

RESOLUTION NO. 2022-06-01

RESOLUTION OF THE TOWN OF ST. JOHN PLAN COMMISSION APPROVING A RESOLUTION OF THE ST. JOHN REDEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE ST. JOHN ECONOMIC DEVELOPMENT AREA I

WHEREAS, the Town of St. John Plan Commission (the “Plan Commission”) is the body charged with the duty of developing a general plan of development for the Town of St. John, Lake County, Indiana (the “Town”); and

WHEREAS, the St. John Redevelopment Commission (the “Redevelopment Commission”), the governing body of the St. John Department of Redevelopment, previously adopted a Declaratory Resolution (as subsequently confirmed and amended from time to time, the “Declaratory Resolution”) establishing an economic development area known as the “St. John Economic Development Area I” (the “Existing Area”), approving an Economic Development Plan (the “Plan”) for the Existing Area, pursuant to Indiana Code 36-7-14, as amended (the “Act”), and designating the Existing Area as an “allocation area” pursuant to Section 39 of the Act, known as the St. John Economic Development Area I Allocation Area (the “Allocation Area”); and

WHEREAS, the Redevelopment Commission on May 25, 2022, approved and adopted its Resolution No. 2022-05-25 entitled “Resolution of the St. John Redevelopment Commission Designating and Declaring a Certain Area as an Economic Development Area to Amend the St. John Economic Development Area I and Its Allocation Area and Amending the Economic Development Plan for the St. John Economic Development Area I and All Matters Relating Thereto” (the “Amending Declaratory Resolution”); and

WHEREAS, the Amending Declaratory Resolution amended the Declaratory Resolution and the Plan to (i) expand the boundaries of the Existing Area to include two (2) additional areas depicted on the map at Exhibit A and described at Exhibit B of the Amending Declaratory Resolution (the “2022 Expansion Areas”), (ii) include the amendment to the Plan set forth at Exhibit C of the Amending Declaratory Resolution to include the 2022 Expansion Areas in the Plan (the “2022 Plan Amendment”); and (iii) designate the 2022 Expansion Areas as new allocation areas pursuant to Section 39 of the Act as further provided in the Amending Declaratory Resolution (the amendments referred to, collectively, as the “2022 Amendments”).

WHEREAS, the Redevelopment Commission has submitted the Amending Declaratory Resolution (which Amending Declaratory Resolution is attached hereto as Exhibit A and made a part hereof) which includes the 2022 Plan Amendment, to the Plan Commission for approval pursuant to the provisions of the Act; and

WHEREAS, the Plan Commission has reviewed the Amending Declaratory Resolution and the 2022 Plan Amendment and has determined that they conform to the plan of development for the Town, and now desires to approve the Amending Declaratory Resolution and the 2022 Plan

Amendment and, pursuant to Section 16 of the Act, the Plan Commission desires to issue its written order approving the Amending Declaratory Resolution and the 2022 Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. JOHN PLAN COMMISSION AS FOLLOWS:

1. Pursuant to Section 16 of the Act, the Plan Commission hereby finds and determines that the Amending Declaratory Resolution and the 2022 Plan Amendment conform to the plan of the development of the Town.

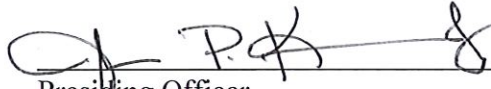
2. The Amending Declaratory Resolution and the 2022 Plan Amendment are in all respects approved.

3. This Resolution shall constitute the Plan Commission's written order approving the Amending Declaratory Resolution and the 2022 Plan Amendment pursuant to Section 16 of the Act.

4. This Resolution shall be in full force and effect after its adoption by the Plan Commission.

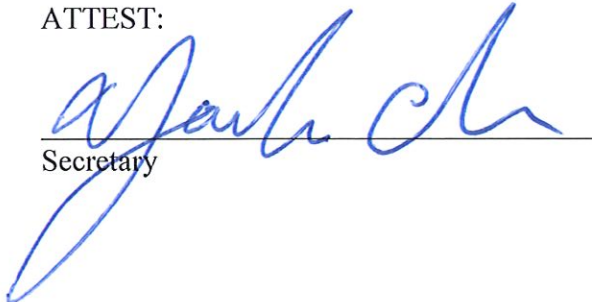
PASSED, ISSUED AND APPROVED at a meeting of the Town of St. John Plan Commission, held on the 1st day of June, 2022.

TOWN OF ST. JOHN PLAN COMMISSION



Presiding Officer

ATTEST:



Secretary

EXHIBIT A

AMENDING DECLARATORY RESOLUTION

(See Attached)

ST. JOHN REDEVELOPMENT COMMISSION

RESOLUTION NO. 2022-05-25

**RESOLUTION OF THE ST. JOHN REDEVELOPMENT COMMISSION
DESIGNATING AND DECLARING A CERTAIN AREA AS AN ECONOMIC
DEVELOPMENT AREA TO AMEND THE ST. JOHN ECONOMIC DEVELOPMENT
AREA I AND ITS ALLOCATION AREA AND AMENDING THE ECONOMIC
DEVELOPMENT PLAN FOR THE ST. JOHN ECONOMIC DEVELOPMENT AREA I
AND ALL MATTERS RELATING THERETO**

WHEREAS, the St. John Redevelopment Commission (the “Commission”), the governing body of the St. John Department of Redevelopment (the “Department”) and the Town of St. John Redevelopment District (the “District”), has previously adopted a Declaratory Resolution (as subsequently confirmed and amended from time to time, the “Declaratory Resolution”) establishing an economic development area known as the “St. John Economic Development Area I” (the “Existing Area”), approving an Economic Development Plan (the “Plan”) for the Existing Area, pursuant to Indiana Code 36-7-14, as amended (the “Act”), and designating the Existing Area as an “allocation area” pursuant to Section 39 of the Act, known as the St. John Economic Development Area I Allocation Area (the “Allocation Area”); and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and the Plan to (i) expand the boundaries of the Existing Area to include two (2) additional areas depicted on the map at Exhibit A and described at Exhibit B, each attached hereto (the “2022 Expansion Areas”), (ii) include the amendment to the Plan set forth at Exhibit C attached hereto to include the 2022 Expansion Areas in the Plan (the “2022 Plan Amendment”); and (iii) designate the 2022 Expansion Areas as new allocation areas pursuant to Section 39 of the Act as further provided herein (the amendments referred to herein, collectively, as the “2022 Amendments”)

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Area, which includes the property that will be affected by the addition of the 2022 Expansion Areas, and the location of various parcels of property, streets, alleys, and other features affecting the replatting, replanning, rezoning, or redevelopment of the 2022 Expansion Areas that are to be devoted to public ways, sewerage and other public purposes under the Plan and the 2022 Plan Amendment; and

WHEREAS, the 2022 Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Section 39 of the Act permit the creation of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of “economic development areas” and to 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, the Commission has determined it appropriate and advisable to apply the provisions of said Sections 39, 41 and 43 of the Act to the 2022 Expansion Areas.

NOW, THEREFORE, BE IT RESOLVED BY THE ST. JOHN REDEVELOPMENT COMMISSION, AS FOLLOWS:

SECTION 1. The Recitals set forth above are incorporated herein and are approved as set forth herein.

SECTION 2. The 2022 Plan Amendment promotes significant opportunities for the gainful employment of the citizens of the Town of St. John, Lake County, Indiana (the “Town”), attraction of major new business enterprises to the Town, retention and expansion of significant business enterprises existing in the boundaries of the Town, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic wellbeing of the Town and the State of Indiana (the “State”), and serving to protect and increase property values in the Town and the State.

SECTION 3. The 2022 Plan Amendment 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 public improvements, multiple ownership of land, and other similar conditions.

SECTION 4. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan as set forth in the 2022 Amendments to add the 2022 Expansion Areas depicted and described at Exhibit B attached hereto and designate the 2022 Expansion Areas as new allocation areas pursuant to Sections 39 of the Act as further provided for herein.

SECTION 5. The Commission hereby confirms that the public health and welfare will be benefited by the accomplishment of the 2022 Plan Amendment.

SECTION 6. The accomplishment of the 2022 Plan Amendment 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, and therefore it will be of public utility and benefit to amend the Plan to incorporate the 2022 Plan Amendment and adopt the 2022 Plan Amendment.

SECTION 7. The 2022 Plan Amendment conforms to other development and redevelopment plans for the Town, and the 2022 Plan Amendment is hereby in all respects approved.

SECTION 8. The Commission does not presently propose to acquire any land or interest in land as part of the 2022 Amendments.

SECTION 9. The Commission hereby finds and determines that the 2022 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan, this Resolution and the purposes of the Act, and that the 2022 Plan Amendment conforms to the comprehensive plan for the Town.

SECTION 10. The 2022 Expansion Areas are hereby designated as “economic development areas” under Section of 41 of the Act.

SECTION 11. The 2022 Expansion Areas are hereby designated as “allocation areas” pursuant to Section 39 of the Act to be known as the “2022 Expansion Area Allocation Areas” for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided by said Section, with the related allocation fund to be known as the “2022 Expansion Area Allocation Areas Allocation Fund.” The base assessment date for the 2022 Expansion Area Allocation Areas shall be January 1, 2022. The Commission hereby specifically finds and determines, based upon its review of the proposed 2022 Expansion Areas and its reasonable expectations relating to expected growth of assessed value in the 2022 Expansion Areas following the completion of local public improvements as set forth in the Plan as amended by the 2022 Plan Amendment, that the adoption of the allocation provision as provided herein will result in new property taxes in the 2022 Expansion Areas that would not have been generated but for the adoption of the allocation provision. Any property taxes 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 District and when collected paid into an allocation fund for said allocation areas that may be used by the District 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. Said allocation fund may not be used for operating expenses of the Commission. This allocation provision shall expire on the later of twenty-five (25) years from the date of issuance of debt secured by the allocated property taxes, or at such time as no bonds payable from allocated property taxes are outstanding.

SECTION 12. 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) and Section 52(c) of the Act.

SECTION 13. The Commission hereby reconfirms the findings and determinations set forth in the Declaratory Resolution and the Plan.

SECTION 14. This Resolution shall be submitted to the Plan Commission of the Town (the “Plan Commission”) and the Town Council of the Town (the “Town Council”) as provided in the Act, and if approved by the Plan Commission and the Town Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

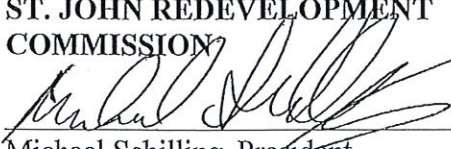
SECTION 15. The officers of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.


SECTION 16. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

SECTION 17. This Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Commission.

ALL OF WHICH IS PASSED AND RESOLVED BY THE ST. JOHN REDEVELOPMENT COMMISSION THIS 25TH DAY OF MAY, 2022.

ST. JOHN REDEVELOPMENT
COMMISSION


Michael Schilling, President



Bryan Blazak, Secretary


Gerald Swets, Member

Absent
Mike Aurelio, Member


Stacey Daniell, Member

ATTEST:


Beth R. Hernandez, Clerk-Treasurer

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law and this document was prepared by Philip J. Faccenda, Jr., Barnes & Thornburg LLP, 201 S. Main Street, Suite 400, South Bend, Indiana 46601.

Philip J. Faccenda, Jr.

EXHIBIT A

2022 EXPANSION AREAS MAP

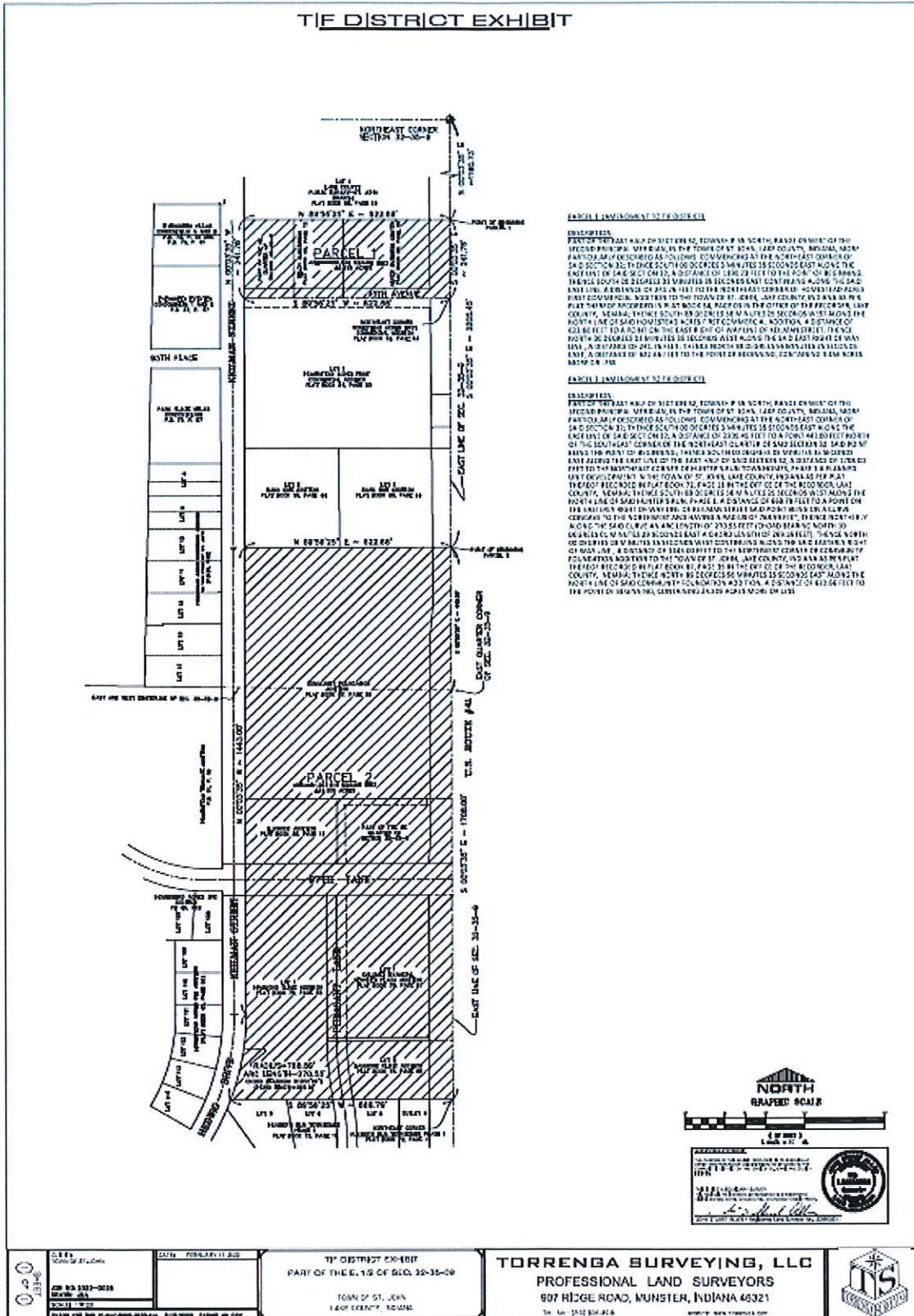


EXHIBIT B

2022 EXPANSION AREAS DESCRIPTION

PARCEL 1:

PART OF THE EAST HALF OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 09 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF ST, JOHN, LAKE COUNTY, IN DIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 00 DEGREES 3 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 1190.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 03 MINUTES 35 SECONDS EAST CONTINUING ALONG THE SAID EAST LINE, A DISTANCE OF 241.76 FEET TO THE NORTHEAST CORNER OF HOMESTEAD ACRES FIRST COMMERCIAL ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, IN DIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 54, PAGE 03 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 56 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF SAID HOMESTEAD ACRES FIRST COMMERCIAL ADDITION, A DISTANCE OF 622.66 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF KEILMAN STREET; THENCE NORTH 00 DEGREES 03 MINUTES 35 SECONDS WEST ALONG THE SAID EAST RIGHT OF WAY LINE , A DISTANCE OF 241.76 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 25 SECONDS EAST, A DISTANCE OF 622,66 FEET TO THE POINT OF BEGINNING, CONTAINING 3,456 ACRES MORE OR LESS.

PARCEL 2:

PART OF THE EAST HALF OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 09 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF ST, JOHN, LAKE COUNTY, IN DIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 00 DEGREES 3 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 2205.45 FEET TO A POINT 443,00 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 32, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 03 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF THE EAST HALF OF SAID SECTION 32, A DISTANCE OF 1708.00 FEET TO THE NORTHEAST CORNER OF HUNTER'S RUN TOWN HOMES, PHASE 1 A PLANNED UNIT DEVELOPMENT IN THE TOWN OF ST. JOHN, LAKE COUNTY, IN DIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 72, PAGE 11 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 56 MINUTES 2S SECONDS WEST ALONG THE NORTH LINE OF SAID HUNTER'S RUN, PHASE 1, A DISTANCE OF 669.79 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF KEILMAN STREET SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 768.59 FEET; THENCE NORTHERLY ALONG THE SAID CURVE AN ARC LENGTH OF 270.55 FEET (CHORD BEARING NORTH 10 DEGREES 01 MINUTES 29 SECONDS EAST A CHORD LENGTH OF 269.16 FEET); THENCE NORTH 00 DEGREES 03 MINUTES 35 SECONDS WEST CONTINUING ALONG THE SAID EASTERLY RIGHT OF WAY LINE , A DISTANCE OF 1443.00 FEET TO THE NORTHWEST CORNER OF COMMUNITY FOUNDATION ADDITION TO THE TOWN OF

ST. JOHN, LAKE COUNTY, IN DIANA AS PER PLAT THEREOF RECORDED IN PLAT BOOK 87, PAGE 35 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, IN DIANA; THENCE NORTH 89 DEGREES 56 MINUTES 25 SECONDS EAST ALONG THE NORTH LINE OF SAID COMMUNITY FOUNDATION ADDITION, A DISTANCE OF 622,66 FEET TO THE POINT OF BEGINNING, CONTAINING 24.509 ACRES MORE OR LESS.

EXHIBIT C

2022 Plan Amendment

**AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN
FOR THE ST. JOHN ECONOMIC DEVELOPMENT AREA I**

2022 Plan Amendment

The Economic Development Plan for the St. John Economic Development Area I (the “Area”), as amended (the “Plan”), is hereby further amended to appropriately reflect the amendments set forth in Resolution No. 2022-05-25 (the “Amending Declaratory Resolution”) of the St. John Redevelopment Commission (the “Commission”), adopted May 25, 2022, which amends the Declaratory Resolution for the St. John Economic Development Area I and the Plan to (1) add the areas depicted on the map at Exhibit A and described at Exhibit B, each attached to the Amending Declaratory Resolution to the Area (the “2022 Expansion Areas”), (2) amend the Plan (the “2022 Plan Amendment”) as set forth in Exhibit C attached to the Amending Declaratory Resolution to include the 2022 Expansion Areas to the Plan, (3) designate the 2022 Expansion Areas as new allocation areas pursuant to Sections 39 of Indiana Code 36-7-14, as amended (the “Act”)