

**RESOLUTION NO. 07-2023**

**RESOLUTION OF THE CITY OF AUBURN REDEVELOPMENT COMMISSION  
CONFIRMING A DECLARATORY RESOLUTION APPROVING AMENDMENTS TO  
THE DECLARATORY RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN  
FOR THE NORTHWEST ECONOMIC DEVELOPMENT AREA FOR THE PURPOSE  
OF ESTABLISHING A NEW ALLOCATION AREA AND RELATED MATTERS**

WHEREAS, the City of Auburn Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Auburn Department of Redevelopment (the “Department”) and the City of Auburn Redevelopment District (the “District”) exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Act”); and

WHEREAS, the Redevelopment Commission has heretofore adopted Resolution No. 02-2001 on December 10, 2001, which the Redevelopment Commission confirmed on February 11, 2002 (Resolution No. 02-2001 as so confirmed, the “2001 Declaratory Resolution”) designating an area known as the Northwest Economic Development Area (the “Original Area”) as an economic development area, designating the Area as an allocation area (the “Original Allocation Area”) pursuant to Section 39 of the Act, and approving an Economic Development Plan for the Area (the “Original Plan”); and

WHEREAS, the Redevelopment Commission adopted Resolution No. 01-2006 in 2006, for the purpose of amending the 2001 Declaratory Resolution for the purpose of removing certain residential parcels from the Original Allocation Area; and

WHEREAS, the Redevelopment Commission adopted Resolution No. 01-2008 on June 26, 2008, for the purpose of further amending the 2001 Declaratory Resolution for the purpose of expanding the Original Area and the Original Allocation Area to add certain additional territory (the “2008 Expansion Area”) (the Original Area, as so expanded, being sometimes referred to herein as the “Area” and the Original Allocation Area, as so expanded, being sometimes referred to herein as the “Allocation Area”) and amending the Original Plan; and

WHEREAS, the Redevelopment Commission adopted Resolution No. 03-2020 on October 27, 2020 (the “2020 Declaratory Resolution”), for the purpose of further amending the 2001 Declaratory Resolution and the Original Plan by (i) expanding the Original Area to include certain additional territory (the “2020 Expansion Area”); (ii) designating the 2020 Expansion Area as an allocation area for purposes of Section 39 of the Act (the “2020 Expansion Area Allocation Area”); (iii) removing certain territory from the Original Allocation Area and the 2008 Expansion Area and including such territory in the 2020 Expansion Allocation Area; (iv) removing certain territory consisting of certain residential parcels from the Original Allocation Area; (v) modifying the expiration date for the Allocation Area to a date as permitted by the provisions of the Act in effect at the time of the designation of the Original Allocation Area and the 2008 Expansion Area; and (vi) amending the Original Plan (the Original Area, as so expanded, being sometimes referred to herein as the “Area” and the Original Allocation Area, as so amended, being sometimes referred to herein as the “Allocation Area”); and

WHEREAS, the Commission on April 4, 2023, approved and adopted its Resolution No. 04-2023 entitled “Resolution of the City of Auburn, Indiana, Redevelopment Commission Approving Amendments to the Declaratory Resolution and the Economic Development Plan for the Northwest Economic Development Area for the Purpose of Establishing a New Allocation Area and Related Matters” (the “Amending Declaratory Resolution”), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Amending Declaratory Resolution approved further amendments to the 2020 Declaratory Resolution and the Original Plan previously approved by the Commission for the purpose of designating an area, presently part of the Allocation Area, as a separate allocation area pursuant to Section 39 of the Act to be known as the “Auburn Crossing Allocation Area” (the “Auburn Crossing Allocation Area”); and

WHEREAS, the City of Auburn Plan Commission, on April 11, 2023, approved and adopted Resolution No. PC-Other 2023-0000001 (the “Plan Commission Order”) determining that the Amending Declaratory Resolution and the Original Plan as the same is amended by the Amending Resolution (as amended, the “Plan”) conform to the plan of development for the City and approved the Amending Declaratory Resolution and the Plan; and

WHEREAS, pursuant to Section 16 of the Act, the Common Council of the City (the “Common Council”), on May 2, 2023, adopted Resolution No. 05-2023 which approved the Amending Declaratory Resolution, the Plan and the Plan Commission Order; and

WHEREAS, the Redevelopment Commission has received the written orders of approval as required by Section 17(a) of the Act; and

WHEREAS, the Redevelopment Commission caused to be published and delivered the notices required by Section 17 and 17.5 of the Act, concerning the Amending Declaratory Resolution and the Plan; and

WHEREAS, at the hearing (the “Public Hearing”) held by the Redevelopment Commission on June 6, 2023, the Redevelopment Commission heard all persons interested in the proceedings and received \_\_\_\_\_ written remonstrances that had been filed and considered those written remonstrances that were filed, if any, and all evidence presented; and

WHEREAS, the Redevelopment Commission now desires to take final action determining the public utility and benefit of the Plan, as amended, and the proposed development activities for the Auburn Crossing Allocation Area, approving the Plan, and confirming the Amending Declaratory Resolution, in accordance with Section 17 and Section 17.5 of the Act;

NOW, THEREFORE, BE IT RESOLVED by the City of Auburn, Indiana, Redevelopment Commission, as follows:

1. After considering the evidence presented at the Public Hearing, the Redevelopment Commission hereby confirms the findings and determinations, designations and approving and adopting actions contained in the Amending Declaratory Resolution.

2. After considering the evidence presented at the Public Hearing, the Redevelopment Commission hereby finds and determines that it will be of public utility and benefit to proceed with the proposed activities set forth in the Plan, as amended, and the Plan, as amended, is hereby approved in all respects.

3. The Amending Declaratory Resolution is hereby confirmed.

4. This Resolution constitutes final action, pursuant to Section 17(d) of the Act, by the Redevelopment Commission determining the public utility and benefit of the Plan, as amended, and the proposed activities and confirming the Amending Declaratory Resolution pertaining to the Area.

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

6. This resolution shall take effect immediately upon its adoption by the Redevelopment Commission.

Adopted the 6th day of June, 2023.

AUBURN REDEVELOPMENT COMMISSION

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice President

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

**EXHIBIT A**

**AMENDING DECLARATORY RESOLUTION NO. 04-2023**

**(See attached)**

## **RESOLUTION NO. 04-2023**

### **RESOLUTION OF THE CITY OF AUBURN REDEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN FOR THE NORTHWEST ECONOMIC DEVELOPMENT AREA FOR THE PURPOSE OF ESTABLISHING A NEW ALLOCATION AREA AND RELATED MATTERS**

WHEREAS, the City of Auburn Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Auburn Department of Redevelopment (the “Department”) and the City of Auburn Redevelopment District (the “District”) exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Act”); and

WHEREAS, the Redevelopment Commission has heretofore adopted Resolution No. 02-2001 on December 10, 2001, which the Redevelopment Commission confirmed on February 11, 2002 (Resolution No. 02-2001 as so confirmed, the “2001 Declaratory Resolution”) designating an area known as the Northwest Economic Development Area (the “Original Area”) as an economic development area, designating the Area as an allocation area (the “Original Allocation Area”) pursuant to Section 39 of the Act, and approving an Economic Development Plan for the Area (the “Original Plan”); and

WHEREAS, the Redevelopment Commission adopted Resolution No. 01-2006 in 2006, for the purpose of amending the 2001 Declaratory Resolution for the purpose of removing certain residential parcels from the Original Allocation Area; and

WHEREAS, the Redevelopment Commission adopted Resolution No. 01-2008 on June 26, 2008, for the purpose of further amending the 2001 Declaratory Resolution for the purpose of expanding the Original Area and the Original Allocation Area to add certain additional territory (the “2008 Expansion Area”) (the Original Area, as so expanded, being sometimes referred to herein as the “Area” and the Original Allocation Area, as so expanded, being sometimes referred to herein as the “Allocation Area”) and amending the Original Plan; and

WHEREAS, the Redevelopment Commission adopted Resolution No. 03-2020 on October 27, 2020, for the purpose of further amending the 2001 Declaratory Resolution and the Original Plan by (i) expanding the Original Area to include certain additional territory (the “2020 Expansion Area”); (ii) designating the 2020 Expansion Area as an allocation area for purposes of Section 39 of the Act (the “2020 Expansion Area Allocation Area”); (iii) removing certain territory from the Original Allocation Area and the 2008 Expansion Area and including such territory in the 2020 Expansion Allocation Area; (iv) removing certain territory consisting of certain residential parcels from the Original Allocation Area; (v) modifying the expiration date for the Allocation Area to a date as permitted by the provisions of the Act in effect at the time of the designation of the Original Allocation Area and the 2008 Expansion Area; and (vi) amending the Original Plan (the Original Area, as so expanded, being sometimes referred to herein as the “Area” and the Original Allocation Area, as so amended, being sometimes referred to herein as the “Allocation Area”); and

WHEREAS, pursuant to Sections 15-17.5 of the Act, the Redevelopment Commission desires to amend further the 2020 Declaratory Resolution and the Original Plan to designate an area, presently part of the Allocation Area and described at Exhibit A attached hereto, as a separate allocation area

pursuant to Section 39 of the Act to be known as the “Auburn Crossing Allocation Area” (“Auburn Crossing Allocation Area”); and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion 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, this Redevelopment Commission deems it advisable to apply the provisions of said Section 39 of the Act to Auburn Crossing Allocation Area; and

WHEREAS, the Commission now desires to approve the designation of the Auburn Crossing Allocation Area and the amendment of the Original Plan to include the Auburn Crossing Allocation Area therein (the “2023 Amendments”); and;

WHEREAS, the proposed 2023 Amendments and supporting data were reviewed and considered at this meeting;

NOW, THEREFORE, BE IT RESOLVED by the City of Auburn Redevelopment Commission, as follows:

1. The recitals set forth above are incorporated herein and are approved as if set forth herein.
2. The 2023 Amendments promote significant opportunities for the (i) gainful employment of the citizens of the City of Auburn, Indiana (the “City”), (ii) attraction of major new business enterprises to the City, and (iii) retention and expansion of significant business enterprises existing in the boundaries of the City 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 well-being of the City and the State of Indiana (the “State”), and serving to protect and increase property values in the City and the State.
3. The 2023 Amendments for the 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 public improvements, existence of conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.
4. The public health and welfare will be benefited by accomplishment of the 2023 Amendments.
5. It will be of public utility and benefit to amend the Declaratory Resolution and the Original Plan for the Area as provided in the 2023 Amendments and to continue to develop the Area, including Auburn Crossing Allocation Area, as provided under the Act.
6. The accomplishment of the 2023 Plan Amendments 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.

7. The 2023 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and the Original Plan and the purposes of the Act.

8. The findings and determinations set forth in the Declaratory Resolution and the Original Plan, as the same have been previously amended, are hereby reaffirmed.

9. The Commission finds that no residents of the Area will be displaced by any project resulting from the 2023 Amendments, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

10. The 2023 Amendments are hereby in all respects approved.

11. The area described in Exhibit A is hereby removed from the Allocation Area, and is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act to be known as the “Auburn Crossing 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 District and when collected paid into an allocation fund for the Auburn Crossing Allocation Area hereby designated as the “Auburn Crossing Allocation Area Allocation Fund” and may be used by the 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.

12. The foregoing allocation provision shall apply to the Auburn Crossing Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Auburn Crossing 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. The base assessment date for the Auburn Crossing Allocation Area is January 1, 2023.

13. 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 Auburn Crossing 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 Auburn Crossing Allocation Area.

14. The officers of the Commission are hereby directed to make any and all required filings with the State Department of Local Government Finance and the DeKalb County Auditor in connection with the amendments described herein.

15. Any member of the Commission is hereby authorized to take such actions as are necessary to implement the purposes of this resolution, and any such action taken prior to the date hereof is hereby ratified and approved.

16. This Resolution, together with any supporting data, shall be submitted to the City of Auburn Plan Commission (the "Plan Commission") and the Common Council of the City of Auburn (the "Common Council") as provided in the Act, and if approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

17. This resolution shall take effect immediately upon its adoption by the Commission.

**[SIGNATURES FOLLOW ON NEXT PAGE]**



Adopted the 4th day of April, 2023.

**AUBURN REDEVELOPMENT COMMISSION**

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**President**

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**Vice President**

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**Secretary**

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**Member**

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**Member**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**AUBURN CROSSING ALLOCATION AREA**

Lot 2 in Hurand-Auburn Subdivision as per plat thereof recorded June 22, 2022, as Instrument Number 202203912 in the office of the Recorder of DeKalb County, Indiana and to be known following a replat as Auburn Crossing Subdivision, a Replat of Lot 2 Hurand-Auburn Subdivision, all as depicted on the attached map.

# AUBURN CROSSING









**EXHIBIT B**

**2023 PLAN SUPPLEMENT**

The Original Plan is further supplemented and amended to add the following projects to the Original Plan:

All or any portion of the development, design, construction and equipping of local public improvements consisting of public infrastructure improvements with an estimated total cost being paid from the proceeds of bonds of approximately \$3,000,000. The Commission anticipates capturing tax increment revenues from the Auburn Crossing Allocation Area and applying such tax increment revenues either directly or through bonding to the costs of said local public improvements.

Based on representations of the developer of the parcels, the Commission has determined that the full development of the Auburn Crossing Allocation Area with the improvements described above and the expected private investment that will occur as a result, will not proceed as planned without the contribution of tax increment revenues to be derived from the Auburn Crossing Allocation Area to the projects described above.