

RESOLUTION NO. 2012-14

RESOLUTION OF THE FRANKLIN REDEVELOPMENT COMMISSION CONFIRMING ITS RESOLUTION DECLARING AN AREA IN THE CITY OF FRANKLIN, THE TOWN OF WHITELAND, AND THE COUNTY OF JOHNSON AS AN ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA

WHEREAS, on October 20, 2011, the Franklin Redevelopment Commission (the “Commission”), being the governing body of the Franklin Department of Redevelopment, approved and adopted its Resolution entitled “Resolution of the Franklin Redevelopment Commission Declaring an Area in the City of Franklin and Areas Contiguous as an Economic Development Area and Approving a Development Plan for Said Area” (the “Declaratory Resolution”); and

WHEREAS, the Declaratory Resolution found and determined that certain areas in the City of Franklin, Indiana (the “City”) the Town of Whiteland, Indiana (the “Town”) and the County of Johnson, Indiana (the “County”), designated as the “Metro FiberNet Economic Development Area” (the “Economic Development Area”) is an economic development area within the meaning of Indiana Code 36-7-14-1 *et. seq.*, as amended (the “Act”), designated the entire Economic Development Area as an “Allocation Area” under Section 39 of the Act, and approved the “Metro FiberNet Economic Development Plan—Economic Development Area” for the Economic Development Area (the “Plan”); and

WHEREAS, on April 23, 2012, the County Commissioners adopted its Resolution assigning to the City an area within the County’s jurisdiction (which jurisdiction includes the area of the Town of New Whiteland, Indiana) to the Commission to allow the creation of an allocation area for the purpose of the allocation of property tax proceeds even though the allocation area will be outside the jurisdiction of the County Redevelopment Commission, which area is contained within the Economic Development Area; and

WHEREAS, the area assigned by the County includes all of the area in the County where an economic development project will be located to assist in a project by Metro FiberNet, LLC to construct facilities to house electronics and to install fiber optic cable that will provide high speed internet, telephone and television services for the City, the Town, the Town of New Whiteland, Indiana, and the County; and

WHEREAS, the City Plan Commission, the Town Plan Commission, and the County Plan Commission (collectively, the “Plan Commissions”) adopted their resolutions constituting the written order of the respective Plan Commissions approving the Declaratory Resolution and the Plan; and

WHEREAS, pursuant to Sections 17 and 41 of the Act, the Common Council of the City approved, ratified and confirmed the Declaratory Resolution, the Plan and the determination that

the Economic Development Area is an economic development area and that the entire area contained therein is an allocation area; and

WHEREAS, pursuant to Section 17 of the Act, the Commission caused to be published a Notice of Public Hearing with respect to the Economic Development Area and filed a copy of said Notice in the offices of all departments, bodies or officers of the City and County having to do with City and County planning, variances from zoning ordinances, land use or the issuance of building permits; and

WHEREAS, pursuant to Section 17 of the Act, the Commission also filed with each taxing unit located wholly or partially within the Economic Development Area a copy of the Notice of Public Hearing and a statement disclosing the impact of the area; and

WHEREAS, at the hearing held by the Commission on the 17th day of May, 2012, at 8:00 a.m. (local time), at the City of Franklin City Hall, 70 E. Monroe Street, Franklin, Indiana, the Commission heard all persons interested in the proceedings and considered written remonstrances and objections, if any; and

WHEREAS, the Commission now desires to take final action determining the public utility and benefit of the proposed development projects for the Economic Development Area and confirming the Declaratory Resolution, in accordance with Section 17 of the Act.

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

1. After considering the evidence presented at the hearing on the 17th day of May, 2012, the Commission hereby confirms the findings and determinations, designations and approving and adopting actions contained in the Declaratory Resolution.

2. The Commission hereby finds and determines that it will be of public utility and benefit to proceed with the Plan in the form approved by the Commission in the Declaratory Resolution.

3. The Declaratory Resolution is hereby confirmed.

4. This Resolution constitutes final action, pursuant to Section 17(d) of the Act, by the Commission determining the public utility and benefit of the proposed projects and confirming the Declaratory Resolution pertaining to the Economic Development Area.

5. The Secretary of the Commission is directed to record the final action taken by the Commission pursuant to the requirements of Section 17(d) of the Act.

Adopted the 17th day of May, 2012.

CITY OF FRANKLIN REDEVELOPMENT
COMMISSION

Bob Heuchan, President

Robert Henderson, Vice President

B.J. Deppe, Secretary

Jay Goad, Member

Richard Wertz, Member