



# Board of Public Works and Safety

## Agenda Item

## Cover Sheet

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**MEETING DATE:** May 14, 2024

- Consent Agenda Item
- New Item for Discussion
- Previously Discussed Item
- Miscellaneous

**ITEM #: 16**

**INITIATED BY:** Jim Hellmann

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets

**RESOLUTION NO. RB-21-24**

**A RESOLUTION APPROVING A ROAD IMPACT FEE  
CREDIT FOR PROJECT SCOREBOARD AND  
INNOVATION MILE PHASE 1 A PROJECT  
(City of Noblesville and Patch Development)**

WHEREAS, the City of Noblesville, Indiana (the “City”) has certain fees that developers pay when developing property including a Traffic Impact Fee.

WHEREAS, the City has passed a Traffic Impact Fee Ordinance on January 26, 2021, Ord 02-01-21, pursuant to the provisions of Indiana Code 36-7-4-1300 et seq.; and,

WHEREAS, the Property, as described in Exhibit A generally known as the Innovation Mile Phase 1A project (“THE PROJECT”) and which Property is also known by the Hamilton County Tax Parcels listed in Exhibit B, is zoned appropriately for the project and use; and,

WHEREAS, the Property is presently included within an area of the City which assesses a traffic impact fee of Three Hundred and Seventy Dollars (\$370) per trip, and,

WHEREAS, the Zone Improvement Plan for Ordinance 02-01-21 identified road impact fee eligible improvements for the segment of 141<sup>st</sup> Street between Olio Road and Prairie Baptist Road in an amount of \$3,370,000 in Table 6, segment 259.

WHEREAS, as the Property is developed, those persons constructing buildings on the Property shall be obligated to pay traffic impact fees in accordance with the requirements of the Noblesville Impact Fee Ordinance and paragraph 8 of this Agreement; and,

WHEREAS, the purpose of this Agreement is (i) to establish the obligation of the City as the developer of Innovation Mile Phase 1A to construct improvements on 141<sup>st</sup> Street between Olio Road and Prairie Baptist Road “The Project”, and; (ii) to provide for the City to be reimbursed for a portion of the cost of that construction with Traffic Impact Fees that benefits the City’s roadway; and,

WHEREAS, the City through its development partner shall construct the Project as detailed in Improvement Location Permit pending review by the City of Noblesville under permit number LOCP-1662-2023

WHEREAS, the share for purposes of determining the maximum impact fee credit is not to exceed Eight-Hundred Fifty Thousand Dollars (\$850,000), which is approximately 25% eligible of the costs of the Project (“the Eligible Amount”) are directly

attributable to constructing improvements within the Project, which are identified in the Traffic Impact Fee Analysis, which is the basis for the City's existing and future Traffic Impact Fee Ordinance; and,

WHEREAS, Indiana Code 36-7-4-1335 provides that a person who constructs infrastructure of a type for which a unit imposes an impact fee may receive credits for certain infrastructure improvements that are of a type for which the City imposed an impact fee in the impact zone; and,

WHEREAS, Indiana Code 36-7-4-1330(4) provides that Impact Fees may be used to pay debt service, including interest on obligations to pay for infrastructure; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA, AS FOLLOWS:

IT IS HEREBY AGREED by and between the parties as follows:

Section 1.      Obligation of the Developers.      The City shall construct the improvements as shown in the pending improvement location permit, permit number LOCP-1662-2023, for the Project.

Section 2.      Amendment to Plans.      In the event that field conditions, location of utilities, unsuitable soils, schedule, weather or development of the Project cause for a re-design or field changes to the Plans, the City Engineer shall review any proposed plans for her review. The City Engineer is not required to make any changes she deems would negatively impact the quality of the work or would generally be unacceptable on any other City infrastructure. The City Engineer shall have final say with respect to any plan amendments.

Section 3.      Construction of Project.      The City, through its development partner, shall commence construction of the Project by no later than August 1, 2024 and will be substantially complete and open to traffic no later than July 31, 2025. In the event of delays, delays may be approved only by the City Engineer.

Section 4.      Relocation of Utilities.      The City, through its development partner, is responsible for the relocation of all utilities required for The Project.

Section 5.      Creation of Special Account. – Not included.

Section 6.      Interest Cost. Not included.

Section 7.      Right-of-Way Dedication.      In the event the City's development partner obtains any right-of-way the partner shall dedicate all such right-of-way to City standards/ordinances, which are reflected in the approved plans, previously referenced improvement location permit.

Section 8. Project Cost: The 141<sup>st</sup> Street roadway improvements costs are part of the City's Build Operate Transfer agreement, in accordance with IC 5-23, approved by the Noblesville Board of Public Works on March 12, 2024 with Resolution RB-12-24. The roadway improvements costs exceed road impact fee credit amount of \$850,000 per this agreement.

Section 9. Collection of Fees. The City shall provide and receive credit of Traffic Impact Fees to be collected as building permits are issued for the Project up to the maximum eligible agreed amount of \$850,000.00 for eligible construction improvements completed by the City (through its development partner). Credits shall be applied in terms of dollars and not trips. City (on its own or through its development partner) shall grant credits to building permits within the described boundary of the Project. City (on its own or through its development partner) granting of credits shall be on a signed letter that states credit amount being applied, running balance of credits left, dates of prior credits being issued, and a location for an acknowledgement signature by the Noblesville Board of Public Works and Safety. Those fees shall be paid pursuant to the terms of the City's Traffic Impact Fee Ordinance and Indiana Code 36-7-4-1300. The balance of Traffic Impact Fees to be paid by the City (or the Redevelopment Commission or Redevelopment Authority as the case may be) shall be the difference between the Credit Eligible Amount and the Traffic Impact Fee calculation for the Developer's building permit.

Section 10. Construction Inspection. The City, or their agent, shall inspect the construction of the project through its Engineering Department.

Section 11. Interest. Not included.

Section 12. Limitation of Obligation. The City shall accept all improvements subject to passing inspection and testing per the City's ordinances and Noblesville Construction Standards. Nothing herein shall be construed as a duty of the City to pay the reimbursement obligation from any source, other than the collected traffic impact fees, from the Property.

Section 13. Project Dissolution. Should the project not be constructed within the time frame stated in this agreement, the City, through its Board of Public Works and Safety, may pursue completion of the project by placing claims against any applicable performance bonds submitted and accepted for the Project, if any.

Section 14. Dispute Resolution. In the event there is any dispute between the parties concerning the terms of this Agreement, said dispute shall first be considered by five (5) persons consisting of a representative of the City's development partner, the attorney designated by the City's development partner, a member of the City Council designated by the City's Board of Public Works, the City Engineer and the City Attorney. In the event there is no resolution of the dispute by said group, the issue shall be submitted to mediation pursuant to the Indiana Rules of Alternative Dispute Resolution prior to the initiation of litigation by either party.

All of which is approved by the Board of Public Works and Safety of the City of  
Noblesville this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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JACK MARTIN, PRESIDENT

\_\_\_\_\_  
JOHN DITSLEAR, MEMBER

\_\_\_\_\_  
LAURIE DYER, MEMBER

\_\_\_\_\_  
ROBERT J. ELMER, MEMBER

\_\_\_\_\_  
RICK L. TAYLOR, MEMBER

ATTEST:

\_\_\_\_\_  
EVELYN L. LEES, CLERK  
CITY OF NOBLESVILLE, INDIANA

Exhibit A  
Project Site

Site Address: 0 East 141<sup>st</sup> Street, Noblesville, Indiana 46060

Owner (as of Effective Date): Noblesville Redevelopment Authority



Exhibit B – Parcel Numbers

13-11-24-00-00-020.001

13-11-24-00-00-020.000

Exhibit C – Project Exhibit

