incorporate public art, per Public Art for Neighborhoods Ordinance

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under 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 use of tax increment financing from the Allocation Area is necessary to construct the local public improvements that comprise the project. The project could not occur without the availability of tax increment revenues.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area.

Implementing the Plan and constructing the project will attract a major new business enterprise to the City and create redevelopment, economic development, job growth, and will increase the tax base of the City. But for such development, the Area would continue to have a depressed assessed value and provide little opportunity to create economic development and job growth.

4. The accomplishment of the Plan for the 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, or other similar public benefits.

As noted above, the project will bring new jobs to the City and will increase the tax base of the City. The Plan will improve the diversity of the economic base of the City and spur development in the Area.

5. The Plan for the Area conforms to other development and redevelopment plans for the City.

The Plan conforms to the goals of the other development and redevelopment plans for the City in that it is designed to enhance the economic well-being of the City and its citizens.

Financing of the Project

It will be necessary to issue bonds to raise money for the completion of the project in the Area. The Commission intends to pledge incremental *ad valorem* property taxes allocated under Indiana Code 36-7-15.1-26 to support the issuance of bond anticipation notes or bonds, which may be issued by either the Commission or the Indianapolis Economic Development Commission (the "EDC"). The amount of these bonds may not exceed the total, as estimated by the Commission or the EDC, of all expenses reasonably incurred in connection with the Project, including:

- (1) The total cost of all land, rights-of-way, and other property to be acquired and developed;
- (2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the project or the issuance of bonds;