

**GREENWOOD COMMON COUNCIL**

**RESOLUTION NO. 22-28**

**A RESOLUTION DECLARING CERTAIN AREA WITHIN THE CITY OF  
GREENWOOD AN ECONOMIC REVITALIZATION AREA AND QUALIFYING  
CERTAIN REAL PROPERTY IMPROVEMENTS FOR TAX ABATEMENT AND  
SETTING THE TIME AND PLACE FOR A PUBLIC HEARING (Visionware, LLC)**

WHEREAS, the City of Greenwood, Indiana, recognizes the need to stimulate growth and maintain a sound economy within its corporate limits;

WHEREAS, the Greenwood Common Council further recognizes that it is in the best interest of the City of Greenwood to provide incentives to stimulate investment within the community;

WHEREAS, Ind. Code § 6-1.1-12.1 *et. seq.* provides for a program of real and personal property tax abatement within Economic Revitalization Areas ("ERA") and provides for the adoption of such a program;

WHEREAS, the Greenwood Common Council desires to establish such an ERA within the City of Greenwood;

WHEREAS, a certain area located at 2807 S. State Road 135 (the "Real Estate") has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevented a normal development of property or use of property, and the property has been adjacent to an industrial area without developing for a number of years;

WHEREAS, Visionware, LLC ("Visionware") owns the Real Estate described and shown in composite Exhibit A, attached hereto and incorporated herein, and intends to redevelop said real estate as the term is contemplated by Ind. Code § 6-1.1-12.1(5) and requests an economic revitalization area designation;

WHEREAS, Visionware intends to construct a 9,600 square foot Optometry Clinic office building;

WHEREAS, the City of Greenwood Redevelopment Commission ("Commission"), on November 10, 2015, by Resolution No. 2015-09, designated an area within the City's corporate boundaries as an Economic Development Area ("EDA") as defined in Ind. Code § 36-7-14 and designated the entire EDA as an allocation area as defined in Ind. Code § 36-7-14-39;

WHEREAS, Greenwood Common Council tax abatement approval procedure provides that when property is located in an ERA and is also located in an allocation area, an application for property tax deduction as provided by Ind. Code § 6-1.1-12.1 may not be approved unless the Redevelopment Commission, who designated the allocation area, favorably recommends the application for property tax deduction;

WHEREAS, the real estate described in composite Exhibit A, is located in the allocation area designated in Commission Resolution No. 2015-09;

WHEREAS, the Commission reviewed and approved the Application for Property Tax Abatement (the "Application") at a public meeting on November 15, 2022, by adoption of Resolution 2022-15, a copy of which is attached hereto as Exhibit B (without exhibit, as the Resolution exhibit is identical to Composite Exhibit A attached hereto) and incorporated herein;

WHEREAS, Visionware intends to invest approximately \$2,832,000 in the economic revitalization area in real property improvements via construction of an approximately 9,600 square foot Optometry Office building, and which building, once put to use by an end user or users, will create additional employment positions and additional payroll in the City;

WHEREAS, Visionware filed its Statement of Benefits Real Estate Improvements (SB-1 / Real Property) with the City of Greenwood on November 9, 2022 and submitted its Application for Property Tax Abatement, which are attached hereto as part of composite Exhibit A (the "Application"), on October 6, 2022; and

WHEREAS, the Greenwood Common Council has reviewed Visionware's Statement of Benefits Real Estate Improvements (SB-1 / Real Property) form and been otherwise duly advised in the premise and has determined that it is in the best interests of the City to allow the deductions as described in the Application;

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COMMON COUNCIL THAT:

Section 1. The area legally described and shown on the attached composite Exhibit A is found to be an area within Greenwood Common Council jurisdiction and meets the statutory criteria of an Economic Revitalization Area.

Section 2. The area legally described and shown on the attached composite Exhibit A is hereby declared an Economic Revitalization Area.

Section 3. The Greenwood Common Council hereby determines that it is in the best interest of the City to allow the deduction under Ind. Code § 6-1.1-12.1-3 within the said ERA, as requested in the Application, based upon the following findings:

- (1) The estimate of the value of the redevelopment of the Real Estate is reasonable for projects of that nature.
- (2) The estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
- (3) The estimate of the annual salaries of the individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
- (4) The nature of the improvements and the projected property taxes to be paid, create benefits of the type and quality anticipated by the Greenwood Common Council within the ERA and can reasonably be expected to result from the proposed described redevelopment.
- (5) The totality of benefits is sufficient to justify the deductions.

Section 4. The application of Visionware for Real Property Tax Abatement and Statement of Benefits Real Estate Improvements (Form SB-1 / Real Property) as submitted is hereby approved.

Section 5. The owner of the real estate improvements comprising the construction within the above-designated ERA shall be entitled to the deductions provided by Ind. Code § 6-1.1-12.1-3 for a period of five (5) years with respect to real estate improvements constructed as contemplated by and reflected in the Application, according to the following schedule:

Year 1: 100%  
Year 2: 80%  
Year 3: 60%  
Year 4: 40%  
Year 5: 20%

Section 6. In partial consideration of the value of the property tax deductions granted to Visionware by the City, Visionware hereby agrees and commits to not file any real property tax assessment appeal, review, or other challenge ("Appeal") of the real property tax assessments made for the Real Estate during the time periods for which real property tax deductions are authorized under this Resolution, unless the assessed value of the Real Estate exceeds the total actual investment in the Real Estate (including, but not limited to, the purchase price and the costs

of any improvements). In the event Visionware desires to file such an Appeal, Visionware shall provide the City with a copy of the Appeal no later than the date the Company files the Appeal. Violation of the restrictions on and conditions applicable to an Appeal shall permit the City to terminate the property tax deductions authorized under this Resolution.

Section 7. Two (2) copies of the ERA map, are on file in the Office of the Clerk of Greenwood, Indiana and the Common Council directs the Clerk to maintain for public inspection the two (2) copies in the files of the Clerk.

Section 8. Notice of the adoption and the substance of this Resolution and all other disclosures required by Ind. Code § 6-1.1-12.1-2.5 shall be published in accordance with Ind. Code § 5-3-1, which notice shall advise that at the Greenwood Common Council's regularly scheduled meeting on Wednesday, January 4, 2022, at 7:00 p.m., the Council will receive and hear all remonstrance and objections from interested persons, and, having heard and considered same, will act to rescind, modify and confirm, or confirm this Resolution.

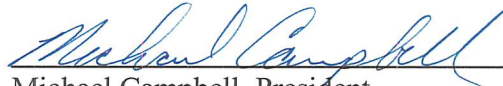
Section 9. A copy of the above-referenced notice of adoption and a statement containing substantially the same information as the Statement of Benefits Real Estate Improvements included in composite Exhibit A shall be filed with the officers of each taxing unit that has authority to levy property taxes in the geographic area which is hereby allowed deductions at least ten (10) days prior to the public hearing on this Resolution.

Section 10. A copy of this Resolution shall be filed with the Johnson County Assessor's Office and made available at that office for public inspection.

Section 11. The sections, paragraphs, sentences, clauses, and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this Resolution.

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Passed by the Common Council of the City of Greenwood, Indiana, this 19<sup>th</sup> day of December, 2022.

  
Michael Campbell, President  
Greenwood Common Council

ATTEST:

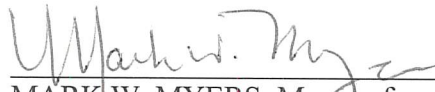
I hereby certify that the foregoing within and attached resolution was duly passed by the Common Council of the City of Greenwood, Indiana, at a meeting thereof held on the 19<sup>th</sup> day of December, 2022, by the following vote:

	AYE:	NAY:
Ronald Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Andrew K. Foster	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda S. Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ezra Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. David Hopper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Lekse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bradley Pendleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Williams	<input type="checkbox"/>	<input type="checkbox"/> Absent

The foregoing within and attached resolution passed by the Common Council of the City of Greenwood, Indiana, on the 19<sup>th</sup> day of December, 2022, is presented by me this 19<sup>th</sup> day of December, 2022, at 7:14 o'clock 7:14 P.m., to the Mayor of the City of Greenwood, Indiana.

  
Jeannine Myers, Clerk

The foregoing within and attached resolution passed by the Common Council of the City of Greenwood, Indiana, on the 19<sup>th</sup> day of December, 2022, is approved by me this 19<sup>th</sup> day of December, 2022, at 7:15 o'clock P.m.

  
MARK W. MYERS, Mayor of  
the City of Greenwood, Indiana