

RESOLUTION NO. 2024-E-006

**CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE
IRVINGTON ECONOMIC DEVELOPMENT AREA**

WHEREAS, on March 6, 2019, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”) adopted its Resolution No. 2019-E-005 (the “Original Declaratory Resolution”) which declared an area of the City an economic development area known as the “Brookville Road/Irvington Plaza Economic Development Area” (the “Original Area”), and approved a development plan for the Original Area (the “Original Plan”) pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, on December 7, 2022, the Commission adopted its Resolution No. 2022-E-053 (the “First Amended Declaratory Resolution” and collectively with the Original Declaratory Resolution, the “Current Declaratory Resolution”) which included an enlarged area (the “First Enlarged Area” and collectively with the Original Area, the “Current Area”) in the Original Area, created the Irvington-Brookville Road Allocation Area (the “Current Allocation Area”) and approved a First Amendment to the Original Plan (the “First Plan Amendment” and collectively with the Original Plan, the “Current Plan”);

WHEREAS, on December 20, 2023, the Commission adopted an amending Declaratory Resolution No. 2023-E-048 (the “Second Amended Declaratory Resolution”), initially approving a Second Amendment to the Current Plan (“Second Plan Amendment”) for the Current Area pursuant to the Act;

WHEREAS, the Second Amended Declaratory Resolution enlarges the Current Area to include certain additional parcels more particularly described therein (the “Enlarged Area”, together with the Current Area, the “Area”) and expands the Current Allocation Area and designates an additional portion thereof as the Enlarged Irvington-Brookville Road Allocation Area (the “Enlarged Allocation Area” an together with the Current Allocation Area, the “Allocation Area”), as more particularly described in the Second Amended Declaratory Resolution and the Current Plan, as amended by the Second Plan Amendment;

WHEREAS, the Second Plan Amendment contained specific recommendations for certain projects as further described in the Second Amended Declaratory Resolution (collectively, the “Project”);

WHEREAS, on February 5, 2024, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) approved the Second Amended Declaratory Resolution pursuant to the Act;

WHEREAS, the Commission published notice on January 26, 2024, of the adoption and substance of the Second Amended Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on February 7,

2024, on the adoption of the Second Amended Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the public 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 proposed Area, together with a statement disclosing the impact of the Area, which includes:

- (A) The estimated economic benefits and costs incurred by the 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;

WHEREAS, certain estimates contained in the Second Amended Declaratory Resolution and Second Plan Amendment have been refined, which refinements do not require additional notices or proceedings under I.C. 36-7-15.1 and which were described at the below referenced public hearing; and

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed;

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT RESOLVED by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the enlargement of the Area and Allocation Area, and the establishment and creation of the Enlarged Allocation Area, and with the inclusion of certain right of ways, parcels and property as part of the Area and Allocation Area, as described in the Second Amended Declaratory Resolution.

2. The Commission hereby finds that the Area and Allocation Area are necessary and that the adoption of the allocation provision in the Second Amended Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Area and Allocation Area pursuant to the Second Amended Declaratory Resolution and the Act.

3. The Second Amended Declaratory Resolution and Second Plan Amendment approved by the Commission on December 20, 2023, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.

4. The Secretary of the Commission is hereby directed to record the final action taken by the Commission, notify the Indiana Department of Local Government Finance of the designation of the Area and Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.

5. This Confirmatory Resolution shall be effective upon passage.

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ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on February 7, 2024, 1:00 p.m. 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, President

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.

/s/ Scott A. Krapf
Scott A. Krapf
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46244-0961.