

RESOLUTION NO. 2022-17

RESOLUTION OF THE CITY OF FRANKLIN REDEVELOPMENT COMMISSION  
(1) AMENDING THE DECLARATORY RESOLUTION FOR THE U.S. 31 ECONOMIC  
DEVELOPMENT AREA,  
(2) AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE U.S. 31  
ECONOMIC DEVELOPMENT AREA, AND  
(3) APPROVING MATTERS RELATED THERETO

WHEREAS, the City of Franklin Redevelopment Commission (the “Commission”), as the governing body of the Franklin Department of Redevelopment (the “Department”), pursuant to Indiana Code 36-7-14, as amended (the “Act”), adopted a declaratory resolution, Resolution No. 2015-31, on December 15, 2015, approving the Economic Development Plan for the U.S. 31 Economic Development Area (“U.S. 31 Plan”); determining that the geographic area known as the U.S. 31 Economic Development Area (“Economic Development Area”) was an economic development area under Section 41 of the Act; and designating a portion of the Economic Development Area as an allocation area known as the “U.S. 31 North Allocation Area” and another portion of the Economic Development Area as a separate allocation area known as the “U.S. 31 South Allocation Area” under Section 39 of the Act.

WHEREAS, the Commission, adopted Resolution No. 2016-19 on April 19, 2016, confirming Resolution No. 2015-31;

WHEREAS, the Commission adopted a declaratory resolution, Resolution No. 2019-28, on March 19, 2019 to add an area of the City of Franklin, Indiana (the “City”) to the Economic Development Area and to amend the U.S. 31 Plan;

WHEREAS, the Commission adopted Resolution No. 2019-35 on June 18, 2019 confirming Resolution 2019-28;

WHEREAS, originally only the eastern portion of Parcel No. 41-08-10-013-122.000-009 was included in the Economic Development Area by the previous declaratory resolutions, and the Commission would now like to include the remaining portion of Parcel No. 41-08-10-013-122.000-009 in the Economic Development Area;

WHEREAS, the Commission, pursuant to Section 17.5(b)(1), desires to amend the declaratory resolutions and the U.S. 31 Plan for the existing Economic Development Area in a way that enlarges the boundaries of the Economic Development Area to include the portion of Parcel No. 41-08-10-013-122.000-009 that was not previously included in the Economic Development Area. Parcel No. 41-08-10-013-122.000-009 is more particularly described in **Exhibit A** attached hereto (“Expansion Area”);

WHEREAS, the Economic Development Area shall have the boundaries set forth on **Exhibit B** attached hereto;

WHEREAS, the Commission desires to amend the U.S. 31 Plan by replacing the Exhibit A to the U.S. 31 Plan with **Exhibit A – 2022**, attached hereto;

WHEREAS, pursuant to Section 17(c) of the Act, the Commission desires to amend an allocation provision and designate a portion of the Economic Development Area described in **Exhibit A** as the “U.S. 31 North Amended Allocation Area” as a separate allocation area pursuant to Section 39 of the Act to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in Section 39 of the Act which includes all of Parcel No. 41-08-10-013-122.000-009;

WHEREAS, the Commission desires to amend the U.S. 31 Plan by including the amendment attached hereto as **2022 U.S. 31 Plan Amendment** which shows the Expansion Area and the “U.S. 31 North Amended Allocation Area”;

WHEREAS, the Commission finds:

(1) that the U.S. 31 Plan, as amended:

- (A) Promotes significant opportunities for the gainful employment of its citizens;
- (B) Attracts a major new business enterprise to the City of Franklin;
- (C) Retains or expands a significant business enterprise existing in the boundaries of the City of Franklin; and/or
- (D) Meets other purposes of Sections 41, 2.5, and 43 of the Act.

(2) The U.S. 31 Plan, as amended for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 41, 2.5, and 43 of the Act because of:

- (A) Lack of local public improvement;
- (B) Existence of improvements or conditions that lower the value of the land below that of nearby land;
- (C) Multiple ownership of land; or
- (D) Other similar conditions.

(3) The public health and welfare will be benefited by accomplishment of the U.S. 31 Plan, as amended, for the Economic Development Area.

(4) The accomplishment of the U.S. 31 Plan, as amended, for the Economic Development Area will be a public utility and benefit as measured by:

- (A) The attraction or retention of permanent jobs;
- (B) An increase in the property tax base;
- (C) Improved diversity of the economic base; or

(D) Other similar public benefits.

- (5) The U.S. 31 Plan, as amended, for the Economic Development Area conforms to other development and redevelopment plans for the unit.

WHEREAS, the Commission has thoroughly studied the Expansion Area and the new allocation area established by this resolution;

WHEREAS, the Commission caused to be prepared maps and plats showing the:

- boundaries of the Expansion Area;
- boundaries of the Economic Development Area;
- boundaries of each new allocation area established by this Resolution;
- location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the Expansion Area and new allocation areas created by this Resolution,
- parts of the Expansion Area and of the new allocation areas to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the U.S. 31 Plan, as amended.

WHEREAS, the Commission has prepared lists of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the amendment of the declaratory resolutions and U.S. 31 Plan;

WHEREAS, the Commission has prepared an estimate of the costs to be incurred for the acquisition and redevelopment of property;

WHEREAS, the amendments and supporting data were reviewed and considered at this meeting;

WHEREAS, Sections 41 and 43 of the Act permit the creation of economic development areas and provide that all of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment project area or urban renewal area may be exercised by the Commission in an economic development area, subject to the conditions set out in Section 41(a) of the Act.

WHEREAS, Section 39(b) of the Act authorizes an amendment of a declaratory resolution to include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in Section 39 of the Act.

WHEREAS, Section 39(b) of the Act requires that a declaratory resolution or amendment that establishes an allocation provision include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision.

WHEREAS, the Commission deems it advisable to apply the provisions of Sections 15 to 17.5, 39, 41, and 43 of the Act to the Expansion Area and to the amendments of the U.S. 31 Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Franklin Redevelopment Commission, as the governing body of the City of Franklin Department of Redevelopment, as follows:

1. The Commission has determined that the Expansion Area needs assessment, planning, replanning, remediation, development, and/or redevelopment as authorized by Section 2.5 of the Act and also hereby reaffirms that the Economic Development Area needs assessment, planning, replanning, remediation, development, and/or redevelopment as authorized by Section 2.5 of the Act.
2. The U.S. 31 Plan, as amended, for the Economic Development Area promotes significant opportunities for the gainful employment of the citizens of the City; will attract a major new business enterprise to the City; retains or expands a significant business enterprise existing in the boundaries of the City; and meets other purposes of Sections 2.5, 41, and 43 of the Act.
3. The U.S. 31 Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41, and 43 of the Act because of lack of local improvement; 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.
4. The public health and welfare will be benefited by accomplishment of the U.S. 31 Plan, as amended, for the Economic Development Area.
5. The accomplishment of the U.S. 31 Plan, as amended, for the Economic Development 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; and other similar public benefits.
6. The U.S. 31 Plan, as amended, for the Economic Development Area conforms to other development and redevelopment plans for the City.
7. In support of the findings and determinations set forth in Sections 1 through 6 above, the Commission hereby adopts the specific findings set forth in the Plan.

8. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Economic Development Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the U.S. 31 Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.
9. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the U.S. 31 Plan, as amended, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.
10. The U.S. 31 Plan, as amended, is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the U.S. 31 Plan, as amended, with the minutes of this meeting.
11. The Commission determines that the Economic Development Area which now includes the Expansion Area is an “economic development area” under Section 41 of the Act and designates it as an “economic development area.”
12. The U.S. 31 North Amended Allocation Area established by this Resolution is designated as an “allocation area” pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided by Section 39 of the Act.

Pursuant to Section 39(b) of the Act, any taxes imposed under I.C. 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 each allocation area established by this Resolution shall be allocated and distributed as follows:

- (A) Except as otherwise provided in Section 39 of the Act, the proceeds of the taxes attributable to the lesser of:
  - (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
  - (2) the base assessed value;shall be allocated to and, when collected, paid into the funds of the respective taxing units.
- (B) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (A) shall be allocated to and, when collected, paid into the funds of

the taxing unit for which the referendum or local public question was conducted.

- (C) Except as otherwise provided in Section 39 of the Act, property tax proceeds in excess of those described in subdivisions (A) and (B) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for the respective allocation area that may be used by the redevelopment district only to do one (1) or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time.

The allocation fund may not be used for operating expenses of the Commission.

13. The allocation fund for the U.S. 31 North Amended Allocation Area is hereby designated as the “U.S. 31 North Amended Allocation Fund.”
14. The base assessment date for the U.S. 31 North Amended Allocation Area established by this Resolution shall be January 1, 2022. The allocation provisions herein relating to the allocation area established by this Resolution shall expire on a date that is twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues.
15. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.
16. The Commission hereby specifically finds and determines, based on its review of the proposed Economic Development Area, the new allocation area established by this Resolution, the capture of tax increment revenues to finance the cost of construction of road and other infrastructure improvements to facilitate further investment in each new allocation area established by this resolution, and its reasonable expectations relating to expected growth of assessed value in the new allocation area established by this Resolution, that the adoption of the allocation provision with respect to the new allocation area established by this Resolution will result in new property taxes in the new allocation area that would not have been generated but for the adoption of the allocation provision.
17. The Commission finds that the amendments to Resolution 2015-31 and Resolution 2019-28, are reasonable and appropriate when considered in relation to the original resolutions and the purposes of the Act.
18. The Commission finds that the amendments to the U.S. 31 Plan are reasonable and appropriate when considered in relation to the original U.S. 31 Plan and the purposes of the Act.
19. The Commission finds that this Resolution and the U.S. 31 Plan, with the proposed amendments, conform to the comprehensive plan for the City of Franklin.

20. Except as set forth above, this Resolution shall not amend the terms of Resolution 2015-31 and 2019-28.
21. Except as set forth above, this Resolution shall not amend the boundaries or other terms of any area within the Economic Development Area which was previously designated by the Commission as an allocation area under Section 39 of the Act.
22. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Johnson County Auditor in connection with the creation of the Economic Development Area and the new allocation areas.
23. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.
24. This Resolution, together with any supporting data and together with the U.S. 31 Plan, as amended, shall be submitted to the City of Franklin Plan Commission (the “Plan Commission”) and the Common Council of the City of Franklin (“Common Council”), and if approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided in the Act, after public notice all as required by the Act.
25. This resolution shall take effect immediately upon its adoption by the Commission.

**ADOPTED** this \_\_\_\_ day of November, 2022.

**CITY OF FRANKLIN  
REDEVELOPMENT COMMISSION**

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Richard Wertz, President

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Anne McGuinness, Vice President

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BJ Deppe, Secretary

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Ken Austin, Member

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Paul Buening, Member

Attest:

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Jayne W. Rhoades,  
Clerk-Treasurer of the City of Franklin, Indiana