

ROLL CALL

Dan Baumgardner
 Harry Baumgartner, Jr

Jerome Markley

Bill Horan
 Richard Kolkman
 Finley Lane

Tim Rohr
 John Schuhmacher
 Jim Berger

Michael Lautzenheiser, Jr., Director

The August 7, 2014 meeting of the Area Plan Commission was called to order at 6:30 p.m. by President Jerome Markley. Nine members were present for roll call. Jarrod Hahn, Keith Masterson, and Mike Morrissey were absent. Jim Berger served as alternate.

APPROVAL OF MINUTES:

Tim Rohr made a motion to approve the minutes from the July 3, 2014 meeting. Bill Horan seconded the motion; the motion carried 8-0-1 Jerome Markley abstained.

OLD ITEMS:

Discuss ongoing litigation in regards to Wells County Wind II, LLC

Michael Lautzenheiser Jr stated the result of the executive session was that the board needed to make further action on two items. The first would be whether or not to have Andy Antrim, APC attorney, file a brief on behalf of the Area Plan Commission in defense of the board's decision as part of the appeal. The second item would be whether or not the board should ask the County Commissioners to respond to the appeal in regards to the portion of their ordinance, which was found to be unconstitutional.

Jim Berger questioned the cost to defend this in the court of appeals. Mr. Lautzenheiser explained that it would be somewhere between \$5,000 and \$7,500, which is not currently in the board's budget. In order to pay the fees, Mr. Lautzenheiser stated that an addition appropriation would need to be requested from County Council. Mr. Berger commented on attending the judicial review of the appeal and stated that Apex's attorney did a majority of the defending. He stated that the county should not spend any more of the taxpayers' money to defend this because Apex will continue to defend this. He believes that the Court of Appeals can decide the case based on the record of information.

Bill Horan stated that the appeal that was filed brought into question the legality of the zoning ordinance, which he feels that it's important for the APC to defend. He made a motion to have Mr. Antrim file a brief to defend it. Finley Lane seconded the motion. The board voted 4-5, with Dan Baumgardner, Jim Berger, Richard Kolkman, Tim Rohr, and John Schuhmacher voting against the motion. The motion failed.

Jim Berger made a motion to allow Apex to handle the appeal and not spend taxpayers' money to have Mr. Antrim file a brief.

Motion: Jim Berger

Second: Richard Kolkman

Vote: 7-2 (Bill Horan and Jerome Markley)

Mr. Berger asked for clarification on which version of the ordinance the County Commissioners could be asked to make a response to. Mr. Lautzenheiser explained that it was the ordinance under which Apex filed their petition. He stated that the language, which was found to be unconstitutional, is in both

versions. Mr. Berger went on to discuss the current ordinance and reciprocal setbacks. He commented about wasting money to defend a part of the ordinance, which he views can't be defended because of being unconstitutional.

Mr. Horan stated that it's not the board's role to direct the County Commissioners on what actions to take. He made a motion to not ask the County Commissioners to take action to process one way or the other.

Motion: Bill Horan

Second: Jim Berger

Vote: 8-1 (Jerome Markley)

Jim Berger left the meeting at this time. Jarrod Hahn and Keith Masterson arrived at the meeting.

NEW ITEMS:

Ossian Redevelopment Commission - Resolution and economic development plan

Tim Ehlerding, Wells County Economic Development Director, explained the Town of Ossian wants to create a Tax Increment Finance (TIF) District. He then went on to explain what a TIF district is. He stated that it's a way to capture new money generated by a business development, and use that money to either attract new business to the area or make improvements inside the TIF district. Then he gave an example of how the taxing would change and where the money would go. Mr. Ehlerding stated that money would still be going to the schools, township, county, etc., but new money would go into the TIF district to benefit it for a maximum of 25 years. He advised the board on how the town board established a redevelopment committee and adopted the declaratory resolution. He stated that the boundary of TIF district would be where the existing industrial park is along with two expansions for the industrial park. One of the expansions is the 110 acres south of 850 S between the rail road and State Road, and the other is the farm land owned by Ted Martz west of the railroad and north of 850 S.

Mr. Lautzenheiser stated that the properties are currently zoned I-1 and the properties are shown as I-1 in the Comprehensive Plan.

Conditions:

Motion to Approve: John Schuhmacher

Second: Jarrod Hahn

Vote: 10-0

A 14-08-17 HARRISON TWP. NW/4 09-26N-12E PEND II (OH-IN) LLC requests approval for a development plan for a 27 space parking lot. The property is located at 130 Harvest Rd, Bluffton, IN 46714 and is zoned I-1.

Eric Wright, with PendaForm (old FabriForm), stated that FabriForm was sold and plants were closed and consolidated. He explained that there are nine new pieces of equipment at this location, which has tripled the workforce. They are requesting an approval to add on to the parking lot. The parking lot will be paved.

Joel Hoehn, Stody and Associates, explained that they are asking for the one time exemption for detention for a quarter acre of hard surface. He stated that the parking lot would be 10,820sqft. He advised that the drainage would all be sheet drainage, which would flow to the side ditch on the south side of Harvest Road. The water will then go into a storm sewer, which flows south to the Schwartz legal open drain and eventually goes to the Wabash River.

Mr. Hahn stated that there are no known drainage problems in that area.

Conditions: With exemption for detention for quarter acre hard surface waiver

Motion to Approve: Jarrod Hahn

Second: John Schuhmacher

Vote: 10-0

A 14-08-18 LANCASTER TWP. SW/4 22-27N-12E Nkechi A. Wan requests approval for a development plan for an 862.50sqft. dentist office. The property is located at 2155 Commerce Dr., Bluffton, IN 46714 and is zoned B-3.

Brett Miller, MLS Engineering, stated that it would be a 2400sqft dentist office with roughly 7 employees at this time with future expansion possibilities. There will be a parking lot with 17 spaces. There is also a future building on the site plan, which is accommodated in the storm drainage calculations. He explained that the front building and the parking lot to the front and south are going to be the first to be constructed. He stated that the electric would come into the property from the west through a utility easement with the city. Mr. Miller explained that storm water drainage would be collected with on-site drains and then piped over to an existing culvert to the west, which goes under Commerce Drive, then collects in a detention pond on the Lowes property. The Lowes detention pond was sized for this development. He advised the board that they have drainage easements drafted for the two properties that the water would flow through, and that they have verbal agreements from the property owners to sign the documents. Mr. Miller stated that a setback waiver was also submitted to reduce the front yard setback to 5ft for the business's sign. He advised the board that the only exterior lighting would be from wall packs over the doors.

Mr. Lautzenheiser commented on the unknown occupancy level of the future building to the north and the amount of parking spaces needed. If the board were to approve the petition, they could apply a commitment that would verify the need for spaces based on the largest meeting room in the structure.

Conditions: With waiver of front yard setback for sign to 5ft, and the conditions of 2 drainage easement agreements on the Gerber and Ortiz properties, and electrical easement with the City of Bluffton.

Motion to Approve: Jarrod Hahn

Second: Keith Masterson

Vote: 10-0

CONTINUED ITEMS:

Mike Morrissey arrived at the meeting at this time

A 14-07-15 ROCKCREEK TWP. SW/4 15-27N-11E Helena Chemical Company requests rezoning approval for 3.95 acres to be zoned I-1. The property is located at 2875 W 300 N, Bluffton, IN 46714 and is zoned A-1.

The petition was withdrawn per owner's written request before this meeting date.

A 14-07-16 ROCKCREEK TWP. SW/4 15-27N-11E Helena Chemical Company requests approval for a development plan for a 32' x 52' office and a 66' x 100' warehouse. The property is located at 2875 W 300 N, Bluffton, IN 46714 and is zoned A-1.

Aaron Webster, area branch manager, presented some story boards on the current Liberty Center location and the scope of business for the proposed site. He explained who Helena is within Wells County, and what Helena does locally. He gave the specs on the Liberty Center location, and what is stored at the site. He emphasized that anhydrous ammonia is not stored at the location. He advised the board that Helena

owns and operates six tandem and single axle trucks. He stated that they do not own or operate any semi-trucks. Mr. Webster explained to the board the different regulatory agencies that the company must comply with for safety. He stated that employees go through continuing education on safety, and they implement spill prevention, control and countermeasures for primary and secondary containment. Then, he went on to talk about the site location, which was purchased by Helena in October 2013. He advised that the property was being partially leased since 2008. He stated that the facility is currently un-manned with loading and unloading occurring by appointment only. Mr. Webster explained that their plan is to relocate the Liberty Center operations to the proposed site, which it would then be coming a manned facility. He advised the board that the state has received the soil samples for the septic system that would need to be put in for the office and they are just waiting on the approval. He stated that they do not intend to have anhydrous ammonia at this facility. He explained that the new 6600 sqft storage structure would have primary and secondary containment built in. There would be exterior security lighting on the structure. He stated that the structure would just be for storage, and that there would not be any mixing or manufacturing of chemicals. He explained that there would be large tanks of product, which would get repacked into smaller containers. Finally, Mr. Webster addressed some of the concerns that were expressed in the July meeting. He commented on truck traffic and the route that Helena's trucks would use. He stated that the proposal is not to increase truck traffic to or from the east of the facility. He advised that they do receive shipments from commercial mail trucks less than twice a day, and there are truck load shipments, on semi-trucks, received at the facility twice a week. Shipping and receiving hours are between 7am and 5pm. He commented on the verbal agreement with the land owner to the north about use of the drainage outlet on that property.

Joel Hoehn, Stoodly Associates, stated that they are still waiting on the State Board of Health on the soil samples that were submitted for the filter bed, which is shown on the plans in the south east corner of the property. He explained that the detention basin has not been calculated yet because they are unsure if the septic will need to be moved based on what the state determines from the soil sample they received. He advised the currently the east $\frac{3}{4}$ of the site drains to the east down to the side ditch on the north side of 300 N then to the Lesh legal open drain, and there is currently no storm water control on the property. Mr. Hoehn stated that the plans are that the east $\frac{3}{4}$ of the site will now drain into the detention basin to control the storm water run-off. Then it will drain into an outlet point in one of the field tiles to the north. He went on to discuss the containment walls inside the proposed structure. The largest portion of the structure will have an 8in wide by 2ft 10in tall wall around the exterior of the building with all of the floors sloping to the middle of the structure. On the north east corner of the proposed building there will be a larger pit for the storage area, which will be 8in thick by 5ft tall wall. Mr. Hoehn advised that there is a verbal agreement with the neighboring property owner to hook into the private tile on their land, which is large enough to handle the storm water. He explained that the detention pond will be sized for the entire site.

Mr. Webster advised the board that under the current regulations by the state chemist for the storage of smaller container product, they are not required to have containment on the existing facility. He explained that they do have larger totes on that site which are fully contained. He stated that they are in full compliance with the state chemist on the site. He advised the board that there is a normal inspection process of the facility by the state chemist, and any new storage site must be signed off on by the state chemist. Mr. Webster explained that there will be some fuel stored on site for the consumption of their own truck fleet.

Jim Federoff, attorney with Carson-Boxberger, stated that he was representing a large group of neighbors that live adjacent and near by the proposed site. He listed the neighbors as being the Robert's/Graft's, the Weinstock's, the Quackebush's, and a number of others. He provided the board with packets of the material that he would discuss. He commented on the purpose of the development plan was to provide additional warehouse space. He addresses some of the photos in the packet and commented on their location on the site, which showed the existing loading dock and significant grade change from the road

to the driveway. He also provided photos from the Weinstock property which showed where some flooding occurs. Mr. Federoff then discussed the provisions in the ordinance which are applicable for the development plan, and he quoted from Article 14-05 of the ordinance. He addressed the concern of the use of the property as a warehouse, which is not permissible in an A-1 zoned area. He read the definition of a warehouse from the ordinance. He stated another uses issue on the property is the existing loading dock, which is also not permissible in an A-1 zoned property. He commented on the fact that the plan does not show any entrance improvements or lane improvements to accommodate for the semi-trucks such as acceleration and deceleration lanes. He addressed the concerns on the condition of 300 N, which is a chip and sealed road, along with the grade change. Mr. Federoff stated that there is a site distance problem on the road and if the semi-trucks were to pull onto 300 N, there could be an accident if a vehicle was not paying close attention and driving too quickly. Then he went on to address the plan and its compliance with Article 6 of the ordinance, which pertains to road ways, and that the drives off of them be compliant with county standards. He stated that he does not believe that those standards are met. He addressed the concerns that the neighbors have on the drainage and the detention basin. He advised the board that the Roberts won't grant a drainage easement on their property, which is east of the site. He commented that the filing of the petition was premature due to the fact that the petitioner is unsure on where the septic system or detention pond are going to be on the site. Mr. Federoff advised the board that the potential tile that the detention pond is going to tie into wasn't designed for the run off from the existing building much less the new structure. Next he addressed the parking requirements with Article 11-08, which he feels the petitioners overlooked because the proposed gravel lot fails to meet the requirements. He also commented on the fact that the Uniondale Volunteer Fire Department provides service for this area, and they received the material safety data sheets were only recently given to them. Lastly Mr. Federoff addressed the buffering of a line of tree is the only screening between the site and the neighbors. He advised the board that if they were to approve the project that there should be a written commitment to restrict the types of product stored, where they will be stored, and to be in compliance with the state chemist. He concluded his discussion by stating that the findings of facts for the petition must satisfy the county ordinance.

Melissa Graft addressed some concerns that she had with the original business plan that was submitted by Helena. She stated that the plan was for the Liberty Center location and there should be one for the proposed site. She also addressed the flooding issue from the past and the potential for additional flooding if the parking lot is paved. She also expressed concerns on the devaluing of their property.

Dan Weinstock made a comment about the loading dock picture, which was provided to the board, and the fact that it shows wheel marks on the edge of the grass. He stated that semi-trucks cannot back into the loading dock without crossing the road. He also added that the only reason some of the informative signs went up on the property was that people started complaining.

Jen Weinstock stated that during the day there were 2 separate semi-trucks that were at the property with their engines running all day long. She commented that it's not currently their peak season and they are operating after 5pm. Mr. Weinstock stated that there have been semi-trucks running on the property at all hours of the night. Mr. & Mrs. Weinstock request that the board deny the development plan petition.

Linda Broman, neighbor to the site and a local realtor, stated that she had the house listed when the Weinstock's purchased the property. She commented that people had questioned what was occurring on the proposed site. She explained that the proposed activities on the site could deter someone from wanting to live near the area. She addressed her concerns for the potential chemical contamination of the ground, water, and air. She also questioned how the loading dock and warehouse get into the A-1 zoned area. She commented that the board should represent the people of the county and stop the activities on the site.

Mr. Lautzenheiser advised the board that the office is unsure on when the loading dock was installed due to the fact that there was no permit needed for the dock. He also questioned the board on the primary use versus the accessory use of the loading dock when it comes to the A-1 zoned area. He explained to the board that there was a time that agricultural buildings did not require permits and that the property record card for the site lists the building as being constructed in 1986, which states when it was put on the tax/assessment record.

Mr. Graft questioned how the loading dock is currently being drained. Mr. Hoehn explained that there is an inlet at the bottom of the loading dock; however, he is unsure of where it goes to. Mrs. Graft stated that the aerial photo of the property suggested that there was a tile running from the loading dock and attached to the Roberts field tile, which she never gave permission to have that tie in on her property. Mr. Hahn commented that legal counsel could provide the law pertaining to private and mutual tiles. Mr. Webster stated that Helena has not installed tile on the property since they purchased it in October 2013.

Michelle Moon, neighbor to the Weinstock's, provided the board with pictures of her property during a time that there was flooding. Mr. Hahn stated that after the last APC meeting, he brought up the drainage issue in the area to the acting county engineer at the last Drainage Board meeting. He believes that they have looked at the site and it appears that the culvert under the road is undersized. He is unsure what the recommendation is going to be as far as the time frame on replacing it. Mr. Hahn believes that the culvert could partially be responsible for some of the drainage issue.

Kari Kale, Poneto, commented on the how the board was taking their time to listen to the people and their concerns about the project.

Kevin Walburn, Helena sales manager, stated the objective in developing the property. He explained that they do not want to do anything that could harm their neighbors. He stated that there could have been some miscommunication with the company and the neighbors.

Mr. Webster addressed the semi-truck traffic concerns. He stated that currently the semi-trucks drop off at the un-manned facility, which they need to contact Helena before dropping off so that there is someone there. He explained that he was not pleased with the fact that some of the truck drivers that don't work for Helena are having issues backing into the loading dock properly. He stated that it will change once management is at the facility.

Mr. Lautzenheiser stated that the office has not received any complaints about the site before the petition review. He also advised that the office has not received any issues about the Liberty Center site.

John Schuhmacher questioned the how a spill would be handled if it occurred outside of the structure on the loading dock. Mr. Webster advised that there are spill containment kits. Mr. Walburn stated that at the moment they are uncertain how the dock drains. He advised that they are looking into it and that if a spill occurred out there it would have to be contained. He explained that if the drain does go to a tile it would need to be capped so that the water could be tested and then pumped out. He stated that is the only secondary containment that would not have a roof over it.

Mr. Webster stated that based on the information shared and the questions that were asked, they requested the petition be continued for 60 days in order to get answers on some of the concerns and issues.

Conditions:

Motion to Continue to the October 2, 2014 meeting: John Schuhmacher

Second: Mike Morrissey

Vote: 11-0

A 14-07-13 LANCASTER TWP. SW/4 31-27N-12E Tri-Hard Farms/Verizon Wireless requests approval for a 295' communication tower with lightening rod. The property is located on the north side of State Road 124 between Meridian Road and Adams Street, Bluffton, IN 46714 and is zoned A-1.

Russell Brown, attorney representing the petitioners, explained that the cellular tower would be designed as a lattice tower and would not have any guy wires. He stated that the location of the tower on the parcel was done so as to not be a disturbance to the agricultural use of the property. He advised that the tower would be located on a 100ft x 100ft leased area of the property, which would have space for Verizon Wireless and up to three additional co-locators. He stated that the tower would be equipped with anti-climb devise, and the tower would have the required FAA lighting. Mr. Brown explained the coverage of the cellular tower and the capacity of the tower. He advised the board that the site location was determined by the usage, population, topography, and traffic patterns. He explained the public safety of having better cellular coverage in the area because 40% of homes in Indiana do not have a land line. Then he addressed the setback issue and stated that one of the three neighbors had signed the waiver. The two property owners that didn't sign were the one across the road and the one to the north of the site. He stated that for the setback issue with the road right of way, the Indiana Department of Transportation provided a letter which explained that they do not weigh in on local zoning matters, and therefore did not sign the waiver. Mr. Brown advised the board that the tower is located more than 500ft from the nearest residential structure. He stated that they are aware of the need to go before the drainage board due to the fact that it is encroaching on the legal drain, and they understand that they need to provide the office with tower specs at the time of permitting.

Wayne Reinhard explained that the reason that Tim Bixler didn't sign and Brenda Moser, the south property owner, didn't sign because she felt that they would put the tower up any way and didn't really care because Tri-Hard farms her property.

Mr. Lautzenheiser explained that the waivers were required to reduce the 1.1 times the height of the tower setback. Mr. Brown commented that if the tower were to fall over it would not fall straight down, but would fold in on itself. He advised that in other counties, they have named the county as an addition insured under their insurance policy or sign an indemnification agreement.

Blake Gerber, County Commissioner, questioned if there is a decommissioning agreement between Verizon and Tri-Hard Farms. Mr. Reinhard explained that the lease agreement stated that Verizon would remove the tower and 4ft below grade removal after the lease ends. Mr. Lautzenheiser advised the board that decommissioning is not required by the zoning ordinance, but something strictly between the lessee and lessor.

Mr. Hahn questioned if the board were to approve the petition without all of the waivers being signed if that would set precedence. Mr. Lautzenheiser stated that it's not the APC's job to remove setbacks, but the BZA's to hear the case and look at the specifics for the site.

Conditions: BZA approval of variance for 2 property line setbacks and road right-of-way setbacks, Drainage Board approval of reduced setback, and tower specs to be provided at time of permitting.

Motion to Approve: Mike Morrissey

Second: Keith Masterson

Vote: 10-0 (Finley Lane left the meeting before this petition)

OTHER BUSINESS:

Discussion of language for floodplain ordinance

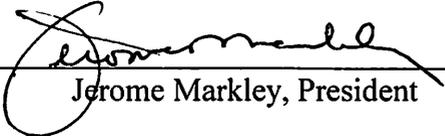
Mr. Lautzenheiser did an overview of the new language for the floodplain ordinance. He stated that there were set requirements and optional language. He commented in Article 4 section C number 13; his opinion on the language is to state that the floodplain manager has the right to inspect a property at their discretion. He advised the board that an inspection is a requirement for the discounted flood insurance. In the second section, Mr. Lautzenheiser suggested not to maintain the language on permeable materials. Next, he suggested using the optional language for the specifics on flood venting and openings. Another item he brought up was about the language on fill extending beyond the structure, he recommended keeping what is currently in the ordinance, which is 10ft. Mr. Hahn stated that the section on the type of fill material should be added into the ordinance. The next section, Mr. Lautzenheiser suggested on including is the one on mobile home developments. Then he recommended keeping the language on subdivision proposals and new construction density. Lastly, he advised to keep the language about recording construction below the flood grade so that it will go along with the land title. He explained to the board that under DNR's language, the BZA could grant a variance, but that could jeopardize the floodplain insurance discount.

DISCUSSION:

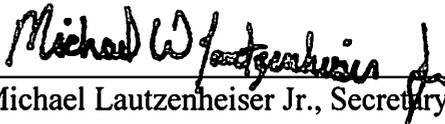
ADVISORY:

ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Keith Masterson seconded the motion. The August 7, 2014 Area Plan Commission meeting adjourned at 9:30 p.m.



Jerome Markley, President

ATTEST: 

Michael Lautzenheiser Jr., Secretary

ORDER OF THE WELLS COUNTY AREA PLAN COMMISSION DETERMINING THAT A DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN APPROVED AND ADOPTED BY THE OSSIAN REDEVELOPMENT COMMISSION CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING THAT RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Ossian Redevelopment Commission (“the Commission”) has selected an economic development area, a portion of which is within the jurisdiction of the Wells County Area Plan Commission (“the County Area”); and

WHEREAS, the Board of Commissioners of Wells County did on July 7, 2014, assign the County Area to the jurisdiction of the Commission; and

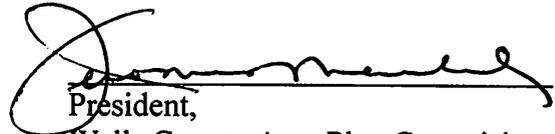
WHEREAS, the Commission did July 8, 2014, initially approve an Economic Development Plan (“the Plan”) for the Ossian Industrial Park Economic Development Area (“the Development Area”) under the jurisdiction of the Commission and adopted a Declaratory Resolution declaring that the Development Area is an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto (“the Act”); and

WHEREAS, the Act requires approval of the Declatory Resolution and the Plan by the Wells County Area Plan Commission;

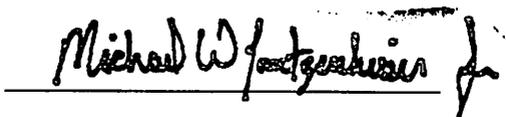
NOW, THEREFORE, BE IT ORDAINED by the Wells County Area Plan Commission, as follows:

1. The Plan for the Development Area conforms to the Comprehensive Plan of Development for the County.
2. The Plan is hereby in all respects approved, ratified and confirmed.
3. The secretary of the Wells County Area Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Development Plan with the permanent minutes of this meeting.

Passed by the Wells County Area Plan Commission this 7th day of AUGUST, 2014.


President,
Wells County Area Plan Commission

Attest:


Michael W. Fitzgerald

RESOLUTION NO. 14-7-1
DECLARATORY RESOLUTION OF THE
TOWN OF OSSIAN REDEVELOPMENT COMMISSION

WHEREAS, the Town of Ossian Redevelopment Commission ("Commission") has investigated, studied and surveyed economic development areas within the corporate boundaries of the Town of Ossian, Indiana ("Town"); and

WHEREAS, the Commission has selected an economic development area to be developed under IC 36-7-14 and IC 36-7-25 (collectively, "Act"); and

WHEREAS, the Commission has prepared an economic development plan ("Plan") for the selected economic development area, which Plan is attached to and incorporated by reference in this resolution; and

WHEREAS, the Commission has caused to be prepared:

(1) A map and plat showing:

(A) the boundaries of the area; and (B) the location of various parcels of property, streets, alleys, and other features that may affect the clearance, replatting, replanning, rezoning or economic development of the area, indicating any parcels of property to be excluded from the effects of the establishment of the economic development area; and

(2) A list of the owners of the various parcels of property proposed to be affected by, the establishment of an area; and

(3) An estimate of the costs, if any, to be incurred by the Commission for the economic development of the area; and

(4) List of various parcels of property that may be affected, other than by acquisition, by establishment of the plan attached as Exhibit B; and

WHEREAS, the Commission has caused to be prepared a factual report ("Report") in support of the findings contained in this resolution, which Report is attached to and incorporated by reference in this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF OSSIAN REDEVELOPMENT COMMISSION THAT:

(1) The Commission has selected as an economic development area an area within its corporate boundaries, which area the Commission is hereby designating as the Ossian Industrial Park Economic Development Area ("Area"), and which Area is described in Exhibit A.

(2) The Commission finds that the Plan for the Area:

(A) Promotes significant opportunities for the gainful employment of the citizens of the Town;

- (B) Assists in the attraction of major new business enterprises to the Town;
- (C) Benefits the public health, safety, morals and welfare of the citizens of the Town;
- (D) Increases the economic well-being of the Town and the State of Indiana; and
- (E) Serves to protect and increase property values in the Town and the State of Indiana.

(3) The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under IC 36-7-14 because of:

- (A) The lack of and deterioration of local public improvements;
- (B) Existence of conditions that lower the value of the land below nearby land;
- (C) Other similar conditions, specifically the cost of construction and reconstruction of local public improvements such as utility and road infrastructure improvements that are necessary and contemplated by the Plan prevents the improvements from being undertaken solely by private enterprise and there is no regulatory process available to provide funds for these improvements nor to provide incentives to encourage economic growth in the Area.

(4) The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan for the Area, specifically, by providing enhanced infrastructure in the Area, including the predominant industrial park for Wells County which is located in the Area, which is reasonably expected to stimulate private investment (as evidenced by the consideration of the existing industrial park by numerous site selectors and companies within the past year in need of local incentives), enhance the Area and attract skilled jobs to create a demand for work force with higher education levels and allow for an overall greater standard of living.

(5) The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by a reasonable expectation of:

- (A) The attraction of permanent jobs;
- (B) An increase in the property tax base;
- (C) Potential improvement of the diversity of the economic base; and
- (D) Other similar benefits, specifically the enhancement of Area infrastructure will entice business and industry to locate or relocate to the Area due to the existence of the industrial park, access to the highway, much-requested rail access and proximity to work force, resulting in an increased tax base and ultimately creating an Area which will be able to offer amenities which will attract a diverse robust range of industry.

(6) The plan for the Area conforms to other development and redevelopment plans for the Town.

(7) (A) The Commission does not now propose to acquire interests in real property within the boundaries of the Area. If the Commission determines that it is necessary to acquire real property in the Area, it will amend the Plan and this resolution prior to any acquisition.

(B) The Commission hereby finds that the property so described in Exhibit B is the property that may be affected by the establishment of the Area because the properties are in the Area and property values would reasonably be expected to increase as a result of creating the Area and implementing the Plan.

(1) The Commission estimates that the cost of implementing the Plan will be approximately \$ UNKNOWN.

(8) The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

(9) (A) This paragraph shall be considered the allocation provision for the purposes of IC 36-7-14-39. The entire Area shall constitute an allocation area as defined in IC 36-7-14-39 ("Allocation Area"). Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed in accordance with IC 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 25 years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues.

(B) The Commission hereby finds that the adoption of the allocation provision will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision, as shown in the Report.

(10) All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a Redevelopment Area or Urban Renewal Area may be exercised by the Commission in the Area, subject to the limitations in IC 36-7-14-43.

(11) The presiding officer of the Commission is hereby authorized and directed to submit this resolution, the Plan, and the Factual Report to the Wells County Area Plan Commission ("Plan Commission") for its approval.

(12) The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Town Council to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the Board of Public Works, the building commissioner and any other departments or agencies of the Town concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the officer authorized to fix

budgets, tax rates and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Allocation Area.

(13) The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area, including the following:

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

(B) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Allocation Area. A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in this resolution.

(14) The Commission further directs the presiding officer to submit this resolution to the Town Council for its approval of the establishment of the Area.

(15) This resolution shall be effective as of its date of adoption.

Adopted _____, 2014.

TOWN OF OSSIAN, INDIANA
REDEVELOPMENT COMMISSION

President

Vice President

Secretary

Member

Member

ATTEST:

Secretary

EXHIBIT A

Description of Ossian Industrial Park Economic Development Area

Starting at the northwest corner of the tract of real estate described at Deed Record 133, Page 380; then east along the north boundary of said tract and along the north boundaries of the tracts described at Deed Record 133, Page 747 and Deed Record 63, Page 308 to the northeast corner of the tract described at Deed Record 63, Page 308. Then south along the east side of said tract to the northwest corner of a tract of real estate described at Deed Record 138, Page 903; then east along the north boundary of said tract and along the north boundary of the tract of real estate described at Deed Record 122, Page 603, to the northeast corner of said tract which is also the northwest corner of a tract of real estate described at Deed Record 142, Page 167. Then south and east along the western boundary of the tract of real estate described at Deed Record 142, Page 167 to County Road 850 North; then east along 850 North to State Road 1. Then south and west following the east and south boundary of a tract of real estate described at Deed Record 150, Page 275 to the right of way for the railroad; then north along railroad right-of-way to County Road 850 North; then west along County Road 850 North to the southwest corner of the tract of real estate described at Deed Record 133, Page 380; then north along the west border of said tract to the place of beginning. All references to deed records herein are references to records found in the office of the Recorder of Wells County.

Ossian TIF District



1 inch = 600 feet



Ossian_TIF_Corrected

NEW_PIN	OwnerName	OwnerAddress	OwnerCity	OwnerState	OwnerZip
90-02-21-100-017.000-009	Rethcaif Properties LLC	420 Industrial Pkwy	OSSIAN	IN	46777
90-02-21-100-015.000-009	TI GROUP AUTOMOTIVE SYSTEMS LLC	1200 BAKER DRIVE	OSSIAN	IN	46777
90-02-21-200-004.000-008	SBA STRUCTURES, INC	5800 BROKEN SOUND PKWY NW	BOCA RATON	FL	33487
90-02-21-200-001.000-008	FOX PARRISH FARMS, INC	7969 N 100 E	OSSIAN	IN	46777
90-02-21-200-003.000-008	MARTZ, TED W/CHEERYL S	7969 N 100 EAST	OSSIAN	IN	46777
90-02-21-100-014.000-009	TI GROUP AUTOMOTIVE SYSTEMS, LLC	1200 BAKER DR	OSSIAN	IN	46777
90-02-21-100-011.000-009	SBA Structures Inc	5900 Broken Sound Pkwy Nw	Boca Raton	FL	33487
90-02-21-100-008.000-009	Michiana Metronet, INC	3849 St Route 188	Belmar	NJ	07719
90-02-21-200-008.000-009	TOWN OF OSSIAN		OSSIAN	IN	46777
90-02-21-100-010.000-009	ROEMBKE MFG & DESIGN, INC	1580 BAKER DR	OSSIAN	IN	46777
90-02-21-100-007.000-009	TOWN OF OSSIAN		OSSIAN	IN	46777
90-02-21-100-020.000-009	J R P PROPERTIES LLP	420 CAROL ANN LANE	OSSIAN	IN	46777
90-02-21-100-018.000-009	J R P PROPERTIES LLP	420 CAROL ANN LANE	OSSIAN	IN	46777
90-02-21-100-005.000-009	H & N Properties LLC	2501 E 850 n	Ossian	IN	46777
90-02-21-200-005.000-008	H & N Properties LLC	2501 E 850 N	Ossian	IN	46777
90-02-21-200-006.000-009	LINDER OIL CO., INC	2323 E 850 N	OSSIAN	IN	46777
90-02-21-200-007.000-009	HISSEM, PROPERTIES LLC	4427 E 1050 N	OSSIAN	IN	46777
90-02-21-100-013.000-009	MELCHING ENTERPRISES LLC	1630 BAKER DR	OSSIAN	IN	46777
90-02-21-100-012.000-009	MCBI LLC	4162 E SR 124	Bluffton	IN	46714
90-02-21-100-019.000-009	SWINFORD PROPERTIES, LLC	761 NORTH MAIN STREET	BLUFFTON	IN	46714
90-02-21-100-009.000-009	Dawn Food Products	2021 Micor Dr	Jackson	MI	49208-3478
90-02-21-200-	Berlin Sr, Dennis	84740 CR 24	Woodland	CA	95895

NEW_PIN	OwnerName	OwnerAddr	OwnerCity	OwnerState	OwnerZip
002.000-008	D				
90-02-21-400-006.000-008	OSSIAN DEVELOPMENT CORP	8386 N ST RD 1	OSSIAN	IN	46777
90-02-21-400-002.000-008	Bauermeister Trst, Ralph/Hildegarda	8075 N 750 E	Ossian	IN	46777
90-02-21-400-008.000-009	TOWN OF OSSIAN	C/O CLERK TREAS-OSSIAN TOWN HALL	OSSIAN	IN	46777
90-02-21-400-007.000-009	OD, INC	4107 E 1050 N	OSSIAN	IN	46777
90-02-21-100-027.000-009	PERMA-COLUMN, INC	400 CAROL ANN LN	OSSIAN	IN	46777
90-02-21-100-004.000-009	PENA'S PROPERTY, LLC	PO BOX 45	OSSIAN	IN	46777

L E & W RR

EXHIBIT B

List of Owners of Real Property Proposed to Be Acquired for, or Otherwise Affected By, the Establishment of the Area

Acquired Property

None.

Affected Property

All parcels of property in the Area are reasonably expected to be positively affected by accomplishment of the Plan due to an estimated increase in property values if the Plan is implemented.

FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN
RESOLUTION NO. 147 OF THE
OSSIAN REDEVELOPMENT COMMISSION

1. The Plan for the Ossian Industrial Park Economic Development Area ("Area") will promote significant opportunities for the gainful employment of citizens of the Town of Ossian, Indiana ("Town") by providing needed infrastructure to the Area and the option to provide local incentives which is reasonably expected to enhance the Area so that businesses considering location or relocation to the Area will be more likely to select the Area, thus increasing the number of jobs available to Town residents.
2. The Plan is reasonably expected to expand an existing significant business enterprise in the Town by enhancing the Town's ability to provide ready infrastructure improvements and increasing the attractiveness of the existing industrial park that is already being considered by numerous site selectors and companies, thus making the Area more attractive to businesses desiring to locate or relocate to the Area.
3. The planning, replanning, development, and redevelopment of the Area will benefit the public health, safety, morals and welfare; increase the economic well-being of the Town and the State of Indiana; and serve to protect and increase property values in the Town and the State of Indiana by attracting new business enterprises and providing for and upgrading much needed infrastructure and the potential for local incentives which will transform the aesthetics of the Area, thus encouraging new development and increasing the overall tax base and business development environment. Such an environment is reasonably expected to allow the Area to offer amenities which will attract a diverse range of industry.
4. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to IC 36-7-14 (the redevelopment statute) because of: the lack of local public improvements, existence of conditions that lower the value of the land below that of nearby land and because regulatory and private funds are not available for the Town to pay for the construction of the necessary infrastructure.
5. The accomplishment of the Plan for the Area will be of public utility and benefit as measured by a reasonable expectation of:
 - (a) The attraction of permanent jobs;
 - (b) An increase in the property tax base;
 - (c) Potential improved diversity of the economic base; and
 - (d) Other similar benefits, specifically the enhancement of Area infrastructure will entice business and industry to locate or relocate to the Area due to the existence of the predominant industrial park in Wells County, access to the interstate highway, much-requested rail access and proximity to work force, resulting in an increased tax base and ultimately creating an Area which will be able to offer amenities which will attract a diverse robust range of industry.

6. The Commission estimates that it may need to issue bonds or enter into a lease financing to implement the Plan.

ECONOMIC DEVELOPMENT PLAN
FOR THE OSSIAN INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA
TOWN OF OSSIAN REDEVELOPMENT COMMISSION

Purpose and Introduction.

This document is the Economic Development Plan ("Plan") for the Ossian Industrial Park Economic Development Area ("Area") for the Town of Ossian, Indiana ("Town"). It is intended for approval by the Town Council, the Area Plan Commission and the Town of Ossian Redevelopment Commission ("Commission") in conformance with IC 36-7-14.

Project Objectives.

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the Town; increase the economic well-being of the Town and the State of Indiana; and serve to protect and increase property values in the Town and the State of Indiana. The Plan is designed to: (i) promote significant opportunities for the gainful employment of citizens of the Town, (ii) assist in the attraction of a major new business enterprise to the Town, (iii) r expand existing significant business enterprises to the Town, (iv) provide for local public improvements in the Area, (v) remove improvements or conditions that lower the value of the land in the Area below that of nearby land, (vi) attract permanent jobs, (vii) increase the property tax base, and (viii) improve the diversity of the economic base of the Town.

The factual report attached to this Plan contains the supporting data for the above declared purposes of the Plan.

Description of Project Area.

The Area is located in the Town and is described as that Area contained in the maps and plats attached to this Plan. The legal description of the Area set forth in Exhibit A to the Declaratory Resolution.

Project Description.

The economic development of the Area is described as follows ("Projects"):

1. Construct or reconstruct and extend sewer lines.
2. Increase capacity of sewer treatment facilities.
3. Construct or reconstruct and extend water and stormwater/ wastewater lines and infrastructure.
4. Construct a water tower.
5. Construct or reconstruct electronic utilities.
6. Increase capacity of water treatment systems.
7. Construct or reconstruct alleyways.
8. Construct or reconstruct sidewalks.
9. Construct or reconstruct curbs.
10. Construct or reconstruct storm water drainage systems.
11. Construct or reconstruct buffer zones/mounding.
12. Construct or reconstruct beneficial environmental projects.

13. Construct or reconstruct public buildings or other buildings to attract new businesses to the Area.
14. Construction or reconstruct signalization, traffic control and lighting.
15. Construct or reconstruct electrical infrastructure.
16. Construct or reconstruct gas facilities and infrastructure.
17. Purchase or lease fire equipment, which will serve the Area.
18. Parking and lighting for parking areas.
19. Site preparation, excavation and drainage.
20. Equipment that promotes economic development (subject to useful life and financing issues).
21. Construct or reconstruct facilities to house electronics, high-speed telecommunication infrastructure and the installation of fiber optic cable.
22. Construct or reconstruct roads, parking facilities, off-street parking and transportation infrastructure.
23. Renovate existing structures.
24. Construct or reconstruct parks and other recreational facilities.
25. Construct or reconstruct rail infrastructure and facilities.
26. Repair or maintain signage.
27. Providing for site preparation, clearance, environmental remediation, and demolition, including grading and excavations.
28. Job training program funding benefitting the district in coordination with local, state, and federal programs.
29. Payment of school district, library district, fire district, and other taxing unit costs associated with the implementation of the tax increment finance district.
30. Land and building acquisition.
31. Financing costs including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issues by the Commission.
32. Relocation costs.
33. Developer Interest Costs - interest cost incurred by a redeveloper or developer related to the construction; renovation, or rehabilitation of an economic development project.
34. Reimbursement of public entities for development costs within and supporting the allocation area.
35. Construction of real estate improvements as needed.

All Projects are in, physically connected to, serving or benefiting the Area.

Acquisition of Property.

The Commission has no present plans to acquire any interests in real property.

The Commission shall follow procedures in IC 36-7-14-19 in any current or future acquisition of property. The Commission may not exercise the power of eminent domain in an economic development area.

Procedures with respect to the Projects.

In accomplishing the Projects, the Commission may proceed with the Projects before the acquisition of all interests in land in the Area.

All contracts for material or labor in the accomplishment of the Projects shall, to the extent required by law, be let under IC 36-1.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation and improvement of public ways; and the construction, relocation, and improvement of sewers and utility services; the Commission shall proceed in the same manner as private owners of the property. The Commission may negotiate with the proper officers and agencies of the Town to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Projects may be carried out by the appropriate municipal or county department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

None of the real property acquired for the Projects may be set aside and dedicated for public ways, parking facilities, sewers, levees, parks, or other public purposes until the Commission has obtained the consents and approval of the department or agency under whose jurisdiction the property will be placed.

Disposal of Property.

The Commission may dispose of real property acquired, if any, by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Department of Redevelopment. The Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 5-3-1. The Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired.

In the alternative, the Commission may follow any alternative procedures permitted by law.

Financing of the Projects.

It is the intention of the Commission to issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 in order to raise money for property acquisition and completion of the Projects in the Area. The amount of these bonds may not exceed the total, as

estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

The total cost of all land, rights-of-way, and other property to be acquired and developed;

All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;

Interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and

Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to the issuance of bonds or in conjunction with it, the Commission may enter into a lease of any property that could be financed with the proceeds of bonds under IC 36-7-14. The lease is subject to the provisions of IC 36-7-14-25.2 and IC 36-7-14-25.3.

As a further alternative, the Commission may pledge tax increment pursuant to IC 36-7-14-39(b)(2)(D) to any bonds issued by the Town.

Amendment of the Plan.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Plan for the Area. However, any enlargement of the boundaries of the Area must be approved by the Town Council.