

PLAN COMMISSION ORDER NO. 05-2022

ORDER OF THE CITY OF NOBLESVILLE PLAN COMMISSION DETERMINING THAT A DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE NOBLESVILLE – JUSTUS SENIOR HOUSING ECONOMIC DEVELOPMENT AREA, WHICH DECLARATORY RESOLUTION ALSO INCLUDES CERTAIN AMENDMENTS TO THE NOBLESVILLE HAZEL DELL ECONOMIC DEVELOPMENT AREA AND PROMENADE ALLOCATION AREA, AS APPROVED AND ADOPTED BY THE CITY OF NOBLESVILLE REDEVELOPMENT COMMISSION CONFORM TO THE PLAN OF DEVELOPMENT FOR THE CITY OF NOBLESVILLE AND APPROVING THAT RESOLUTION AND ECONOMIC DEVELOPMENT PLAN

WHEREAS, on November 10, 2022, the City of Noblesville Redevelopment Commission (“Redevelopment Commission”) initially approved an Economic Development Plan (the “Plan”) for the Noblesville – Justus Senior Housing Economic Development Area (“Area”) in the City of Noblesville, Indiana (the “City”) and adopted a declaratory resolution (the “Declaratory Resolution”) declaring that the Area is an economic development area subject to economic development activities pursuant to Indiana Code 36-7-14 and Indiana Code 36-7-25 and all acts supplemental and amendatory thereto (the “Act”); and

WHEREAS, the Plan includes a program for age-restricted housing in the Area; and

WHEREAS, pursuant to the Declaratory Resolution, the Redevelopment Commission approved the removal of the territory in the Area from the Noblesville Hazel Dell Economic Development Area and Promenade Allocation Area so that the Area could be established as a new and separate economic development area and allocation area in accordance with the Act; and

WHEREAS, the City of Noblesville Plan Commission (the “Plan Commission”) is the body charged with the duty of developing a general plan of development for the City; and

WHEREAS, the Act requires the Plan Commission to find that the Plan for the Area conforms to the plan of development for the City and to approve the Declaratory Resolution and the Plan; and

WHEREAS, the Plan Commission has reviewed the Declaratory Resolution, the Plan, and the potential development contemplated thereby and determined that they conform to the plan of development for the City, and now desires to approve the Declaratory Resolution and the Plan;

NOW, THEREFORE, BE IT ORDAINED by the Plan Commission, as follows:

Section 1. The Declaratory Resolution and Plan for the Area conform to the plan of development for the City.

Section 2. The Plan and the Declaratory Resolution are in all respects approved, ratified and confirmed.

Section 3. The Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Plan with the permanent minutes of this meeting.

Passed and so ordered by the City of Noblesville Plan Commission, this 21st day of November, 2022.

Malinda Wilcox President

ATTEST:

Caleb P. Gutshall Secretary

RESOLUTION NO. 2022-34

DECLARATORY RESOLUTION OF THE CITY OF NOBLESVILLE REDEVELOPMENT COMMISSION (I) REMOVING A PARCEL FROM THE NOBLESVILLE HAZEL DELL ECONOMIC DEVELOPMENT AREA AND PROMENADE ALLOCATION AREA THEREIN, (II) ESTABLISHING THE NOBLESVILLE – JUSTUS SENIOR HOUSING ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA AND (III) ESTABLISHING A PROGRAM FOR AGE-RESTRICTED HOUSING IN CONNECTION THEREWITH

WHEREAS, the City of Noblesville Redevelopment Commission (the “Commission”), a redevelopment commission organized and acting pursuant to the provisions of Indiana Code 36-7-14 and Indiana Code 36-7-25 (collectively, the “Act”), has investigated, studied and surveyed economic development areas within the City of Noblesville, Indiana (the “City”); and

WHEREAS, the Commission has selected an economic development area (the “Area”) to be developed pursuant to the Act; and

WHEREAS, the Commission has prepared an economic development plan (the “Plan”) for the Area, which Plan is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Commission has caused to be prepared maps and plats showing (i) the boundaries of the Area, the location of various parcels of property, streets, alleys and other features affecting the acquisition, clearance, replatting, replanning, rezoning or redevelopment of the Area, indicating that all parcels of property are currently to be excluded from the acquisition list and (ii) the parts of the acquired portions of the Area, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan; and

WHEREAS, the Commission has caused to be prepared an estimate of the cost of economic development of the Area; and

WHEREAS, in connection with the establishment of the Area, the Commission has considered the establishment of a program for age-restricted housing in the Area (the “Program”) and in connection therewith has, through its staff, consulted with persons interest in or affected by the proposed Program and held public meetings in the areas to be affected by the proposed Program to obtain the views of affected persons; and

WHEREAS, the Program for the Area is included as a part of the Plan in Exhibit A attached hereto and is limited to age-restricted housing that satisfies the requirements of 42 U.S.C. 3607 and includes relevant elements the Commission considers appropriate; and

WHEREAS, the Area includes territory that is currently in the Noblesville Hazel Dell Economic Development Area (the “Hazel Dell Area”) and Promenade Allocation Area (the “Promenade Allocation Area”) established by the Commission pursuant to its Declaratory

Resolution No. RC-2-25-2005, adopted on February 25, 2005, as amended on January 31, 2007, as confirmed by its Confirmatory Resolution, adopted on December 14, 2006, as further amended by its Resolution No. 2020-18, adopted on October 22, 2020, as confirmed by its Confirmatory Resolution No. 2020-19, adopted on December 17, 2020 (collectively, the “Hazel Dell Area Resolutions”); and

WHEREAS, in connection with the establishment of the Area, the Commission has determined that the territory within the Area to be established pursuant to this resolution should be removed from the Hazel Dell Area and Promenade Allocation Area and that the Hazel Dell Area Resolutions and the Economic Development Plan for the Hazel Dell Area, as approved by the Hazel Dell Area Resolutions (the “Hazel Dell Area Plan”), should be amended to reflect such removal;

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

Section 1. The Commission has selected the Area as an economic development area within the corporate boundaries of the City pursuant to the provisions of the Act. The Area is described in Exhibit B attached hereto and incorporated herein by reference which includes a description of the Area, the parcel number for the parcel in the Area, and a map of the Area. The Area is hereby designated as the “Noblesville – Justus Senior Housing Economic Development Area”. In connection with the establishment of the Area, the territory within the Area is hereby removed from the Hazel Dell Area and the Promenade Allocation Area. The Hazel Dell Area Resolutions and Hazel Dell Area Plan are hereby amended to reflect such removal.

Section 2. The Commission finds that the Plan for the Area, which includes the Program:

- (a) Promotes significant opportunities for the gainful employment of the citizens of the City;
- (b) Assists in the attraction of major new business enterprises to the City;
- (c) Benefits the public health, safety, morals and welfare of the citizens of the City;
- (d) Increases the economic well-being of the City and the State of Indiana;
- (e) Serves to protect and increase property values in the City and the State of Indiana;
- (f) Is limited to age-restricted housing that satisfies the requirements of 42 U.S.C. 3607; and
- (g) Will serve to encourage and promote additional senior housing in the City.

Section 3. The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under the Act because of the lack of local public improvements and other similar conditions, specifically including among others road improvements, storm water improvements and utility as more particularly described in the Plan.

Section 4. The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan for the Area, specifically by the construction of (a) road improvements to improve access in or serving the Area; (b) storm water improvements to ensure sufficient drainage, collection and handling of storm water in or serving the Area; (c) utility improvements (e.g., gas, water, sewer, electric) to ensure the provision of adequate utility services in and serving the Area and/or (d) other improvements necessary for the development of the Area, including trails and economic development project improvements in or serving the Area. These improvements (collectively, “Improvements”) promote public health and welfare for the citizens of the City by enhancing economic development of the Area through the provision of adequate roads, storm water treatment and utility services to the Area, and by making the Area more suitable for development through the construction of economic development project improvements. Further, as a result of the Program, the Improvements will facilitate the development of age-restricted housing in the Area thereby providing housing opportunities in the Area for members of the public satisfying the Program requirements.

Section 5. The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by the attraction of permanent jobs, an increase in the property tax base, improved diversity of the economic base, encouraging an age-diverse population in the City, and other similar benefits, specifically by providing the construction of the Improvements to encourage and enable the development of new businesses in the Area, the retention of and fostering of growth of existing businesses around the Area and the improvement of housing opportunities for senior citizens in the Area.

Section 6. The Program will enable the City to encourage older residents to locate or relocate to the City and will not increase the school-age population.

Section 7. The Plan conforms to other development and redevelopment plans for the City.

Section 8. The Commission does not currently propose to acquire interests in real property within the boundaries of the Area.

Section 9. The Commission estimates the cost of implementing the Plan, including the Program, will be approximately \$1,865,000 (this estimate includes the construction of the Improvements).

Section 10. 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, if any. The Commission will take no actions that will result in the displacement of residential areas.

Section 11. This paragraph constitutes the “allocation provision” for purposes of Indiana Code 36-7-14-39 and Indiana Code 36-7-14-52. The entire Area shall constitute an allocation area as defined in Indiana Code 36-7-14-39 and is referenced in Indiana Code 36-7-14-52 (the “Allocation Area”). Any property taxes levied on or after the effective date of this

resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed in accordance with Indiana Code 36-7-14-39 and Indiana Code 36-7-14-52, or any applicable successor provisions. This allocation provision shall expire no later than 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 from the Allocation Area.

Section 12. The Commission finds that the removal of the territory in the Area from the Hazel Dell Area and Promenade Allocation Area for the purpose of enabling the creation of the Area as a separate economic development area and allocation area is in accordance with the Act and is necessary and appropriate to carry out the purposes of this resolution. The Commission currently does not have any obligations which are outstanding and payable from tax increment revenues derived from the Promenade Allocation Area.

Section 13. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Plan, including the Program, to the City of Noblesville Plan Commission (“Plan Commission”) for its approval.

Section 14. The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Common Council of the City 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, Board of Public Works, Park Board, the building commissioner and any other departments or agencies of the City 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 City’s department of development 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 and will determine the public utility and benefit of the proposed project. Copies of the notice shall also be 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 Allocation Area.

Section 15. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area which includes (a) the estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values and (b) the anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Allocation Area (a copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Indiana Code 36-7-14-17 at least 10 days prior to the date of the hearing described in Section 14 hereof).

Section 16. The Commission further directs the presiding officer to submit this resolution to the Common Council of the City for its approval of the establishment of the Area.

Section 17. This resolution shall be effective as of the date of its adoption.

Passed and adopted at a meeting of the City of Noblesville Redevelopment Commission this 10th day of November, 2022.

CITY OF NOBLESVILLE
REDEVELOPMENT COMMISSION



Jack Martin, President

William Lynch

William Lynch, Vice President

William L. Taylor

William L. Taylor, Member

Rick L. Taylor

Rick L. Taylor, Member

ATTEST:

Christi Crosser

Christi Crosser, Secretary

EXHIBIT A

The Plan

ECONOMIC DEVELOPMENT PLAN, INCLUDING PROGRAM FOR AGE-RESTRICTED HOUSING, FOR THE NOBLESVILLE – JUSTUS SENIOR HOUSING ECONOMIC DEVELOPMENT AREA

CITY OF NOBLESVILLE REDEVELOPMENT COMMISSION

Purpose and Introduction

This document is the Economic Development Plan (the “Plan”) for the Noblesville – Justus Senior Housing Economic Development Area (the “Area”) for the City of Noblesville, Indiana (the “City”). This Plan also includes the Program for Age-Restricted Housing for the Area (the “Program”). This Plan, including the Program, is intended for approval by the Common Council of the City, the City of Noblesville Plan Commission and the City of Noblesville Redevelopment Commission (“Commission”) in compliance with Indiana Code 36-7-14.

Project Objectives

The purposes of the Plan, including the Program, are to benefit the public health, safety, morals, and welfare of the citizens of the City; increase the economic well-being of the City and the State of Indiana; and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to (i) promote significant opportunities for the gainful employment of citizens of the City, (ii) assist in the attraction of one or more major new business enterprises to the City, (iii) provide for local public improvements in, serving or benefiting the Area, (iv) attract and retain jobs, (v) increase the property tax base, (vi) improve the diversity of the economic base of the City, (vii) encourage an age-diverse population in the City and (viii) enable the City to encourage older residents to locate or relocate to the City without increasing the school-age population.

Program Requirements

Any housing development within the Area must be age-restricted that satisfies the requirements of 42 U.S.C. 3607. The development of the Area must be accomplished in a manner which will encourage and foster an age-diverse population in the City and enable and encourage older residents to located or relocate in the Area. The development of the Area should be accomplished in such a manner so as to not increase the school-age population within the Area.

Description of Area

The Area is depicted in the map attached to the Declaratory Resolution of which this Plan is a part as Exhibit B and is generally described as follows:

The Area is located on the northwest corner of State Road 32 and Mill Creek Road. The Area includes approximately 30 acres.

The Area includes the following parcel numbers

<u>County Parcel #</u>	<u>State Parcel #</u>
10-06-34-00-00-022.002	29-06-34-000-022.002-013

Project Description

All projects for the Area are in, serving or benefiting the Area. The following projects (“Projects”) will be constructed in connection with the economic development of the Area (such projects may be constructed by the Commission and/or a private developer):

1. *Road Improvements* – Road improvements shall be constructed in and around the Area to ensure safe, efficient and effective access in and around the Area.
2. *Storm Water Improvements* – Storm water improvements shall be planned, designed and constructed to collect, handle and treat storm water in the Area. Such improvements shall include storm water infrastructure, ponds and other related improvements.
3. *Utility Infrastructure Improvements* - Utility improvements (e.g., water, sewer, electric and gas) shall, to the extent necessary, be constructed in and around the Area to assure the provision of adequate utility services to the Area. The costs of such improvements shall include any necessary design costs, construction of mains, sewers, waterworks, electric works, and gas works, utility relocation costs and any such other costs related to the provision of utility services to the Area.
4. *Trails* – Trails may be constructed in and around the Area to provide pedestrian access in and around the Area.
5. *Economic Development Projects* – Economic development projects which constitute local public improvements and are capital projects shall be acquired and/or constructed to foster and encourage the orderly development of the Area.

The total estimated cost of the Projects is \$1,865,000. The Commission anticipates that the construction of the Projects will encourage development in and around the Area.

Economic Benefits of Projects

The Projects are anticipated to facilitate the growth and diversification of the property tax base, including additional investment in the Area through the construction in the Area of a 55+ community, consisting of 59 cottage-rental homes and 151 apartment units. This additional investment is anticipated to result in new employment opportunities in the Area and increased housing opportunities for senior citizens in the City. It is anticipated the development of the Area will result in approximately \$50,000,000 of investment in the Area over the next two years.

Acquisition of Property

The Commission has no plans to acquire property in the Area. The Commission shall follow the procedures in Indiana Code 36-7-14-19 in any future acquisition of property. The Commission will take no actions with respect to acquiring residential areas or otherwise relocating any residences. In the event the Commission determines to acquire interests in any real property in the Area it will amend this Plan in accordance with Indiana Code 36-7-14, as amended.

Disposal of Property

The Commission may dispose of real property acquired, if any, by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Commission. The Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with Indiana Code 5-3-1. The Commission will follow the procedures of Indiana Code 36-7-14-22 in making a sale or lease of real property acquired.

Allocation Area

The entire Area shall constitute an allocation area as defined in Indiana Code 36-7-14-39 and as referred to in Indiana Code 36-7-14-52 (the "Allocation Area"). Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed in accordance with Indiana Code 36-7-14-39 and Indiana Code 36-7-14-52, or any applicable successor provisions. This allocation provision shall expire no later than 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 from the Allocation Area.

Amendment of the Plan, Including the Program

The Commission may amend the Plan, including the Program, by following the procedures set forth in Indiana Code 36-7-14-15 through 17.5.

EXHIBIT B

Description of the Area, Parcel Number and Map

Description of the Area

The Area is located on the northwest corner of State Road 32 and Mill Creek Road. The Area includes approximately 30 acres.

Parcel List for the Area

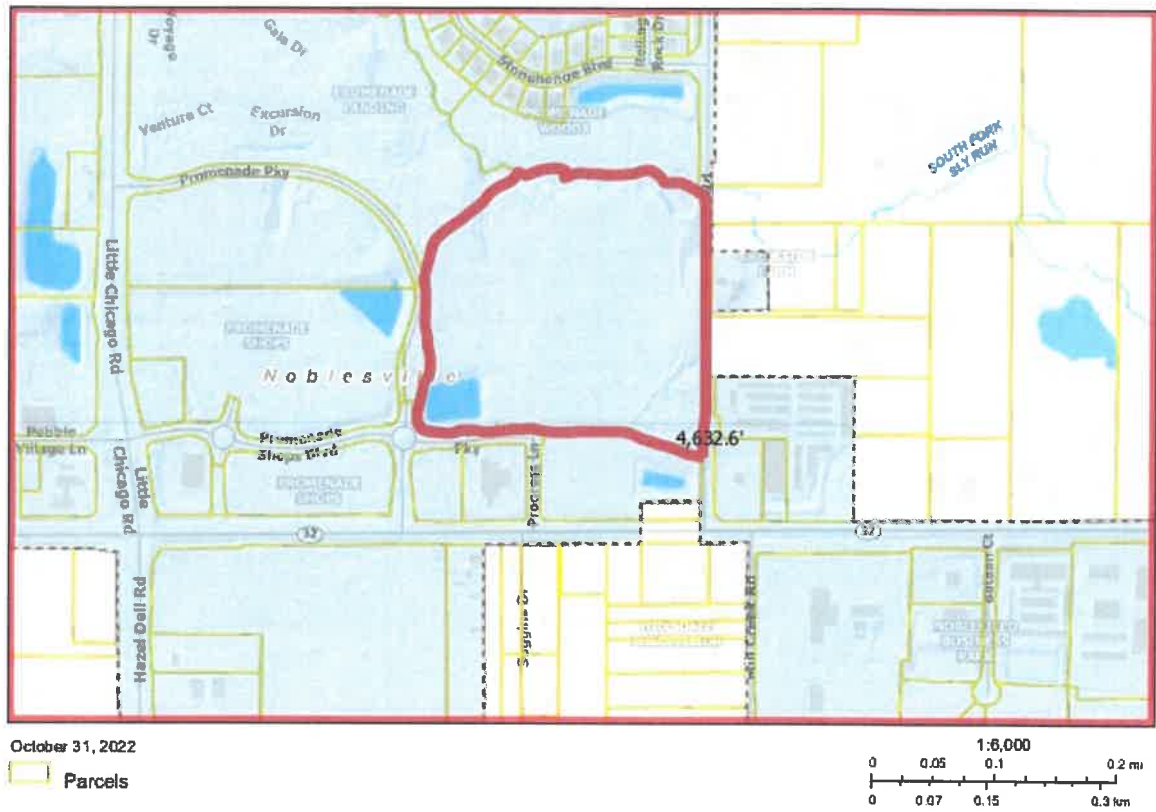
The following parcel is included in the Area:

<u>County Parcel #</u>	<u>State Parcel #</u>
10-06-34-00-00-022.002	29-06-34-000-022.002-013

Map of the Area

A map of the Area is included on the following page to this Exhibit B.

*Map of Area and Allocation Area**



* The Noblesville – Justus Senior Housing Economic Development Area and Allocation Area consists of the area bounded in red above.