

RESOLUTION NO. 2018-1

**RESOLUTION OF THE MONROE COUNTY REDEVELOPMENT COMMISSION
AMENDING THE DECLARATORY RESOLUTION AND THE DEVELOPMENT PLAN
FOR THE WESTSIDE ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Monroe County Redevelopment Commission (the “Commission”) pursuant to IC 36-7-14 (the “Act”) serves as the governing body of the Monroe County Redevelopment District (the “District”); and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the “Declaratory Resolution”) which established and amended an economic development area known as the “Westside Economic Development Area” (the “Economic Development Area”), designated the Economic Development Area as an allocation area pursuant to Section 39 of the Act (the “Westside Allocation Area”), and approved a development plan for the Economic Development Area (the “Plan”) pursuant to the Act; and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Plan (i) to remove the area described on Exhibit A attached hereto from the Westside Allocation Area, (ii) to designate the area described on Exhibit A attached hereto as a separate allocation area pursuant to Section 39 of the Act to be known as the Cook Allocation Area (the “Cook Allocation Area”), (iii) to designate Cook Property Incorporated and CMI Real Estate Holdings, LLC, and their respective successors or assigns, any affiliates and their respective successors or assigns, and any equipment lessors of such entities, each as a “designated taxpayer” for purposes of Section 39.3 of the Act, and (iv) to adopt a supplement to the Plan attached hereto as Exhibit B (the “2018 Plan Supplement”) (clauses (i) through (iv), collectively, the “2018 Amendments”); and

WHEREAS, the 2018 Amendments and supporting data were reviewed and considered at this meeting; and

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 this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Sections 41 and 43 of the Act to the 2018 Amendments; and

WHEREAS, the Commission now desires to approve the 2018 Amendments.

NOW, THEREFORE, BE IT RESOLVED by the Monroe County Redevelopment Commission, governing body of the Monroe County Redevelopment District, as follows:

1. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan for the Economic Development Area as provided in the 2018 Amendments and to continue to develop the Economic Development Area, including the Cook Allocation Area, under the Act.

2. The Declaratory Resolution and the Plan, as amended by this Resolution and the 2018 Plan Supplement, conform to the comprehensive plan of development for Monroe County, Indiana (the “County”).

3. The 2018 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act.

4. The findings and determinations set forth in the Declaratory Resolution and the Plan are hereby reaffirmed.

5. In support of the findings and determinations set forth in Sections 1 through 4 above, the Commission hereby adopts the specific findings set forth in the 2018 Plan Supplement.

6. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Cook Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan, as amended by the 2018 Plan Supplement, under the Act will be followed, including notice by publication to affected property owners and a public hearing.

7. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the 2018 Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

8. The 2018 Amendments are hereby in all respects approved.

9. The area described in Exhibit A is hereby removed from the Westside Allocation Area, and is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act to be known as the “Cook Allocation Area,” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. 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 said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the Cook Allocation Area hereby designated as the “Cook Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. 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.

10. The foregoing allocation provision shall apply to all of the Cook Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Cook Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B hereto. The base assessment date for the Cook Allocation area is January 1, 2018.

11. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the Cook Allocation Area shall expire on the date that is twenty-five (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 derived from the Cook Allocation Area.

12. The Commission hereby designates Cook Property Incorporated and CMI Real Estate Holdings, LLC (collectively, the “Companies”) and their respective successors or assigns, any affiliates of the Companies and their respective successors or assigns, and any equipment lessors of the Companies and their respective successors, assigns or affiliates, as designated taxpayers (each, a “Designated Taxpayer”) for purposes of Section 39.3 of the Act, and the Declaratory Resolution is hereby amended to reflect such designation. The Commission hereby finds with respect to each Designated Taxpayer that:

(a) taxes to be derived from the depreciable personal property of the Designated Taxpayer to be located in the Cook Allocation Area, in excess of the taxes attributable to the base assessed value of such personal property, are needed to pay debt service or to provide security for bonds issued or to be issued under Section 25.1 of the Act or to make payments or to provide security on leases payable or to be payable under Section 25.2 of the Act, in order to provide local public improvements in or directly serving or benefiting the Cook Allocation Area;

(b) the property of the Designated Taxpayer in the Cook Allocation Area will consist primarily of industrial, manufacturing, warehousing, research and development, processing or distribution related projects and related improvements; and

(c) the property of the Designated Taxpayer in the Cook Allocation Area will not consist primarily of retail, commercial or residential projects.

Based upon the foregoing and in accordance with Section 39.3 of the Act, the Commission hereby determines that the term “property taxes,” referred to herein and in the Declaratory Resolution, shall mean taxes imposed under IC 6-1.1 on real property and taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of each Designated Taxpayer in the Cook Allocation Area. In accordance with section 39.3(c) of the Act, for purposes of Section 39 of the Act the term “base assessed value” with respect to each Designated Taxpayer’s depreciable personal property means the net assessed value of all the depreciable personal property as finally determined for the January 1, 2018 assessment date. This allocation provision shall expire on the date that the Cook Allocation Area expires.

13. This Resolution, together with any supporting data, shall be submitted to the Monroe County Plan Commission (the “Plan Commission”) and the Monroe County Commissioners (the “Commissioners”) as provided in the Act, and if approved by the Plan Commission and the Commissioners, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

Adopted the 17th day of January, 2018.

MONROE COUNTY REDEVELOPMENT
COMMISSION

President

Vice President

Secretary

Member

Member

EXHIBIT A

Description of the Cook Allocation Area

The Cook Allocation Area shall consist of the following parcels and is further depicted on the attached map:

Parcel number 53-04-36-300-003.000-011

Parcel number 53-04-36-300-003.005-011

EXHIBIT B

2018 Plan Supplement

The Plan is hereby supplemented by adding the following projects to the Plan which will support the acquisition by the Cook Group or one or more affiliates thereof of the former GE Appliances plant and site in Monroe County, which is located within the Cook Allocation Area, and the redevelopment of the property for office, manufacturing and parking space:

Site clean-up and preparation; paving of parking lots; hardscape and soft-scape landscaping including streetscape improvements, curbs and sidewalks; site access improvements; and exterior building improvements. The estimated cost of the entire redevelopment project is \$125 million, and the Commission's contribution to these costs will be based on what may be financed from the new tax increment revenues derived from the project.

Based on representations of the Companies, the Commission has determined that the development will not proceed as planned without the contribution of tax increment revenues to be derived from the Cook Allocation Area to the projects described above.