



# Metropolitan Development Commission (September 6, 2023) Meeting Notice

## Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

**Date:** Wednesday, September 06, 2023    **Time:** 1:00 PM

**Location:** Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

## Business:

**Adoption of Meeting Minutes:** August 16, 2023

## Policy Resolutions:

### ECONOMIC DEVELOPMENT / INCENTIVES:

**1. 2023-E-029**

A resolution accepting certain funds from IEDC, approving the loan of such funds received from IEDC to support redevelopment within the Consolidated Allocation Area, and approving repayment to IEDC from cash on hand in the Consolidated Allocation Fund.

**2. 2023-E-031 (For Public Hearing)**

Confirmatory Resolution to create the County Line Road Economic Development Area and Allocation Area therein, and adopting a economic development plan in accordance therewith, Council District #25, Franklin Township.

**3. 2023-E-032**

Authorizes a pledge of tax increment from the County Line Road Allocation Area to the payment of certain economic development revenue bonds for the County Line Road Project, Council District #25, Franklin Township.

**4. 2023-E-033 (For Public Hearing)**

Confirmatory Resolution to create the Near North Mass Economic Development Area, and adopting a redevelopment plan in accordance therewith, Council District #17, Center Township.

**5. 2023-E-034 (For Public Hearing)**

Confirmatory Resolution to create the Ingram Allocation Area, Council District #17, Center Township.

**6. 2023-E-035**

Authorizes a pledge of tax increment from the Ingram Allocation Area to the payment of certain economic development revenue bonds for the Ingram Project, Council District #17, Center Township.

**7. 2023-E-036 (For Public Hearing)**

Confirmatory Resolution to create the Penn Electric Allocation Area, Council District #17, Center Township.

**8. 2023-E-037**

Authorizes a pledge of tax increment from the Penn Electric Allocation Area to the payment of certain economic development revenue bonds for the Penn Electric Project, Council District #17, Center Township.

**9. 2023-A-034**

Preliminary Economic Revitalization Area Resolution for Bila Solar, Inc., located at 1301 South White River Parkway East Drive, Council District #16, Center Township. (Recommend approval of eight (8) years personal property tax abatement.)

**10. 2023-E-038**

Resolution to approve two hundred thousand dollars (\$200,000) from the Hillside HOTIF to support the Ralston Townhomes affordable housing development by Martindale Brightwood CDC.

**COMMUNITY INVESTMENTS:**

**11. 2023-C-007**

Authorizes the Department of Metropolitan Development to appoint Valerie Davis to the Housing Trust Fund Advisory Committee with a term that will expire September 6, 2027 as a representative of the community at large, in accordance with I.C. § 36-7-15.1-35.5 (j)(5).

**12. 2023-C-008**

Authorizes the Department of Metropolitan Development to appoint Wahid Ahmed to the Housing Trust Fund Advisory Committee with a term that will expire September 6, 2027 as a representative of the community at large, in accordance with I.C. § 36-7-15.1-35.5 (j)(5).

**Zoning Petitions:**

**Special Requests**

**PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):**

**13. 2023-MOD-015 | 3150 East Thompson Road**

Perry Township, Council District #24  
C-3  
Steven H. Huth & Linda J. Huth

Modification of the Commitments related to petition 85-Z-137 to terminate Commitments #1 and #4 to allow for a building addition to the existing flower shop, an access drive and additional parking (current commitments limit the use of the northern 100 feet of the property to office uses and require conformance with renderings from the 85-Z-137 hearing).

**14. 2023-ZON-026 | 6501 Brookville Road**

Warren Township, Council District #18  
Brookville Mart, Inc., by Cindy Thrasher

Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

**15. 2023-ZON-055 | 8850 E 21st Street**

Warren Township, Council District #19  
8850 Twenty First Street, Inc, by David E. Dearing

Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing.

**\*\*Petitioner request for continuance**

**16. 2023-ZON-056 | 3700 and 3818 South Post Road**

Franklin Township, Council District #18  
West Side Tractor Sales, by David A Retherford

Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.

**17. 2023-ZON-071 | 707 & 711 East McCarty Street**

Center Township, Council District #16  
Lindsay and Patrick Mullen, by Jason Wolfe

Rezoning of 0.26 acre from the I-3 (RC) district to the D-8 (RC) district to provide for a single-family dwelling.

**18. 2023-CAP-822 | 1625, 1631 and 1637 Nowland Avenue and 1258 Windsor Street**

Center Township, Council District #17  
MU-2

1625 Nowland, LLC, 1631 Nowland, LLC, Raymond Street Partners, LLC and Indianapolis Film Project, by David Kingen

Modification of the Site Plan and Commitments for 2017-CZN-816 / 2017-CVR-816 as modified by 2018-MOD-006 to:

- A. Modify Commitment #1 requiring adherence to the Site plan file-dated June 21, 2018 and the Plan of Operation file-dated July 18, 2018 to provide for an amended site plan and to provide for an outdoor seating area for the serving and sales of alcohol.
- B. Terminate Commitment #18 which required certain building materials and colors for the building façade and former window openings.
- C. Modify Commitment #22 to allow the selling and serving of alcohol (previous commitment prohibited alcohol sales).

**19. 2023-CZN-833 | 3815 North Lawndale Avenue**

Pike Township, Council District #10  
317 Realty Group LLC, by Jynell D. Berkshire

Rezoning of 1.192 acres from the D-7 District to the D-5II District to provide for single-family residential development.

**20. 2023-CZN-838 | 5437 Greenfield Avenue**

Warren Township, Council District #12  
Glenroy Construction Co. Inc, by Brian J. Tuohy

Rezoning of 0.73 acre from the D-5 District to the I-2 District.

## Petitions for Public Hearing

### PETITIONS FOR PUBLIC HEARING:

21. APPROVAL PETITION TO APPEAL THE DECISION OF THE ADMINISTRATOR TO APPROVE 2023-REG-047:

**2023-APP-025 | 711 South Illinois Street**

Center Township, Council District #16  
D-8 (RC)  
Amanda Miller

Appeal of the Administrator's Decision to Approve 2023-REG-047 permitting the construction of a two-story detached single-family dwelling.

**\*\*Petitioner withdrawal of the Petition**

22. REZONING PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:

**2023-ZON-053 | 2500 Lafayette Road**  
Wayne Township, Council District #11  
Luis Antonio & Maria E. Mena, by Don Fisher

Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales.

**23. COMPANION PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:**

**2023-VAR-001 (Amended) | 2802 South Holt Road**  
Wayne Township, Council District #16  
Maninder Singh

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days); and
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted).

**Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@indy.gov) before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



**METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA**

**RESOLUTION NO. 2023-E-029**

**A RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION APPROVING  
FUNDING AGREEMENT WITH INDIANA ECONOMIC DEVELOPMENT CORPORATION**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the “Act”);

WHEREAS, the Commission has previously adopted and confirmed resolutions (as amended from time to time) which declared an area of the City, known as the “Consolidated/Harding Street Redevelopment Area,” to be a redevelopment project area within the meaning of the Act, and designated a portion of the Consolidated Redevelopment Area, known as the “Consolidated Allocation Area,” as an allocation area for the purposes of Section 26 of the Act (the “Consolidated Allocation Area”), all in accordance with the Act;

WHEREAS, the MDC has broad authority to plan and undertake, alone or in cooperation with other agencies, projects to redevelop areas in need of redevelopment—including by funding improvements to, or the acquisition of, real property—pursuant to the Act, IC 36-7-15.1-7(a)(12) and (b)(1)-(2);

WHEREAS, the MDC is authorized to accept loans from any source under the Act, IC § 36-7-15.1-7(a)(14);

WHEREAS, the Indiana Economic Development Corporation (“IEDC”), a body politic and corporate, has authority under IC 5-28-8-5 and IC 36-7-15.1-41(b) enter into an agreement to provide funds in connection with a redevelopment project notwithstanding any other law;

WHEREAS, the IEDC is willing to loan \$24,400,000 in duly authorized and presently available funds to the MDC (the “IEDC Loan”), which loan proceeds may then be used to provide funding for the acquisition and improvement of real property in order to facilitate redevelopment of an area in need of redevelopment within the Consolidated Allocation Area; and

WHEREAS, the MDC has authority under the Act, IC 36-7-15.1-26(b)(3)(A), to repay the IEDC Loan from allocated tax proceeds of the redevelopment district (the “City Funds”) for the purpose of financing redevelopment of the Consolidated Allocation Area.

**ACCORDINGLY, be it resolved by the Metropolitan Development Commission as follows:**

**1. Approval.** Pursuant to and in accordance with the Act, the Commission hereby: (a) approves the acceptance of the IEDC Loan proceeds; (b) approves utilization of the IEDC Loan proceeds to fund acquisition and improvement of real property in order to facilitate redevelopment of the Consolidated Allocation Area; and (c) approves the repayment of the IEDC Loan by the Commission solely from City Funds pursuant to a funding agreement with IEDC.

**2. Document Authorization.** The Commission authorizes the Department of Metropolitan Development, acting in consultation with legal counsel and on behalf of the Commission, to negotiate,

finalize, and execute a funding agreement with the IEDC concerning the IEDC Loan and the repayment thereof by the MDC solely from City Funds.

**3. Other Actions.** The officers of the Commission hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the President or any such officer deems to be necessary or reasonably appropriate to effect the resolutions set forth herein. Any such actions taken, including any documents or certificates executed and delivered, hereby are ratified, confirmed, and approved.

**4. No Conflict.** All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Resolution hereby are repealed to the extent of such conflict.

**5. Severability.** If any section, paragraph, or provision of this Resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

**6. Effectiveness.** This Resolution shall be in full force and effect from and after its passage.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis, Indiana

\_\_\_\_\_  
John J. Dillon III, President

**RESOLUTION NO. 2023-E-031****CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE  
COUNTY LINE ROAD ECONOMIC DEVELOPMENT AREA**

WHEREAS, on July 5, 2023, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), approved an Economic Development Plan (the “Plan”) for the County Line Road Economic Development Area (the “Area”) in the City of Indianapolis, Indiana (the “City”);

WHEREAS, in approving the Plan for the Area, the Commission adopted Declaratory Resolution No. 2023-E-020 (the “Declaratory Resolution”), on July 5, 2023, (i) declaring that the Area is an economic development area, which declaration was supported by a factual report and findings contained within the Declaratory Resolution, (ii) established an allocation area whose boundaries and parcels are coterminous with the Area (the “Allocation Area”), and (iii) subject to economic development activities pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, the Plan contained specific recommendations for the redevelopment, construction and equipping of the certain widening of and lane additions from the northern end of the Industrial Park Project (as defined herein) to the intersection of South Arlington Avenue and County Line Road in the City, a roundabout at the South Arlington Avenue and County Line Road intersection, and certain other public improvements in connection with the Industrial Park Project, together with all necessary appurtenances, related improvements and equipment, and the incidental expenses in connection therewith (the “Public Improvements”). The Public Improvements will serve and benefit the Area and the development, construction and equipping of a five-building, 1,900,000 sq. ft. master planned industrial park, to include warehouses, light manufacturing and general commerce (Building 1 will be approximately 344,100 sq. ft.; Building 2 will be approximately 324,800 sq. ft.; Building 3 will be approximately 573,192 sq. ft.; Building 4 will be approximately 101,640 sq. ft.; and Building 5 will be approximately 553,660 sq. ft.); as well as 6.4 acres for retail and mixed-use development (the “Industrial Park Project” and, together with the Public Improvements, collectively, the “Project”).

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) has approved the establishment of the Area, the Plan, and the actions of the Commission establishing the Area pursuant to the Act;

WHEREAS, the Commission published notice on August 25, 2023, of the adoption and substance of the Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on September 6, 2023, on the proposed adoption of the Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Area, together with a statement disclosing the impact of the Area, which includes:

- (A) The estimated economic benefits and costs incurred by the Area, as measured by increased employment and anticipated growth of real property assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit;

WHEREAS, certain estimates contained in the Declaratory Resolution and Plan have been refined, which refinements do not require additional notices or proceedings under I.C. 36-7-15.1 and which were described at the below referenced public hearing; and

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed;

WHEREAS, after being fully advised in the matter,

**NOW, THEREFORE, BE IT RESOLVED** by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the establishment of the Area and Allocation Area, and with the inclusion of certain right of ways, parcels and property as part of the Area and Allocation Area, as described in Exhibit A hereto.
2. The Commission hereby finds that the Area and Allocation Area are necessary and that the adoption of the allocation provision in the Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Area and the Allocation Area pursuant to the Declaratory Resolution and the Act.
3. The Declaratory Resolution and Plan approved by the Commission on July 5, 2023, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.
4. The Secretary of the Commission is hereby directed to record this Confirmatory Resolution with the Marion County Recorder, notify the Indiana Department of Local Government Finance of the designation of the Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.
5. This Confirmatory Resolution shall be effective upon passage.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on September 6, 2023, at the City-County Building, 2<sup>nd</sup> floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the  
Redevelopment Commission of the City of Indianapolis,  
Indiana

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John J. Dillon III, President

This Resolution prepared by Cullen Cochran, Dentons Bingham Greenebaum LLP, 10 West Market Street, Suite 2700, Indianapolis, Indiana 46204.

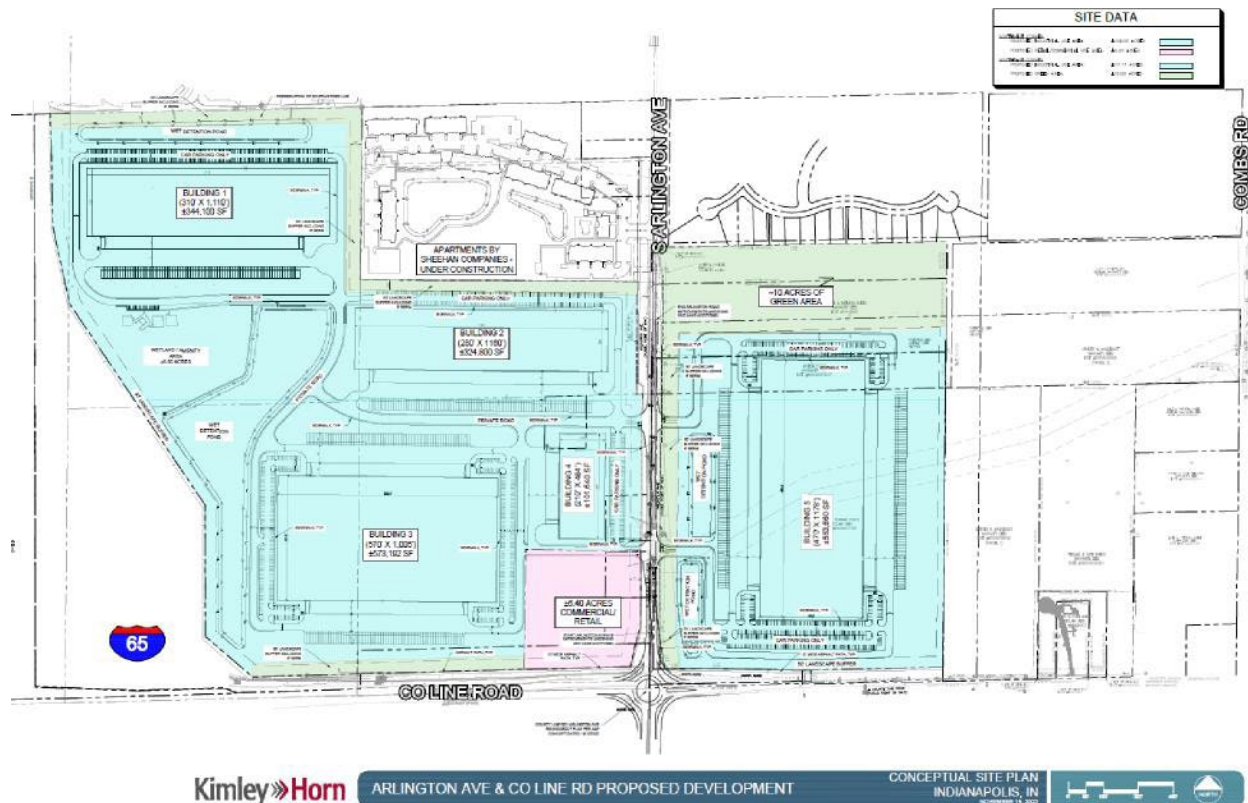
## EXHIBIT A

### MAP OF COUNTY LINE ROAD ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA

Address: 8615, 8640, 8721, 8814, 8816, 8840, 8914, & 8950 South Arlington Avenue,  
and 5624, 5740, & 6000 East County Line Road

Local Parcel #: 3006603, 3027790, 3005440, 3008410, 3001148,  
3005015, 3004675, 3004674, 3001702, 3024587, and 3001775

State Parcel #: 49-15-23-124-001.000-300; #49-15-22-110-004.001-300;  
#49-15-23-124-002.000-300; #49-15-22-109-004.000-300; #49-15-22-109-002.000-300;  
#49-15-22-109-002.000-300; #49-15-22-109-003.000-300; #49-15-22-109-001.000-300;  
#49-15-22-108-001.000-300; #49-15-22-109-007.000-300; and #49-15-23-122-001.000-300



**RESOLUTION NO. 2023-E-032**

**RESOLUTION OF THE METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE  
REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS,  
INDIANA, PLEDGING CERTAIN TAX INCREMENT REVENUES TO  
THE PAYMENT OF CERTAIN ECONOMIC DEVELOPMENT TAX  
INCREMENT REVENUE BONDS (COUNTY LINE ROAD PROJECT) OF  
THE CITY OF INDIANAPOLIS, INDIANA**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “MDC”), acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), the governing body of the Redevelopment District of the City of Indianapolis, Indiana, has created the “County Line Road Economic Development Area” (the “Area”), has designated the entire Area as an allocation area (the “Allocation Area”) for purposes of the allocation and distribution of property taxes under Indiana Code 36-7-15.1-26, and has created an allocation fund therefor (the “Allocation Fund”) pursuant to Indiana Code 36-7-15.1-26;

WHEREAS, the City of Indianapolis Economic Development Commission (the “EDC”) and the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) have approved the issuance, in one or more series, of the City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 202\_ (County Line Road Project) (to be completed with the such further series or other designation as determined to be necessary) (the “Bonds”), pursuant to a Trust Indenture, to be dated as of the first day of the month in which the Bonds are issued (the “Bond Indenture”), between the City of Indianapolis, Indiana (the “City”), and a corporate trustee to be selected by the City (the “Bond Trustee”), the proceeds of which will be used by GP-CM County Line Partners, LLC, and/or one or more affiliates or designees thereof (the “Developer”) to provide for the costs of the Public Improvements (as hereinafter defined);

WHEREAS, the Developer has informed the City that it will be redeveloping, constructing and equipping the certain widening of and lane additions from the northern end of the Industrial Park Project (as defined herein) to the intersection of South Arlington Avenue and County Line Road in the City, a roundabout at the South Arlington Avenue and County Line Road intersection, and certain other public improvements in connection with the Industrial Park Project, together with all necessary appurtenances, related improvements and equipment, and the incidental expenses in connection therewith (the “Public Improvements”), all of which are, or will be, located in or physically connected to and shall serve and benefit the Area;

WHEREAS, the Developer is also developing, constructing and equipping a five-building, 1,900,000 sq. ft. master planned industrial park, to include warehouses, light manufacturing and general commerce (Building 1 will be approximately 344,100 sq. ft.; Building 2 will be approximately 324,800 sq. ft.; Building 3 will be approximately 573,192 sq. ft.; Building 4 will be approximately 101,640 sq. ft.; and Building 5 will be approximately 553,660 sq. ft.); as well as 6.4 acres for retail and mixed-use development (the “Industrial Park Project” and, together with the

Public Improvements, collectively, the “Project”), all of which will be located in the Area and is estimated to create at least 369 full time jobs in Marion County, Indiana;

WHEREAS, in order to secure funds for the Public Improvements and as an incentive to the Developer to construct the Project in the City, the Commission has agreed to pledge a portion of the County Line Road TIF Revenues (as defined herein) to the payment of principal of and interest on the Bonds;

WHEREAS, the Bonds will be payable in each year from the County Line Road TIF Revenues in the amount of the lesser of (i) eighty percent (80%) of the County Line Road TIF Revenues or (ii) the debt service due on the Bonds in such year and considering any prior year shortfalls (the “Pledged TIF Revenues”); and

WHEREAS, the Commission believes that the pledging of said Pledged TIF Revenues will help further the accomplishment of the economic development plan for the Area (the “Plan”).

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, that:

SECTION 1. The Commission hereby finds that the pledge of a portion of all real property tax revenues generated from the Industrial Park Project and deposited in the Allocation Fund pursuant to Indiana Code 36-7-15.1-26 (all of such real property tax revenues being the “County Line Road TIF Revenues”) will help accomplish the Plan for the Area and will promote the redevelopment and economic development of the City and the Area.

SECTION 2. Pursuant to Indiana Code 36-7-15.1-26(b)(3)(D) and Indiana Code 5-1-14-4, the Commission hereby irrevocably pledges the Pledged TIF Revenues (representing in each year the lesser of (i) eighty percent (80%) of the County Line Road TIF Revenues or (ii) the debt service due on the Bonds in such year) to the payment of principal of and interest on the Bonds for the term of the Bonds. There are no other prior liens, encumbrances, or other restrictions on the Commission’s ability to pledge the County Line Road TIF Revenues.

SECTION 3. There is hereby created within the Allocation Fund a Bond Account (the “Bond Account”). On or before each February 1 and August 1, following the issuance of the Bonds, but in no event later than August 1, 2032, there shall be deposited in the Bond Fund (as defined in the Bond Indenture), as and when received, Pledged TIF Revenues. Nothing herein should be construed as requiring the Commission to deposit or cause to be paid to the Bond Trustee for deposit in the Bond Fund (i) funds from any source other than receipts derived from the County Line Road TIF Revenues, or (ii) County Line Road TIF Revenues in excess of eighty percent (80%) of all real property tax revenue generated from the Allocation Area. The Pledged TIF Revenues shall be deposited in the Bond Account and immediately transferred to the Bond Trustee for deposit into the Bond Fund established and held under the Bond Indenture.

SECTION 4. There is hereby created within the Allocation Fund a General Account (the “General Account”). On each February 1 and August 1, any County Line Road TIF Revenues



remaining in the Allocation Fund after making the required deposits under Section 3 shall be deposited in the General Account and may be used by the Commission for any purpose permitted by law.

SECTION 5. In connection with the Project, the Commission hereby authorizes and directs the Mayor, the City Controller, the officers of the Commission, and the Director of the DMD, both collectively and in their individual capacities, to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution, including, without limitation, entering into an economic development agreement, with Developer, in form and substance and on terms and conditions acceptable to such officer of the City, the Commission or DMD executing the same, together with any and all changes as may be necessary, desirable or appropriate, which such approval of the form and substance and any changes thereto conclusively evidenced by such officer's execution thereof.

SECTION 6. This Resolution shall take effect immediately upon its adoption by the Commission.

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Adopted at a regular meeting of the Metropolitan Development Commission of Marion County, Indiana, held on September 6, 2023, at the City-County Building, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA,  
acting as the Redevelopment Commission of the City of  
Indianapolis, Indiana

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John J. Dillon III, President

This Resolution prepared by Cullen Cochran, Dentons Bingham Greenebaum LLP, 10 West Market Street, Suite 2700, Indianapolis, Indiana 46204.

**RESOLUTION NO. 2023-E-033****CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE  
NEAR NORTH MASS ECONOMIC DEVELOPMENT AREA**

WHEREAS, on July 5, 2022, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), adopted Declaratory Resolution No. 2023-E-021 (the “Declaratory Resolution”), (i) declaring that the Near North Mass Economic Development Area (the “Area”) in the City of Indianapolis (the “City”) is an economic development area, which declaration was supported by a factual report and findings contained within the Declaratory Resolution, and (ii) declaring that the Area is subject to economic development activities pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, the Commission also approved an Economic Development Plan (the “Plan”) for the Area which contained specific recommendations for the acquisition, construction and equipping of public infrastructure, which may include street, curb, sidewalk, trail, bridge, public transportation, and utility construction or reconstruction within the public rights-of-way or within or necessary to serve private development projects, and potential private development projects include, but are not limited to: (i) a project with approximately 185 multifamily units and an amenity space including a pet spa and bike storage and approximately 3,295 sq. ft. of commercial space; (ii) a project with approximately 25,463 square feet of office space and approximately 8,015 square feet of restaurant space; and (iii) a project with approximately 298 multifamily units and a parking garage (collectively, the “Project”);

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) has approved the establishment of the Area and Allocation Area, the Plan, and the actions of the Commission establishing the Area pursuant to the Act;

WHEREAS, the Commission published notice on August 25, 2023, of the adoption and substance of the Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on September 6, 2023, on the adoption of the Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Area, together with a statement disclosing the impact of the Area, which includes:

- (A) The estimated economic benefits and costs incurred by the Area, as measured by increased employment and anticipated growth of real property assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit;

WHEREAS, certain estimates contained in the Declaratory Resolution and Plan have been refined, which refinements do not require additional notices or proceedings under I.C. 36-7-15.1 and which were described at the below referenced public hearing; and

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed;

WHEREAS, after being fully advised in the matter,

**NOW, THEREFORE, BE IT RESOLVED** by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the establishment of the Area, and with the inclusion of certain right of ways, parcels and property as part of the Area, as described in Exhibit A hereto.
2. The Commission hereby finds that the Area is necessary and that the adoption of the allocation provision in the Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Area pursuant to the Declaratory Resolution and the Act.
3. The Declaratory Resolution and Plan approved by the Commission on July 5, 2023, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.
4. The Secretary of the Commission is hereby directed to record the final action taken by the Commission, notify the Indiana Department of Local Government Finance of the designation of the Area and Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.
5. This Confirmatory Resolution shall be effective upon passage.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 6<sup>th</sup> day of September, 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis, Indiana

---

John J. Dillon III, President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf  
Scott A. Krapf  
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.

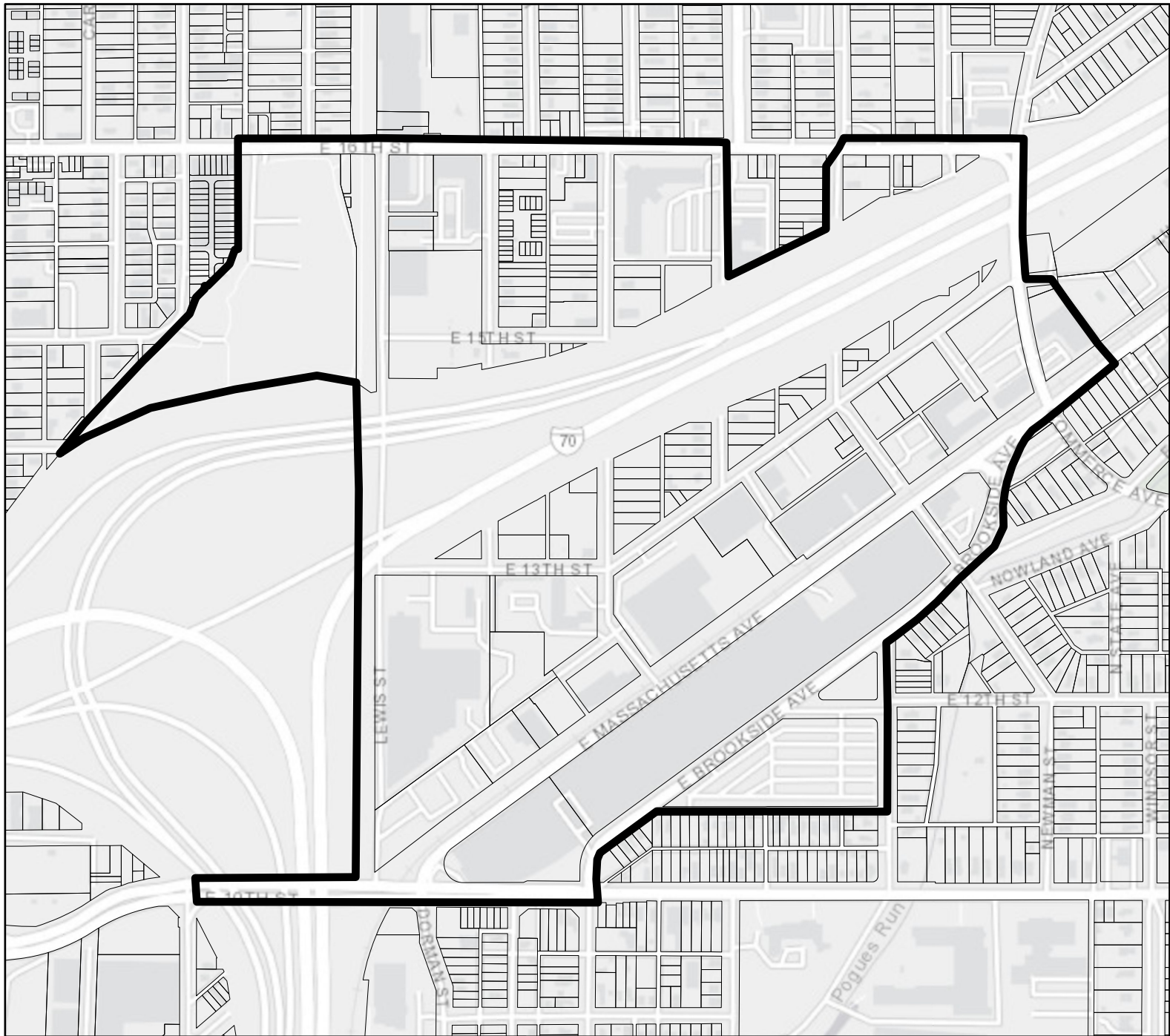
**EXHIBIT A**

DESCRIPTION AND MAP OF NEAR NORTH MASS  
ECONOMIC DEVELOPMENT AREA

# Economic Development Area

Item 4.

## Proposed Boundaries



 Proposed EDA Boundary

0 0.07 0.15 0.3 Miles

## Proposed EDA Boundary Parcel List

State Parcel Number	Street Address
49-06-36-153-012.000-101	1001 E 16TH ST INDIANAPOLIS, IN 46202
49-07-30-122-002.000-101	0 MONON TRAIL INDIANAPOLIS, IN 46202
49-07-31-115-001.000-101	1444 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-115-003.000-101	1221 E 15TH ST INDIANAPOLIS, IN 46202
49-07-31-115-004.000-101	1219 E 15TH ST INDIANAPOLIS, IN 46202
49-07-31-117-001.000-101	1461 E 16TH ST INDIANAPOLIS, IN 46201
49-07-31-117-002.000-101	1457 E 16TH ST INDIANAPOLIS, IN 46201
49-07-31-117-003.000-101	1461 E 16TH ST INDIANAPOLIS, IN 46201
49-07-31-117-004.000-101	1463 E 16TH ST INDIANAPOLIS, IN 46201
49-07-31-123-003.000-101	1517 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-123-004.000-101	1513 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-123-005.000-101	1524 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-123-014.000-101	1503 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-125-001.000-101	1255 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-125-002.000-101	1351 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-004.000-101	1256 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-008.000-101	1256 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-016.000-101	1138 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-020.000-101	1133 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-021.000-101	1203 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-022.000-101	1211 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-126-023.000-101	1225 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-138-001.000-101	1520 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-138-002.000-101	1528 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-138-003.000-101	1524 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-138-004.000-101	1518 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-138-005.000-101	1516 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-138-006.000-101	1510 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-138-009.000-101	1502 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-147-001.000-101	1475 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-147-002.000-101	1456 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-147-012.000-101	1402 SHELDON ST INDIANAPOLIS, IN 46201
49-07-31-147-014.000-101	1415 NEWMAN ST INDIANAPOLIS, IN 46201
49-07-31-147-017.000-101	1417 NEWMAN ST INDIANAPOLIS, IN 46201
49-07-31-147-018.000-101	1443 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-147-019.000-101	1420 NEWMAN ST INDIANAPOLIS, IN 46201
49-07-31-147-028.000-101	1411 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-147-029.000-101	1409 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-148-011.000-101	1402 COMMERCE AVE INDIANAPOLIS, IN 46201
49-07-31-153-001.000-101	1251 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-161-013.000-101	1322 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-161-050.000-101	1301 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-161-057.000-101	1315 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-161-061.000-101	1200 E 13TH ST INDIANAPOLIS, IN 46202
49-07-31-161-062.000-101	1302 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-161-065.000-101	1308 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-167-002.000-101	1511 SHELDON ST INDIANAPOLIS, IN 46201
49-07-31-173-001.000-101	1301 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-173-002.000-101	1561 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-003.000-101	1215 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-173-005.000-101	1544 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-173-010.000-101	1211 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-173-011.000-101	1553 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-012.000-101	1557 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-014.000-101	1101 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-173-015.000-101	1553 N ARSENAL AVE INDIANAPOLIS, IN 46201



## Proposed EDA Boundary Parcel List

State Parcel Number	Street Address
49-07-31-173-016.000-101	1449 E 16TH ST INDIANAPOLIS, IN 46201
49-07-31-173-020.000-101	1542 SHELDON ST INDIANAPOLIS, IN 46201
49-07-31-173-022.000-101	1549 N ARSENAL AVE INDIANAPOLIS, IN 46201
49-07-31-173-024.000-101	1541 N ARSENAL AVE INDIANAPOLIS, IN 46201
49-07-31-173-034.000-101	1515 LEWIS ST INDIANAPOLIS, IN 46202
49-07-31-173-034.001-101	1129 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-173-034.002-101	1533 LEWIS ST INDIANAPOLIS, IN 46202
49-07-31-173-034.003-101	1527 LEWIS ST INDIANAPOLIS, IN 46202
49-07-31-173-035.000-101	1549 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.001-101	1547 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.002-101	1545 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.003-101	1543 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.004-101	1541 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.005-101	1539 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.006-101	1537 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.007-101	1535 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.008-101	1533 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.009-101	1531 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.010-101	1529 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-173-035.011-101	1547 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.012-101	1549 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.013-101	1551 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.014-101	1553 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.015-101	1545 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.016-101	1543 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.017-101	1541 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.018-101	1539 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.019-101	1531 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.020-101	1533 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.021-101	1535 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.022-101	1537 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-173-035.023-101	0 TANNERY WAY INDIANAPOLIS, IN 46202
49-07-31-178-002.000-101	1011 MASSACHUSETTS AVE INDIANAPOLIS, IN 46202
49-07-31-178-002.001-101	1125 BROOKSIDE AVE INDIANAPOLIS, IN 46202
49-07-31-179-020.000-101	1524 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-180-001.000-101	1102 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-189-004.000-101	1505 MASSACHUSETTS AVE INDIANAPOLIS, IN 46201
49-07-31-194-022.000-101	1548 LEWIS ST INDIANAPOLIS, IN 46202
49-07-31-194-025.000-101	1542 LEWIS ST INDIANAPOLIS, IN 46202
49-07-31-198-168.000-101	1417 COMMERCE AVE INDIANAPOLIS, IN 46201
49-07-31-198-172.000-101	1435 COMMERCE AVE INDIANAPOLIS, IN 46201
49-07-31-202-012.000-101	1331 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-013.000-101	1327 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-014.000-101	1414 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-019.000-101	1340 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-026.000-101	1420 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-027.000-101	1422 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-028.000-101	1410 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-029.000-101	1406 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-030.000-101	1402 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-032.000-101	1401 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-035.000-101	1336 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-036.000-101	1328 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-037.000-101	1323 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-038.000-101	1317 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-039.000-101	1310 ROOSEVELT AVE INDIANAPOLIS, IN 46202

## Proposed EDA Boundary Parcel List

State Parcel Number	Street Address
49-07-31-202-040.000-101	1315 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-041.000-101	1472 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-044.000-101	1464 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-045.000-101	1413 N ARSENAL AVE INDIANAPOLIS, IN 46201
49-07-31-202-046.000-101	1409 N ARSENAL AVE INDIANAPOLIS, IN 46201
49-07-31-202-047.000-101	1460 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-048.000-101	1427 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-056.000-101	1431 DR A J BROWN AVE INDIANAPOLIS, IN 46201
49-07-31-202-057.000-101	1435 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-062.000-101	1423 DR A J BROWN AVE INDIANAPOLIS, IN 46201
49-07-31-202-063.000-101	1446 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-064.000-101	1406 N ARSENAL AVE INDIANAPOLIS, IN 46201
49-07-31-202-065.000-101	1410 N ARSENAL AVE INDIANAPOLIS, IN 46201
49-07-31-202-068.000-101	1436 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-069.000-101	1430 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-070.000-101	1406 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-202-071.000-101	1402 ROOSEVELT AVE INDIANAPOLIS, IN 46201
49-07-31-209-005.000-101	1525 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-209-007.000-101	1521 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-209-008.000-101	1517 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-209-009.000-101	1513 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-209-012.000-101	1507 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-209-013.000-101	1505 YANDES ST INDIANAPOLIS, IN 46202
49-07-31-209-014.000-101	1216 E 15TH ST INDIANAPOLIS, IN 46202
49-07-31-212-001.000-101	1429 BROOKSIDE AVE INDIANAPOLIS, IN 46201
49-07-31-226-001.000-101	1566 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-226-002.000-101	1229 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-226-005.000-101	1217 E 16TH ST INDIANAPOLIS, IN 46202
49-07-31-237-007.000-101	1400 E 12TH ST INDIANAPOLIS, IN 46201

**RESOLUTION NO. 2023-E-034****CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE  
INGRAM ALLOCATION AREA**

WHEREAS, on July 5, 2023, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), adopted Declaratory Resolution No. 2023-E-022 (the “Declaratory Resolution”), declaring that the Ingram Allocation Area (the “Allocation Area”) in the City of Indianapolis (the “City”) is established as an allocation area pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, the Commission also approved an Economic Development Plan (the “Plan”) for the Near North Mass Economic Development Area (the “Area”) which contained specific recommendations for the acquisition, construction and equipping of public infrastructure, which may include street, curb, sidewalk, trail, bridge, public transportation, and utility construction or reconstruction within the public rights-of-way or within or necessary to serve private development projects, and potential private development projects include, but are not limited to a project with approximately 185 multifamily units and an amenity space including a pet spa and bike storage and approximately 3,295 sq. ft. of commercial space (collectively, the “Project”);

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) has approved the establishment of the Area and Allocation Area, the Plan, and the actions of the Commission establishing the Area pursuant to the Act;

WHEREAS, the Commission published notice on August 25, 2023, of the adoption and substance of the Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on September 6, 2023, on the adoption of the Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Area, together with a statement disclosing the impact of the Area, which includes:

- (A) The estimated economic benefits and costs incurred by the Area, as measured by increased employment and anticipated growth of real property assessed values; and

(B) The anticipated impact on tax revenues of each taxing unit;

WHEREAS, certain estimates contained in the Declaratory Resolution and Plan have been refined, which refinements do not require additional notices or proceedings under I.C. 36-7-15.1 and which were described at the below referenced public hearing; and

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed;

WHEREAS, after being fully advised in the matter,

**NOW, THEREFORE, BE IT RESOLVED** by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the establishment of the Allocation Area, and with the inclusion of certain right of ways, parcels and property as part of the Allocation Area, as described in Exhibit A hereto.

2. The Commission hereby finds that the Allocation Area is necessary and that the adoption of the allocation provision in the Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Allocation Area pursuant to the Declaratory Resolution and the Act.

3. The Declaratory Resolution and Plan approved by the Commission on July 5, 2023, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.

4. The Secretary of the Commission is hereby directed to record the final action taken by the Commission, notify the Indiana Department of Local Government Finance of the designation of the Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.

5. This Confirmatory Resolution shall be effective upon passage.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 6<sup>th</sup> day of September, 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis, Indiana

---

John J. Dillon III, President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf  
Scott A. Krapf  
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.

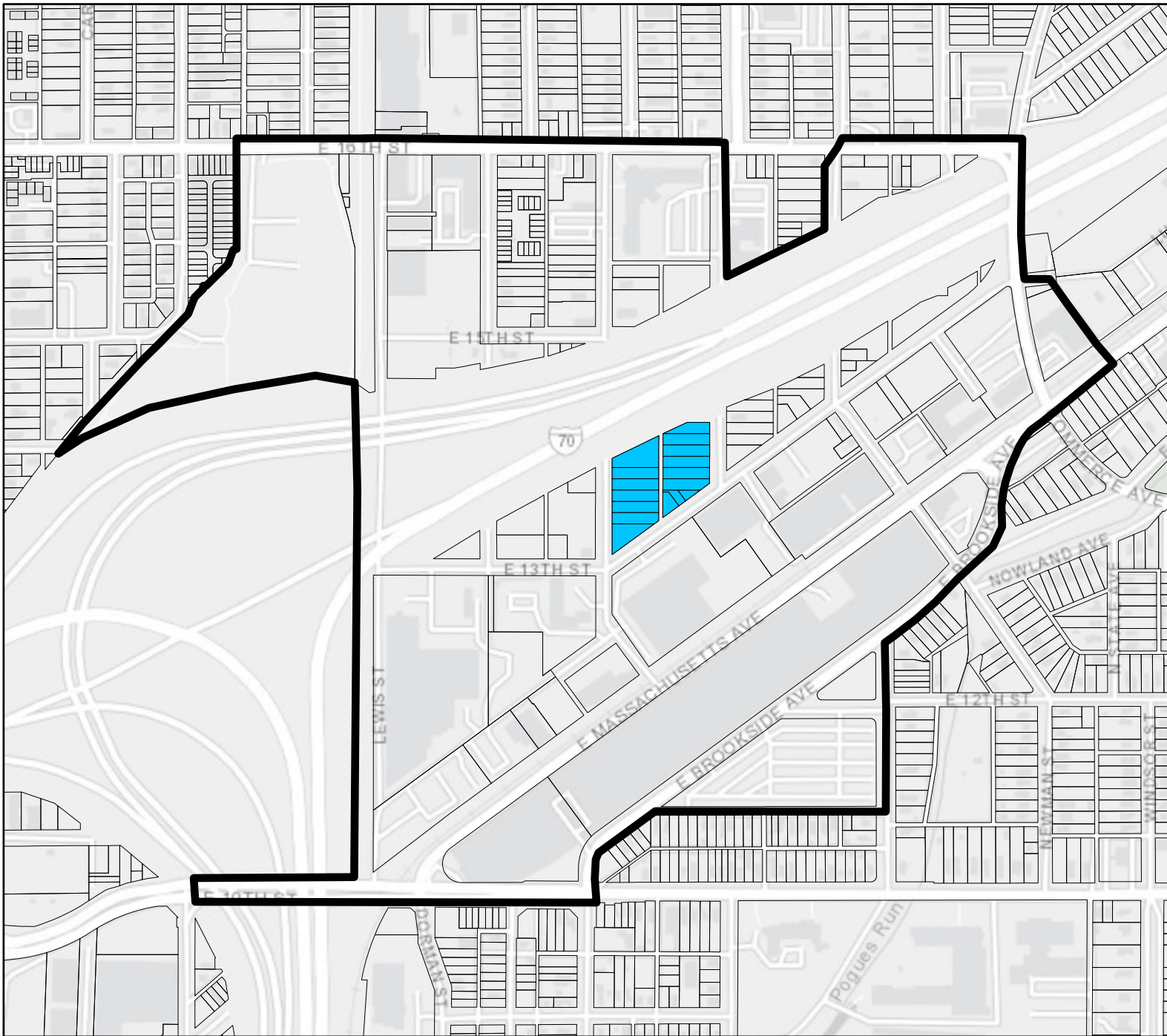
**EXHIBIT A**



DESCRIPTION AND MAP OF INGRAM ALLOCATION AREA

# Ingram Allocation Area

Item 5.

## Proposed Boundaries



-  Proposed EDA Boundary
-  Ingram Allocation Area

0 0.07 0.15 0.3 Miles

## Ingram Allocation Area

### Parcel List

State Parcel Number	Street Address
49-07-31-202-012.000-101	1331 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-013.000-101	1327 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-014.000-101	1414 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-019.000-101	1340 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-026.000-101	1420 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-027.000-101	1422 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-028.000-101	1410 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-029.000-101	1406 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-030.000-101	1402 DR A J BROWN AVE INDIANAPOLIS, IN 46202
49-07-31-202-032.000-101	1401 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-035.000-101	1336 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-036.000-101	1328 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-037.000-101	1323 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-038.000-101	1317 COLUMBIA AVE INDIANAPOLIS, IN 46202
49-07-31-202-039.000-101	1310 ROOSEVELT AVE INDIANAPOLIS, IN 46202
49-07-31-202-040.000-101	1315 COLUMBIA AVE INDIANAPOLIS, IN 46202



**METROPOLITAN DEVELOPMENT COMMISSION**

**OF**

**MARION COUNTY, INDIANA**

**RESOLUTION NO. 2023-E-035**

**A RESOLUTION OF THE REDEVELOPMENT DISTRICT OF THE  
CITY OF INDIANAPOLIS, INDIANA PLEDGING TAX INCREMENT FROM THE  
INGRAM ALLOCATION AREA TO THE PAYMENT OF CERTAIN  
ECONOMIC DEVELOPMENT REVENUE BONDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the “Act”); and

WHEREAS, the Commission, on behalf of the District, has previously adopted and confirmed resolutions (collectively, the “Declaratory Resolution”) which (i) declared and confirmed an area of the City of Indianapolis, Indiana (the “City”), known as the Near North Mass Economic Development Area (the “Economic Development Area”), to be an “economic development area” within the meaning of Indiana Code 36-7-15.1, as amended, (ii) designated a portion of such Economic Development Area as an allocation area known as the Ingram Allocation Area (the “Allocation Area”), for purposes of the Indiana Code 36-7-15.1-26, and (iii) created the Ingram Allocation Fund (the “Allocation Fund”), pursuant to Indiana Code 36-7-15.1-26, into which taxes on real property located in the Allocation Area are to be deposited in accordance with, and for the purposes stated in, the Act and the Declaratory Resolution (such deposited taxes, herein the “Tax Increment”), and adopted an economic development plan for the Economic Development Area (the “Plan”); and

WHEREAS, North Mass Land Holdings LLC, and/or one or more subsidiaries, affiliates, designees and/or joint ventures thereof (collectively, the “Developer”), desires to finance certain projects, additions or improvements within the Allocation Area, including all or any portion of the Project (as defined herein); and

WHEREAS, the City intends to enter into a Financing Agreement (the “Financing Agreement”) and a Project Agreement (the “Project Agreement”) with the Developer in connection with the Developer’s development and construction of the Project; and

WHEREAS, the Developer desires to finance the Project (as hereinafter defined) consisting of approximately 185 multifamily units and an amenity space including a pet spa and bike storage and approximately 3,295 sq. ft. of commercial space (collectively, the “Project”); and

WHEREAS, the Commission has been advised that the City intends to authorize and issue certain economic development revenue bonds of the City, in one or more series, all or any portion of which may be taxable or tax-exempt for federal income tax purposes, designated as the “City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2023 (Ingram Project)” in one or more tax-exempt or taxable series (with such additional or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued), in an aggregate principal amount not to exceed Six Million Dollars (\$6,000,000) (the “Bonds”), for the purposes of providing funds to pay for (a) the financing of all or a portion of the Project, in accordance with the terms of the Financing Agreement, the Project Agreement, and other such documents as deemed necessary; (b) capitalized interest (if necessary); (c) a debt service reserve (if necessary); and (d) costs and expenses incurred in connection with or on account of the issuance of the Bonds authorized herein, and the proceeds of the Bonds will be deposited with a financial institution serving as trustee pursuant to a trust indenture (the “Indenture”) between the City and such trustee and disbursed to the Developer for costs of a portion of the construction of the Project, as provided for in the Indenture, the Financing Agreement and the Project Agreement; and

WHEREAS, the Bonds will be payable from the lesser of eighty percent (80%) of the Tax Increment revenues received from the newly created Allocation Area or the amortization amount of the Bonds and considering any prior year shortfalls (the “TIF Revenues”); and

WHEREAS, the remaining 20% of the Tax Increment received from the newly created Allocation Areas (such Tax Increment, herein the “Surplus Tax Increment”) may be pledged to the payment of certain other bonds of the City (the “Infrastructure Bonds”) used to finance certain infrastructure projects to benefit, in part, the Project, and the Bonds may be on parity with or subordinate to the Infrastructure Bonds with respect to the TIF Revenues; and

WHEREAS, pursuant to Indiana Code 36-7-15.1-26(b)(3)(D), the Commission now desires to pledge the TIF Revenues to the payment of the principal of, premium (if any), and interest on the Bonds as the same becomes due.

**NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:**

1. The Commission hereby finds that the pledge of the TIF Revenues to the payment of principal of and interest on the Bonds to finance the Project, will help accomplish the Plan for the Economic Development Area and will promote the economic development of the City and the Economic Development Area.

2. The Commission hereby irrevocably pledges the TIF Revenues (representing the lesser of eighty percent (80%) of the Tax Increment received in the Allocation Area or the amortization amount of the Bonds and considering any prior year shortfalls) to the payment of principal of and interest on the Bonds in accordance with and subject to the terms and conditions

of the Financing Agreement, the Project Agreement and the Indenture, and the Bonds may be issued on parity with or subordinate to the Infrastructure Bonds.

3. The Commission and the District hereby covenant that on or before one (1) business day prior to each Interest Payment Date (as defined in the Indenture), the trustee shall deposit all TIF Revenues (as received from the Controller, acting on behalf of the Redevelopment Commission) into the Bond Fund (as defined in the Indenture), but no more than shall be necessary for the payment of the principal of and interest on the Bonds on the immediately succeeding Interest Payment Date (taking into consideration any amounts currently deposited therein and any prior year shortfall amounts), together with Annual Fees (as defined in the Indenture) coming due within the next six (6) months.

4. Other than potentially the Infrastructure Bonds, there are no other prior liens, encumbrances or other restrictions on the Commission's ability to pledge the TIF Revenues to the payment of the Bonds. The Surplus Tax Increment not constituting TIF Revenues hereunder may be used by the Commission for any purpose permitted by law, including the payment of the Infrastructure Bonds, the release of such Surplus Tax Increment to the taxing units in the Allocation Area as provided under the Act and the pledge of the Surplus Tax Increment to additional obligations of the District.

5. So long as the Bonds remain outstanding, the Commission shall not make any further pledges of the TIF Revenues without the prior written consent of the holders of the Bonds. As set forth in Section 4, the Commission may use the Surplus Tax Increment for any purposes permitted by the Act, including making pledges thereof to obligations (which pledges could be parity or senior), without the consent of the holders of the Bonds.

6. In connection with the Project, the Commission hereby authorizes any officer of the Commission or the Department of Metropolitan Development ("DMD") to enter into a one or more project agreement and financing agreement with the Developer and/or such other entities as may be necessary, desirable or appropriate, in form and substance and on terms and conditions acceptable to such officer of the Commission or DMD, together with any and all changes as may be necessary, desirable or appropriate, which shall be evidence by such officer's execution thereof.

7. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

8. All resolutions and orders, or parts thereof, in conflict with the provision of this Resolution, are, to the extent of such conflict, hereby repealed or amended.

9. This Resolution shall be in full force and effect immediately upon its passage and signing. The Secretary of the Commission is hereby directed to deliver a certified copy of this Resolution to the Controller of the City.

10. The Mayor, the Controller and any other officer of the City and the Commission are hereby authorized and directed, in the name and on behalf of the City, acting for and on behalf of the District, to execute and deliver such further documents and to take such further actions as such person deems necessary, desirable or appropriate to effect the purposes of this Resolution, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 6<sup>th</sup> day of September, 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis, Indiana

---

John J. Dillon III, President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf  
Scott A. Krapf  
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.

**RESOLUTION NO. 2023-E-036****CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE  
PENN ELECTRIC ALLOCATION AREA**

WHEREAS, on July 5, 2023, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), adopted Declaratory Resolution No. 2023-E-023 (the “Declaratory Resolution”), declaring that the Penn Electric Allocation Area (the “Allocation Area”) in the City of Indianapolis (the “City”) is established as an allocation area pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, the Commission also approved an Economic Development Plan (the “Plan”) for the Near North Mass Economic Development Area (the “Area”) which contained specific recommendations for the acquisition, construction and equipping of public infrastructure, which may include street, curb, sidewalk, trail, bridge, public transportation, and utility construction or reconstruction within the public rights-of-way or within or necessary to serve private development projects, and potential private development projects include, but are not limited to, a project with approximately 25,463 square feet of office space and approximately 8,015 square feet of restaurant space (collectively, the “Project”);

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) has approved the establishment of the Area and Allocation Area, the Plan, and the actions of the Commission establishing the Area pursuant to the Act;

WHEREAS, the Commission published notice on August 25, 2023, of the adoption and substance of the Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on September 6, 2023, on the adoption of the Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Area, together with a statement disclosing the impact of the Area, which includes:

- (A) The estimated economic benefits and costs incurred by the Area, as measured by increased employment and anticipated growth of real property assessed values; and

(B) The anticipated impact on tax revenues of each taxing unit;

WHEREAS, certain estimates contained in the Declaratory Resolution and Plan have been refined, which refinements do not require additional notices or proceedings under I.C. 36-7-15.1 and which were described at the below referenced public hearing; and

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed;

WHEREAS, after being fully advised in the matter,

**NOW, THEREFORE, BE IT RESOLVED** by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the establishment of the Allocation Area, and with the inclusion of certain right of ways, parcels and property as part of the Allocation Area, as described in Exhibit A hereto.

2. The Commission hereby finds that the Allocation Area is necessary and that the adoption of the allocation provision in the Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Allocation Area pursuant to the Declaratory Resolution and the Act.

3. The Declaratory Resolution and Plan approved by the Commission on July 5, 2023, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.

4. The Secretary of the Commission is hereby directed to record the final action taken by the Commission, notify the Indiana Department of Local Government Finance of the designation of the Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.

5. This Confirmatory Resolution shall be effective upon passage.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 6<sup>th</sup> day of September, 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis, Indiana

---

John J. Dillon III, President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf  
Scott A. Krapf  
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.



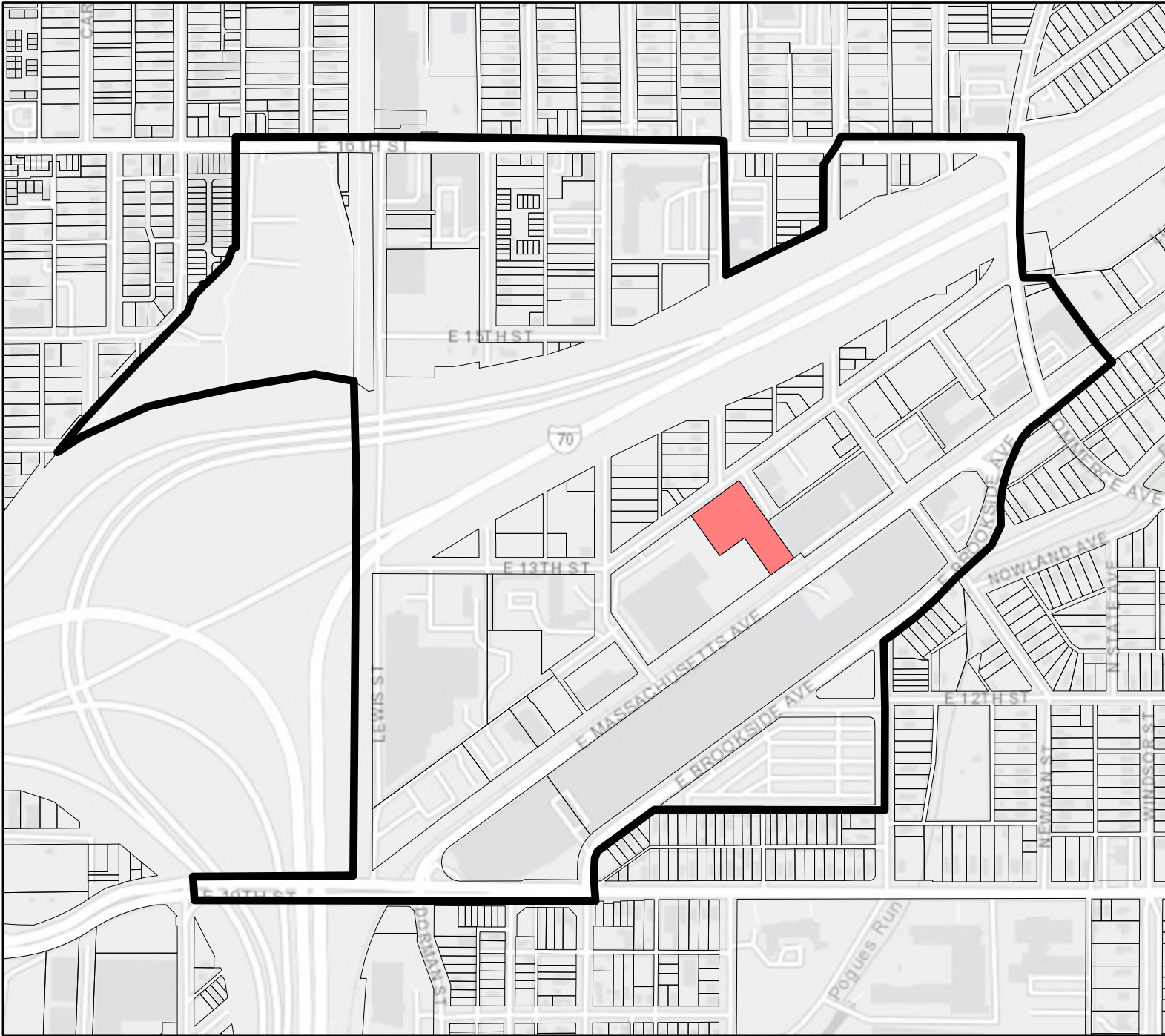
**EXHIBIT A**

DESCRIPTION AND MAP OF PENN ELECTRIC ALLOCATION AREA

# Penn Electric Allocation Area

Item 7.

## Proposed Boundaries



 Proposed EDA Boundary  
 Penn Electric Allocation Area

0 0.07 0.15 0.3 Miles

## Penn Electric Allocation Area

### Parcel List

State Parcel Number	Street Address
49-07-31-125-002.000-101	1351 ROOSEVELT AVE INDIANAPOLIS, IN 46202

**METROPOLITAN DEVELOPMENT COMMISSION****OF****MARION COUNTY, INDIANA****RESOLUTION NO. 2023-E-037****A RESOLUTION OF THE REDEVELOPMENT DISTRICT OF THE  
CITY OF INDIANAPOLIS, INDIANA PLEDGING TAX INCREMENT FROM THE  
PENN ELECTRIC ALLOCATION AREA TO THE PAYMENT OF CERTAIN  
ECONOMIC DEVELOPMENT REVENUE BONDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the “Act”); and

WHEREAS, the Commission, on behalf of the District, has previously adopted and confirmed resolutions (collectively, the “Declaratory Resolution”) which (i) declared and confirmed an area of the City of Indianapolis, Indiana (the “City”), known as the Near North Mass Economic Development Area (the “Economic Development Area”), to be an “economic development area” within the meaning of Indiana Code 36-7-15.1, as amended, (ii) designated a portion of such Economic Development Area as an allocation area known as the Penn Electric Allocation Area (the “Allocation Area”), for purposes of the Indiana Code 36-7-15.1-26, and (iii) created the Penn Electric Allocation Fund (the “Allocation Fund”), pursuant to Indiana Code 36-7-15.1-26, into which taxes on real property located in the Allocation Area are to be deposited in accordance with, and for the purposes stated in, the Act and the Declaratory Resolution (such deposited taxes, herein the “Tax Increment”), and adopted an economic development plan for the Economic Development Area (the “Plan”); and

WHEREAS, Penn Electric Partners LLC, and/or one or more subsidiaries, affiliates, designees and/or joint ventures thereof (collectively, the “Developer”), desires to finance certain projects, additions or improvements within the Allocation Area, including all or any portion of the Project (as defined herein); and

WHEREAS, the City intends to enter into a Financing Agreement (the “Financing Agreement”) and a Project Agreement (the “Project Agreement”) with the Developer in connection with the Developer’s development and construction of the Project; and

WHEREAS, the Developer desires to finance the Project (as hereinafter defined) consisting of an office and retail development with approximately 25,463 square feet of office space and approximately 8,015 square feet of restaurant space (collectively, the “Project”); and

WHEREAS, the Commission has been advised that the City intends to authorize and issue certain economic development revenue bonds of the City, in one or more series, all or any portion of which may be taxable or tax-exempt for federal income tax purposes, designated as the “City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2023 (Penn Electric Project)” in one or more tax-exempt or taxable series (with such additional or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued), in an aggregate principal amount not to exceed Three Million Dollars (\$3,000,000) (the “Bonds”), for the purposes of providing funds to pay for (a) the financing of all or a portion of the Project, in accordance with the terms of the Financing Agreement, the Project Agreement, and other such documents as deemed necessary; (b) capitalized interest (if necessary); (c) a debt service reserve (if necessary); and (d) costs and expenses incurred in connection with or on account of the issuance of the Bonds authorized herein, and the proceeds of the Bonds will be deposited with a financial institution serving as trustee pursuant to a trust indenture (the “Indenture”) between the City and such trustee and disbursed to the Developer for costs of a portion of the construction of the Project, as provided for in the Indenture, the Financing Agreement and the Project Agreement; and

WHEREAS, the Bonds will be payable from the lesser of eighty percent (80%) of the Tax Increment revenues received from the newly created Allocation Area or the amortization amount of the Bonds and considering any prior year shortfalls (the “TIF Revenues”); and

WHEREAS, the remaining 20% of the Tax Increment received from the newly created Allocation Areas (such Tax Increment, herein the “Surplus Tax Increment”) may be pledged to the payment of certain other bonds of the City (the “Infrastructure Bonds”) used to finance certain infrastructure projects to benefit, in part, the Project, and the Bonds may be on parity with or subordinate to the Infrastructure Bonds with respect to the TIF Revenues; and

WHEREAS, pursuant to Indiana Code 36-7-15.1-26(b)(3)(D), the Commission now desires to pledge the TIF Revenues to the payment of the principal of, premium (if any), and interest on the Bonds as the same becomes due.

**NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:**

1. The Commission hereby finds that the pledge of the TIF Revenues to the payment of principal of and interest on the Bonds to finance the Project, will help accomplish the Plan for the Economic Development Area and will promote the economic development of the City and the Economic Development Area.

2. The Commission hereby irrevocably pledges the TIF Revenues (representing the lesser of eighty percent (80%) of the Tax Increment received in the Allocation Area or the amortization amount of the Bonds and considering any prior year shortfalls) to the payment of principal of and interest on the Bonds in accordance with and subject to the terms and conditions

of the Financing Agreement, the Project Agreement and the Indenture, and the Bonds may be issued on parity with or subordinate to the Infrastructure Bonds.

3. The Commission and the District hereby covenant that on or before one (1) business day prior to each Interest Payment Date (as defined in the Indenture), the trustee shall deposit all TIF Revenues (as received from the Controller, acting on behalf of the Redevelopment Commission) into the Bond Fund (as defined in the Indenture), but no more than shall be necessary for the payment of the principal of and interest on the Bonds on the immediately succeeding Interest Payment Date (taking into consideration any amounts currently deposited therein and any prior year shortfall amounts), together with Annual Fees (as defined in the Indenture) coming due within the next six (6) months.

4. Other than potentially the Infrastructure Bonds, there are no other prior liens, encumbrances or other restrictions on the Commission's ability to pledge the TIF Revenues to the payment of the Bonds. The Surplus Tax Increment not constituting TIF Revenues hereunder may be used by the Commission for any purpose permitted by law, including the payment of the Infrastructure Bonds, the release of such Surplus Tax Increment to the taxing units in the Allocation Area as provided under the Act and the pledge of the Surplus Tax Increment to additional obligations of the District.

5. So long as the Bonds remain outstanding, the Commission shall not make any further pledges of the TIF Revenues without the prior written consent of the holders of the Bonds. As set forth in Section 4, the Commission may use the Surplus Tax Increment for any purposes permitted by the Act, including making pledges thereof to obligations (which pledges could be parity or senior), without the consent of the holders of the Bonds.

6. In connection with the Project, the Commission hereby authorizes any officer of the Commission or the Department of Metropolitan Development ("DMD") to enter into a one or more project agreement and financing agreement with the Developer and/or such other entities as may be necessary, desirable or appropriate, in form and substance and on terms and conditions acceptable to such officer of the Commission or DMD, together with any and all changes as may be necessary, desirable or appropriate, which shall be evidence by such officer's execution thereof.

7. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

8. All resolutions and orders, or parts thereof, in conflict with the provision of this Resolution, are, to the extent of such conflict, hereby repealed or amended.

9. This Resolution shall be in full force and effect immediately upon its passage and signing. The Secretary of the Commission is hereby directed to deliver a certified copy of this Resolution to the Controller of the City.

10. The Mayor, the Controller and any other officer of the City and the Commission are hereby authorized and directed, in the name and on behalf of the City, acting for and on behalf of the District, to execute and deliver such further documents and to take such further actions as such person deems necessary, desirable or appropriate to effect the purposes of this Resolution, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 6<sup>th</sup> day of September, 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis, Indiana

---

John J. Dillon III, President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf  
Scott A. Krapf  
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.



**METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA  
PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

**Resolution No. 2023-A-034**

**PERSONAL PROPERTY TAX ABATEMENT**

**Bila Solar, Inc.**  
1301 South White River Parkway East Drive

**WHEREAS, I.C. 6-1.1-12.1** allows a partial abatement of property taxes attributable to the installation of Equipment (hereinafter the "Project") in Economic Revitalization Areas; and

**WHEREAS, I.C. 6-1.1-12.1** empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas, determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property and to limit the dollar amount of the deduction that will be allowed with respect to a Project, by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

**WHEREAS,** the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to the installation of new equipment; and

**WHEREAS, I.C. 6-1.1-12.1** requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

**WHEREAS,** a business (hereinafter "Applicant") named in the attachment to this Resolution, which attachment is hereby incorporated by reference, has a leasehold interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

**WHEREAS,** the Applicant has requested that the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the installation on the Subject Real Estate of certain new manufacturing, logistical distribution, information technology, and/or research and development equipment (hereinafter "Specified New Equipment"); and

**WHEREAS,** during a hearing at 1:00 p.m. on Wednesday, September 6, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and sufficient evidence was provided which tended to establish Assertions 1, 2, 3, 4, 5 and 6 stated on the attachment to this Resolution.

*Bila Solar, Inc. - 8 Year Personal Property Tax Abatement*

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of eight (8) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows a partial abatement of property taxes only relative to Specified New Equipment. However, on the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications and additions which are not substantial in nature to the specified New Equipment, prior to March 1 of the year in which the initial certified deduction application for new equipment is filed with the Indiana Department of Local Government Finance.
3. **The Economic Revitalization Area designation terminates December 31, 2026. Accordingly, partial abatement of property taxes is allowed relative to Specified New Equipment installed and in operation on the Subject Real Estate during the period from September 20, 2023, to December 31, 2026.** However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the subject real estate before termination of such designation, to a period of less than eight (8) years. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to installation of specified new equipment in the ERA, to those respective tax savings attributable to an equipment investment of not greater than \$37,000,000.00.
4. The partial abatement of property taxes attributable to the installation of Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
5. This Economic Revitalization Area designation is limited to allowing partial abatement of property taxes attributable to the installation of the Specified New Equipment on the Subject Real Estate and does not allow the abatement of real property taxes attributable to redevelopment or rehabilitation activities under I.C. 6-1.1-12.1-3.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.
7. The Commission fixes 1:00 p.m. on Wednesday, September 20, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area and fix the length of the abatement period at eight (8) years.
8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

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John J. Dillon III, President

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Date

Approved as to Legal Form  
and Adequacy this 22<sup>nd</sup> day  
of August, 2023

/s/ Toae Kim  
Toae Kim,  
Deputy Chief Counsel

**ATTACHMENT TO**  
**METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION**  
**PERSONAL PROPERTY TAX ABATEMENT**

**FACTUAL INFORMATION**

Applicant: Bila Solar, Inc.

Subject Real Estate: 1301 South White Rive Parkway East Drive

Center Township Parcel Number: 1106212

**PROJECT DESCRIPTION**

Bila Solar, Inc. is a privately funded company incorporated in Delaware. Bila Solar's products include a proprietary, ultra-lightweight solar panel that incorporates composite materials in lieu of glass. The company has identified a vacant, former Eli Lilly and Elanco building as the US headquarters and production facility for Bila Solar. The company has secured a nine-year lease for 157,785 square feet of the approximately 447,000-square foot building, which two five-year extension options.

The combined Bila headquarters and manufacturing facility will require a significant investment in taxable personal property, specific solar panel manufacturing equipment. The new facility will be a state-of-the-art robotic factory for the manufacture and assembly of solar modules. The installation of new equipment and build-out will take place over the next four years, with an estimated equipment expenditure of \$36,000,000.00. As a result of the project, Bila Solar would commit to the creation of the 244 new jobs by 2026.

**FACTUAL ASSERTIONS**

1.   x   The application was filed with the Department of Metropolitan Development prior to the New Equipment being installed.
2.   x   The specified New Equipment meets the definition of "New Manufacturing Equipment", "New Logistical Distribution Equipment", "New Information Technology Equipment", and/or "New Research and Development Equipment" found in I.C. 6-1.1-12.1, as interpreted by the Indiana Department of Local Government Finance.
3.   x   The specified New Equipment will be installed on the subject real estate in one of the following types of facilities:
  - A.      Existing facility
  - B.      Expanded facility
  - C.      New facility
  - D.   x   Vacated or converted facility

4. The facility meets the appropriate requirements:

A. ☐ of an existing, expanded or vacated or converted facility:

1. ☒ The area in which the facility is located has become "undesirable for normal development" (as defined in Metropolitan Development Commission Resolution No. 01-A-041, 2001), or
2. ☐ The operation in the facility is a distressed business (as defined in Resolution No. 97-A-110, 1997), and
3. ☐ the specified new equipment is being installed to relieve the conditions causing the business to be distressed, and
4. ☐ the facility is technologically, economically or energy obsolete, which obsolescence may lead to a decline in employment and tax revenues.

B. ☐ of a new facility;

1. ☐ the area in which the facility is to be located has become "undesirable for normal development" (as defined in Metropolitan Development Commission Resolution No. 97-A-110, 1997), or
2. ☐ The operation in the facility is a distressed business (as defined in Resolution No. 97-A-110, 1997), and
3. ☐ the specified new equipment is being installed to relieve the conditions causing the business to be distressed, and
4. ☐ the facility is technologically, economically or energy obsolete, which obsolescence may lead to a decline in employment and tax revenues.

5. ☒ The facility will benefit Marion County by creating or retaining permanent jobs, increasing the property tax base, avoiding environmental harm, securing the attraction, retention or expansion of targeted businesses.

6. The subject real estate on which the facility is, or will be located:

A. ☒ Is outside an Allocation Area as defined in I.C. 36-7-15.1-26, or

B. ☐ inside an Allocation Area, but has been determined by the Commission to be acceptable for personal property tax abatement.

**PROPOSED ABATEMENT SCHEDULE**  
**PERSONAL PROPERTY TAX ABATEMENT**

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	100%
2 <sup>nd</sup>	90%
3 <sup>rd</sup>	80%
4 <sup>th</sup>	70%
5 <sup>th</sup>	60%
6 <sup>th</sup>	55%
7 <sup>th</sup>	40%
8 <sup>th</sup>	35%

**STAFF COMMENT**  
**PERSONAL PROPERTY TAX ABATEMENT**

Street Address:.....1301 South White River Parkway East Drive

New Jobs Created: ..... 244

Jobs Retained: ..... None.

Estimated Cost of Equipment: \$36,000,000.00

**STAFF ANALYSIS**

Bila Solar, Inc. is a designer and manufacturer of a proprietary, ultra-lightweight solar panel that incorporates composite materials in lieu of glass. The company has identified a vacant, former Eli Lilly and Elanco building as the proposed US headquarters and production facility. The company has secured a nine-year lease for 157,785 square feet of the approximately 447,000-square foot building, which two five-year extension options.

The combined Bila Solar headquarters and manufacturing facility will require a significant investment in taxable personal property, specific solar panel manufacturing equipment. The new facility will be a state-of-the-art robotic factory for the manufacture and assembly of solar modules. The installation of new equipment and build-out will take place over the next four years, with an estimated equipment expenditure of \$36,000,000.00. As a result of the project, the company would commit to the creation of the 244 new jobs by 2026.

The proposed use and the planned personal property investments will result in net benefits for the downtown area and the County. The petitioner will be donating five percent of its estimated abatement savings to support area Employ Indy's Indy Achieves completion grants program.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff's opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

**RECOMMENDATION:** Staff recommends approval of eight (8) years personal property tax abatement.

**TOTALITY OF BENEFITS**

**PETITIONER:** Bila Solar, Inc.

**INVESTMENT:** Staff estimates that the proposed investment of \$36,000,000.00 should result in an increase to the tax base of approximately \$14,400,000.00 of assessed value in the first year of operation. Staff estimates that over the eight (8) year personal property tax abatement period the petitioner will realize savings of approximately \$1,923,374.74 (a 66.3% savings). During the abatement period, the petitioner is expected to pay an estimated \$979,362.86 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$300,283.20 in personal property taxes annually related to the new equipment.

**EMPLOYMENT:** The petitioner estimates that this project will create two-hundred and forty-four (244) jobs at an average wage of \$26.24/hr. Staff finds these figures to be reasonable for a project of this nature.

**OTHER BENEFITS:** Staff believes this project is significant for Center Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment in Marion County.

**STAFF COMMENT:** Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.



Bila Solar, Inc.  
1301 South White River Parkway East Drive



**Legend**

-  IndyGo Transit Routes
-  Parcels
-  Project Site



0 370 740 1,480 Feet

Produced by: DMD REED August 16, 2023

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2023-E-038**

**RESOLUTION APPROPRIATING EXPENDITURE  
OF TAX INCREMENT FINANCE REVENUE FUNDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under IC 36-7-15.1 (the “Redevelopment Act”); and

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, the Redevelopment Act permits the Commission to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues (“TIF Revenues”); and

WHEREAS, the Commission has previously established the Greater Martindale-Brightwood Housing Redevelopment Area (the “GMB Housing RDA”), has designated the Hillside HOTIF Allocation Area within the GMB Housing RDA as an allocation area (the “Hillside HOTIF Allocation Area”) for the purposes of capturing TIF Revenues, has created an allocation fund for the Hillside HOTIF Allocation Area (the “Allocation Fund”) into which TIF Revenues are deposited, and has approved the GMB Housing RDA Plan, (the “Plan”); and

WHEREAS, IC 36-7-15.1-35 authorizes the Redevelopment Commission to reimburse the Consolidated City with HOTIF revenue for expenditures associated with local public improvements that are physically located in that allocation area;

WHEREAS, IC 36-7-15.1 defines local public improvements as “any redevelopment project or purpose of the commission or unit under IC 36-7-15.1 or IC 36-7-30”; and

WHEREAS, A redevelopment project includes the performance of all acts incident to the statutory powers and duties of a redevelopment commission; and

WHEREAS, the MDC is empowered to provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to construct, rehabilitate, or repair commercial property within the district.

WHEREAS, the DMD has identified the Martindale Brightwood CDC as a partner for its Vacant to Vibrant Program to activate vacant residential lots to build new affordable housing located in the Hillside HOTIF Allocation Area; and

WHEREAS, the Martindale Brightwood CDC has committed to developing eight (8) new townhomes for households below 80% AMI ("Project") in the Hillside HOTIF Allocation Area; and

WHEREAS, DMD seeks to provide financial assistance to the Martindale Brightwood CDC to carry out the Project; and

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The Commission hereby finds that the expenditure of the unobligated HOTIF Revenues in the Allocation Fund in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) for purposes of reimbursing the Consolidated City, acting through the DMD, for its expenditures for local public improvements physically located in the Hillside HOTIF Allocation Area will help accomplish the Plan and will promote the redevelopment of the City and the Redevelopment Area and will be of public utility and benefit.
2. The Commission hereby dedicates and authorizes the expenditure of the HOTIF Revenues, in an amount not to exceed Two Hundred Thousand Dollars (\$200,000), for the purpose of reimbursing DMD for the expenditures described in Paragraph 1.
3. The City Controller is hereby authorized to disburse moneys from the Allocation Fund for the local public improvements noted above. The Director of DMD is hereby authorized to execute the necessary documents in accordance with this Resolution
4. This Resolution shall take effect immediately upon adoption by the Commission.

METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA, acting as the  
Redevelopment Commission of the City of Indianapolis,  
Indiana

\_\_\_\_\_  
John J. Dillon III, President

\_\_\_\_\_  
Date

Approved as to Legal Form  
and Adequacy this 23<sup>rd</sup> day  
of August, 2023.

/s/Toae Kim  
Toae Kim,  
Deputy Chief Counsel

Approved as the Availability of Funding

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Sarah Riordan, Controller

Community Investments  
Housing Trust Fund  
Construction/Housing Services

**METROPOLITAN DEVELOPMENT COMMISSION**  
**OF**  
**MARION COUNTY, INDIANA**  
**Resolution No. 2023-C-007**

WHEREAS, I.C. 36-7-15.1-35.5 authorizes the Metropolitan Development Commission ("MDC"), acting as the redevelopment commission for the Consolidated City of Indianapolis, to establish a supplemental housing program and a housing trust fund; and

WHEREAS, MDC resolution 02-B-002 establishes the Supplemental Housing Program and the Indianapolis Low Income Housing Trust Fund ("Trust Fund"); and

WHEREAS, I.C. 36-7-15.1-35.5(j) establishes the housing trust fund advisory committee ("Committee"); and

WHEREAS, the MDC is granted, pursuant to I.C. § 36-7-15.1-35.5 (j)(5), three appointments to the Housing Trust Fund Advisory Committee; and

WHEREAS, one of the three MDC appointments are vacant, and this appointment shall serve for a four-year term and shall represent the community at large from nominations submitted to the DMD from community-based organizations and other social service agencies; and

WHEREAS, the DMD requests the MDC appoint Valerie Davis (collectively hereinafter "Nominee") to the Housing Trust Fund Advisory Committee with a term that will expire September 6, 2027 as a representative of the community at large, in accordance with I.C. § 36-7-15.1-35.5 (j)(5); and

NOW, THEREFORE, BE IT RESOLVED:

1. Pursuant to LC. § 36-7-15.1-35.5 (j)(5), the Metropolitan Development Commission, acting as the redevelopment commission for the Consolidated City of Indianapolis, hereby appoints Valerie Davis, representing the community at large to the Housing Trust Fund Advisory Committee through September 6, 2027.
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Approved as to legal form and adequacy:

By: Christopher Steinmetz  
Christopher Steinmetz, Asst. Corp. Counsel

Date: 8/29/2023

Metropolitan Development Commission:

By: \_\_\_\_\_  
John J. Dillon III, President

Date: \_\_\_\_\_

Community Investments  
Housing Trust Fund  
Construction/Housing Services

**METROPOLITAN DEVELOPMENT COMMISSION**  
**OF**  
**MARION COUNTY, INDIANA**  
**Resolution No. 2023-C-008**

WHEREAS, I.C. 36-7-15.1-35.5 authorizes the Metropolitan Development Commission ("MDC"), acting as the redevelopment commission for the Consolidated City of Indianapolis, to establish a supplemental housing program and a housing trust fund; and

WHEREAS, MDC resolution 02-B-002 establishes the Supplemental Housing Program and the Indianapolis Low Income Housing Trust Fund ("Trust Fund"); and

WHEREAS, I.C. 36-7-15.1-35.5(j) establishes the housing trust fund advisory committee ("Committee"); and

WHEREAS, the MDC is granted, pursuant to I.C. § 36-7-15.1-35.5 (j)(5), three appointments to the Housing Trust Fund Advisory Committee; and

WHEREAS, one of the three MDC appointments are vacant, and this appointment shall serve for a four-year term and shall represent the community at large from nominations submitted to the DMD from community-based organizations and other social service agencies; and

WHEREAS, the DMD requests the MDC appoint Wahid Amed (collectively hereinafter "Nominee") to the Housing Trust Fund Advisory Committee with a term that will expire September 6, 2027 as a representative of the community at large, in accordance with I.C. § 36-7-15.1-35.5 (j)(5); and

NOW, THEREFORE, BE IT RESOLVED:

1. Pursuant to LC. § 36-7-15.1-35.5 (j)(5), the Metropolitan Development Commission, acting as the redevelopment commission for the Consolidated City of Indianapolis, hereby appoints Wahid Amed representing the community at large to the Housing Trust Fund Advisory Committee through September 6, 2027.
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Approved as to legal form and adequacy:

By: Christopher Steinmetz  
Christopher Steinmetz, Asst. Corp. Counsel

Date: 8/29/2023

Metropolitan Development Commission:

By: \_\_\_\_\_  
John J. Dillon III, President

Date: \_\_\_\_\_



**STAFF REPORT****Department of Metropolitan Development  
Division of Planning  
Current Planning Section**

**Case Number:** 2023-APP-025  
**Address:** 711 South Illinois Street (Approximate address)  
**Location:** Center Township, Council District #16  
**Petitioner:** Amanda Miller  
**Request:** Appeal of the Administrator's Decision to Approve 2023-REG-047  
permitting the construction of a two-story detached single-family  
dwelling.

The petitioner has submitted a request to **withdraw** this petition. This request would require acknowledgment by the Commission.

JY

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## STAFF REPORT

Item 22.

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-053  
**Address:** 2500 Lafayette Road (approximate address)  
**Location:** Wayne Township, Council District #11  
**Petitioner:** Luis Antonio & Maria E. Mena, by Don Fisher  
**Request:** Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales.

#### **ADDENDUM FOR SEPTEMBER 6, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued this petition from the August 2, 2023 hearing, to the September 6, 2023 hearing, after a full hearing and an indecisive vote.

#### **ADDENDUM FOR AUGUST 2, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on July 13, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

After the hearing, staff was advised that the need for dedication of right-of-way along the frontage of Lafayette Road was not required, based upon the original plat recorded around the turn of the century. Approximately, 20 feet of the platted parcel was taken to provide for widening of Lafayette Road in the past. This right-of-way combined with the existing 40-foot half right-of-way would satisfy the 60-foot half right-of-way requested by staff. Consequently, staff eliminates the third requested commitment below, but continues to **recommend denial**, subject to Commitments One and Two below, to which the petitioners have agreed.

**July 13, 2023**

#### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

If approved, staff would recommend approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The existing buffer located along the rear property line, adjacent to the residential neighborhood, shall be preserved and maintained.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

(Continued)

3. A 60-foot half right-of-way shall be dedicated along the frontage of Lafayette Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

## **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE**

- ◇ This 0.762-acre site, zoned C-4, is developed with automobile repair operation. It is surrounded by commercial uses to the north and south, zoned C-4; commercial uses to the east, across Lafayette Road, zoned C-4; and single-family dwellings to the west, zoned D-5.

### **REZONING**

- ◇ This request would rezone the site from the C-4 District (Community-Regional District) to the C-5 classification (General Commercial). “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

#### *Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

(Continued)

*Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).*

- **Outdoor display of merchandise should be limited.**
- **If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.**
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 60-foot half right-of-way along Lafayette Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
  1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
  2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
  3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

(Continued)

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology and would, in fact, be an inappropriate intensification of the current commercial uses.
- ◇ Furthermore, the Pattern Book clearly indicates the negative impact of outdoor display and recommends that it not be located adjacent to residential uses.
- ◇ Staff would note the absence of any C-5 District in the area, which is further evidence that this request would be incongruent with the surrounding land uses and would negatively impact the area, particularly the residential neighborhood to the west.
- ◇ Staff, therefore, recommends denial of this request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4                      Automobile repair

SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial uses
South -	C-4	Commercial uses
East -	C-4	Commercial uses
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology. Marion County Land Use Pattern Book (2019).
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THOROUGHFARE PLAN	This portion of Lafayette Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 80-foot right-of-way and a proposed 102-foot right-of-way.
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CONTEXT AREA	This site is located within the compact context area.
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OVERLAY	There is no overlay for this site.
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(Continued)

**ZONING HISTORY**

**2005-UV1-039; 2535 and 2545 Lafayette Road (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to modify condition Number One of variance petition 85-UV2-109 to provide for a revised site plan and landscape plan, **granted**.

**93-UV1-55; 2537 Lafayette Road (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued use of an existing restaurant and the construction of a 16 x 30-foot pole storage building, **granted**.

**85-Z-55; 2525 Lafayette Road (east of site)**, requested the rezoning of 0.28 acres, being in the D-4 district to the C-4 classification to provide for the operation of a retail cabinet store, **approved**.

**85-UV2-109; 2545 Lafayette Road (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and garage for use as an automobile sales facility and with outdoor display and sales of vehicles, **granted**.

**84-UV1-27; 2442 Lafayette Road (south of site)**, requested a variance of use to provide for the remodeling and expansion of an existing restaurant, **granted**.

**82-UV1-91; 2527 Lafayette Road (east of site)**, requested a variance of use and development standards to permit commercial building to be used for salt and water conditioning sales and service of artificial kidney supplies, **granted**.

**82-UV3-47; 2450 Lafayette Road (south of site)**, requested a variance of use and development standards to permit additional display of mini-barns in the front yard of a construction office along with two display garages, **granted for a maximum of three mini barns**,

kb

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2023-ZON-053 Mena Auto Sales area, 2500 Lafayette Rd, 7-13-23, IEI#2302



7/13/2023

- Parcel
- 2022 Aerial Photography
- Green: Band\_2
- Blue: Band\_3
- Red: Band\_1

1:1,128



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



**MEMORANDUM OF EXAMINER'S DECISION****2023-ZON-053****2500 Lafayette Road**

The petition requests the rezoning of 0.76 acre from C-4 district to the C-5 district to allow for vehicle sales.

Your Hearing Examiner visited the site prior to the hearing and noted the variety of commercial uses along this section of Lafayette Road. The single family residential development adjacent to the west side of the site was also noted.

The petitioner's representative described the auto repair business that has been on this site for about 15 years and the desire to add vehicle sales. It was opined that this would be an appropriate use because Lafayette Road is a highly traveled primary thoroughfare. An exhibit was submitted that showed existing C-4 and C-5 zoning along Lafayette Road, and a second exhibit showed auto sales lots along Lafayette Road. The legality of the auto sales lots was not established. Although it was reported that two neighborhood organizations said they wouldn't oppose the rezoning request, no one appeared and there were no letters submitted.

Staff stated that it had opposed most use variances for auto sales in this area. Staff also pointed out that the requested C-5 district does not conform with the Comp Plan recommendation of Community Commercial, the Pattern Book specifies outdoor display is not appropriate in this area, and the residential area to the west needs to be protected.

In your Hearing Examiner's opinion, it is inappropriate to introduce C-5 zoning and uses on this site, because the primary zoning along this section of Lafayette Road is C-4. Your Hearing Examiner is also concerned about the impact of outdoor sales and display adjacent to an established residential area. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on August 2, 2023



View looking south along Lafayette Road



View looking north along Lafayette Road





View of site looking west across Lafayette Road



View of site looking west across Lafayette Road





View of site looking south from adjacent property to the north



View of site looking southwest from adjacent property to the north



View of adjacent uses to the south of site looking west, across Lafayette Road

## STAFF REPORT

Item 23.

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-024 / 2023-VAR-001 (Amended)  
**Address:** 2802 South Holt Road (*Approximate Address*)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Maninder Singh  
**Request:** Rezoning of 0.36 acre from the D-5 (FF) district to the C-4 (FF) district to provide for an automobile body repair shop.

**Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:**

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days); and
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted).

#### **September 6, 2023**

At the August 16, 2023 hearing of the Metropolitan Development Commission, the petitioner requested and was granted a for cause continuance to the September 6, 2023 hearing. Staff continues to **recommend denial**.

#### **AUGUST 16, 2023**

At the July 27, 2023 hearing of the Hearing Examiner, the Hearing Examiner recommended approval of the rezoning portion of this petition. However, the Hearing Examiner recommended denial of the filed variances of development standards. The petitioner filed a timely appeal of the Hearing Examiners decision to recommend denial of the variances. Staff continues to **recommend denial**.

#### **JULY 27, 2023**

At the June 29, 2023 hearing, the petitioner requested a for cause continuance to July 27, 2023, hearing in order to provide a more descriptive site plan for review. At the time of publication, an

(Continued)

amended site plan has not been provided. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

**JUNE 29, 2023**

At the May 25, 2023, hearing, the petitioner requested a for cause continuance to the June 29, 2023, hearing, in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. The petitioner has indicated they intended to request an additional continuance in order to produce one. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

**May 25, 2023**

**RECOMMENDATIONS**

Staff **recommends approval** of the rezoning but **recommends denial** of the variances.

**LAND USE ISSUES**

- ◇ This 0.36-acre site is split zoned C-4 (FF) and D-5 (FF). The site is improved with a gravel parking area, a portable storage structure and six-foot tall chain-link perimeter fence topped with barbed wire. North of the subject site is a commercial structure housing a tobacco shop and a barber shop, within the C-4 District. West of the subject site are single-family dwellings within both the C-4 and D-5 Districts. To the south is a recreational playground and religious use facility within the D-5 District. East of the site is an automobile fueling station within the I-3 District.
- ◇ This site is recommended for Community Commercial development by the Comprehensive Plan and is located within its Environmentally Sensitive overlay.
- ◇ According to aerial images and Google Maps Street View, the site was previously improved with a small commercial walk-up eating establishment, including a carport structure for the associated parking. This structure was demolished around 2017.

**REZONING**

- ◇ The request would uniformly zone the property C-4. Currently, only a portion of the northernmost tract is zoned C-4, with the remainder of the property zoned D-5.
- ◇ The C-4 District is the Community-Regional Commercial District under the Ordinance and provides for medium-intense commercial uses intended to serve the broader community rather than a specific neighborhood. Uses permitted within this district typical generate substantial traffic and rely on access to major thoroughfares and are typically characterized by indoor operations with limited outdoor activities.
- ◇ The comprehensive plan's Community Commercial recommendation is generally reflective of the C-4 District. Specifically, it is intended to provide for low-intensity commercial and office uses that serve nearby neighborhoods through freestanding buildings or small integrated centers.

(Continued)

- ◇ This site is also within the Environmentally Sensitive overlay of the comprehensive plan. This overlay is intended to preserve high quality woodlands, wetlands or other natural resources and mitigate damage to such resources by development. This overlay specifically indicates which land uses may not be appropriate within it. The proposed use, on a site of this size, is not excluded from the recommendation. Therefore, the rezoning request would align with the Comprehensive Plan recommendation.
- ◇ As filed, the request would provide for the operation of an automobile body repair shop, which is permitted within the C-4 District. This use requires that all servicing, motor repair, or body repair be conducted within an enclosed building. Within the C-4 District, vehicles awaiting repair may not be stored outdoors for longer than 24 hours, as outdoor storage and operations begin to be permitted within the C-5 District.

## **VARIANCES**

- ◇ As proposed, the site would utilize the existing portable storage structure for the storage of tools associated with automobile repair, and the construction of a shed for the storage of automobile parts and other accessories related to the business. Such structures are not permitted in order to promote an orderly aesthetic. Repairs would be conducted outdoors until a permanent structure can be constructed.
- ◇ There is currently a six-foot tall chain link perimeter fence, including gated access to Farnsworth Street and Holt Road, with barbed wire on the site. Given the lack of a building on the site, a six-foot tall fence would not be permitted on the site. Barbed wire fences are prohibited by the zoning ordinance except for facilities associated with public safety or prisons and jails. The vehicle gates are also within the access drive clear sight triangles.
- ◇ Fence height limitations are intended to promote an orderly aesthetic and uniform streetscape as fences of such height can appear industrial in nature. The clear sight triangle is intended to preserve visibility and promote safety by reducing the risk for vehicular-pedestrian collisions.
- ◇ The request also would allow for the use of a gravel parking area. All commercial districts require hardscaped surfaces for parking areas, in order to avoid the circulation of dust particulate and ensure predictable drainage.
- ◇ Staff believes that the proper, orderly development of the site, including construction of a freestanding building is not only appropriate in the context of the district, but would eliminate any practical difficulty. In Staff's opinion, any practical difficulty associated with the site is self-imposed due to the reluctance to develop this vacant site in compliance with minimum expectations associated with the C-4 District.

(Continued)



**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

C-4, D-5

Commercial structure, vacant

SURROUNDING ZONING AND LAND USE

North - C-4

Tobacco Shop and Barber Shop

South - D-5

Playground

East - I-3

Automobile Fueling Station

West - C-4, D-5

Single-family dwellings

COMPREHENSIVE LAND USE  
PLAN

The Land Use Pattern Book (2019) recommends  
Community Commercial development.

THOROUGHFARE PLAN

This portion of Farnsworth Street is classified as a Local  
Street with an existing and proposed 58-foot right-of-way.  
This portion of Holt Road is classified as a Primary Arterial  
with an existing and proposed 95-foot right-of-way.

CONTEXT AREA

This site is located within the Compact Context Area.

SITE PLAN

File-dated April 28, 2023.

**ZONING HISTORY**

None.

EDH

\*\*\*\*\*

Petition Number 2023-ZON-024 / 2023-

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

Allowing a taller 6 ft fence, even though it's more than the usual 3.5 ft for C4 zoning, won't harm people's health, safety, or well-being in the community.

The proposed fence height might not fit with the current plan, but it's important to make the property safer, especially after a past theft. Putting up a taller fence not only makes the petitioner's property more secure but also helps to keep the whole community safe by discouraging criminals.

If thieves see that properties in the neighborhood are well-protected and tough to get into, they might think twice about trying to commit crimes in the area.

Also, because the property is next to an I3-zoned area where there are heavier industrial activities, having a taller fence makes a lot of sense.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

- \* The higher 6 ft fence fits well with the surrounding industrial area and doesn't spoil the look or view of the place.
- \* The fence looks good and is built well, so it adds to the overall look of the neighborhood.
- \* Because it makes the property safer and clearly marks where the residential area starts and the commercial area ends, the fence helps keep the neighborhood peaceful.
- \* So, allowing a higher fence won't harm the use or value of properties nearby. Instead, it helps create a safer and better-defined neighborhood.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

If the petitioner has to stick to the rule of only having a 3.5 ft fence, it would create problems. The petitioner's property, which often houses expensive vehicles for personal use and repair, has been a target of theft in the past, highlighting the need for a higher fence to safeguard these valuable assets. Besides the security concern, the property is located next to an industrially zoned area, making a taller fence necessary to clearly mark boundaries. Therefore, without the allowance for a higher fence, it could interfere with the petitioner's ability to protect their assets and use their property securely and comfortably.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

_____	_____
_____	_____
_____	

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

Granting the variance for outdoor storage and open-air work will not harm the community's health, safety, or general well-being. The petitioner plans to store vehicles securely within a 6 ft fence and will further enhance security with camera surveillance. Work hours will be respectful to the community (8 am to 10 pm), with regular maintenance and cleaning of the site to minimize noise and visual impact. The petitioner has a waste disposal strategy in place to protect the environment and plans to construct a building within the next 4-5 years to further improve the site. Given the property's industrial surroundings, these measures align with the character of the area and demonstrate a commitment to community standards.

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

Granting the variance for outdoor storage and open-air work won't negatively impact the use or value of the neighboring properties. The activities align with the industrial character of the surrounding I3-zoned area, ensuring compatibility. The petitioner is committed to managing noise, visuals, and waste, maintaining a clean site and limiting work hours to respect the community's tranquility. A secure 6ft fence will be installed for privacy and boundary delineation. The petitioner's plans to construct a building within the next 4-5 years demonstrate a commitment to improving the property, which can enhance the overall value of the neighborhood.

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

The need for the variance arises from the petitioner's intention to construct a building on the property in 4 to 5 years. During this initial period, the petitioner seeks to familiarize themselves with the area and establish a client base before making a significant investment in constructing a permanent structure. The variance allows for temporary outdoor storage and open-air work, providing the flexibility needed to operate efficiently and assess the suitability of the property for their business. Therefore, the variance is specifically driven by the petitioner's strategic approach and the need to adapt to the unique circumstances of their long-term plans.

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

If we strictly follow the rules of the zoning ordinance for the property, it would create unusual and unnecessary difficulties. The property doesn't currently have a suitable building for our work, and complying with the ordinance would make it very challenging for us to operate. It would cause financial hardship and might even force us to delay our operations or find a different location. Considering the industrial nature of the area and our efforts to address any potential issues, granting the variance would be a fair and practical solution that doesn't harm the community or neighboring properties.

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

The grant does not interfere substantially with the comprehensive plan because it supports the community's economic growth and aligns with future development goals. The variance is temporary and respects the plan's vision, as the petitioner plans to build a permanent structure in the future. The grant addresses the property's specific needs without compromising the plan's overall objectives. Measures are in place to minimize any potential disturbances, like noise or waste, showing a commitment to responsible practices. Overall, the variance respects the comprehensive plan while benefiting the community's development

**DECISION**

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_

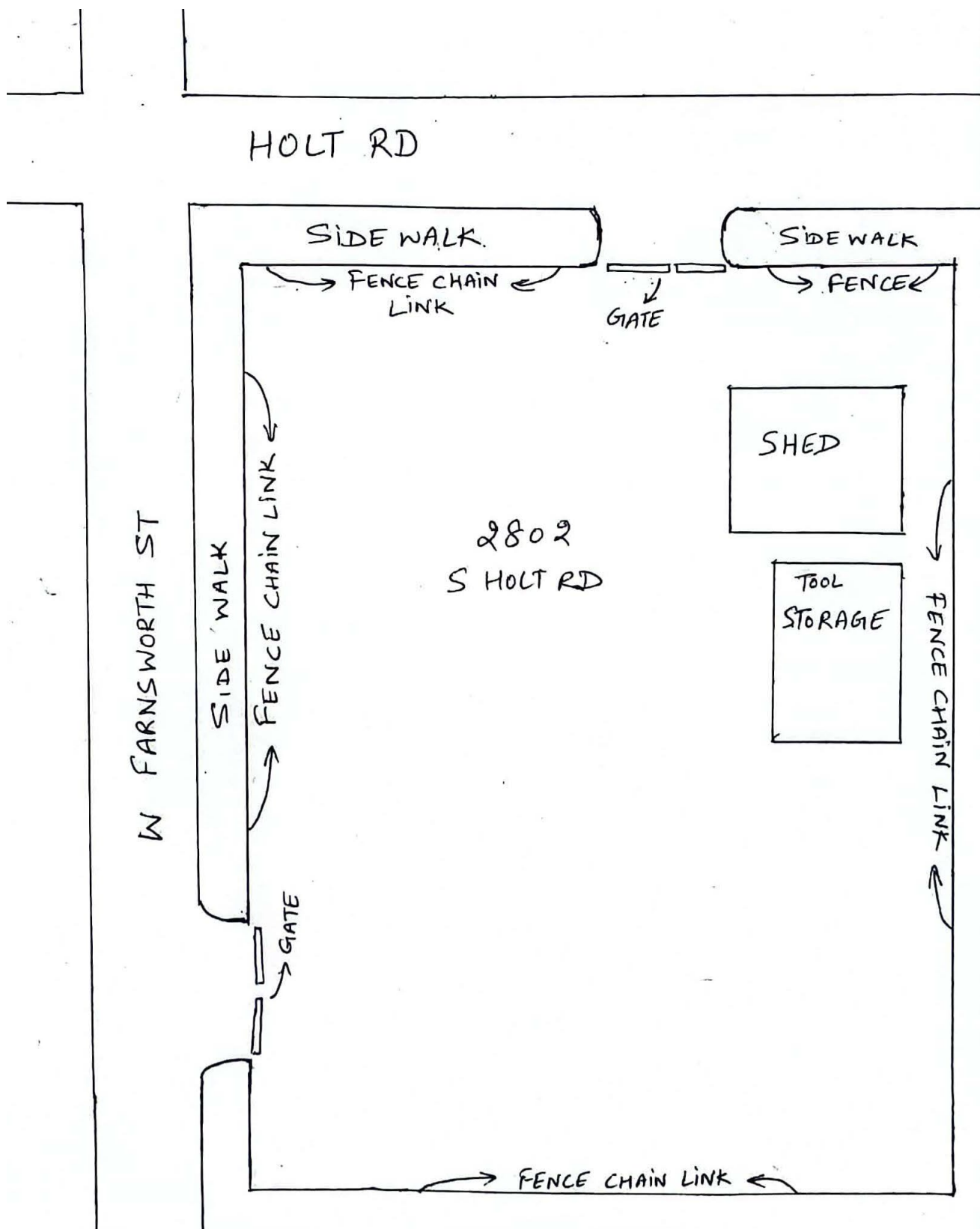
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Item 23.

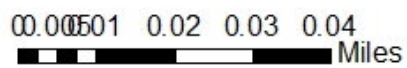






Photo One: Facing North along Holt Road.



Photo Two: Facing West South along Holt Road. Automobile fueling station on left.





Photo Three: Facing West along Farnsworth Street, subject site on left.



Photo Four: Facing West across Holt Road towards subject site.





Photo Five: Facing South along Holt Road. Subject site on right.



Photo Six: Vehicle Gate along Farnsworth Street, with barbed wire.





Photo Seven: Southern lot along abutting playground.



Photo Eight: Western lot line, adjacent to single-family dwellings.