

A G E N D A
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, MARCH 25, 2014
6:30 P.M.

ROLL CALL:

MINUTES: February 25th meeting

SUBDIVISIONS: Primary Plat Approval

1. E&D Gordon Farms, 9200 N 400 E, Rushville, is requesting a single lot subdivision of 1.00 acres from a parent tract of approximately 53 acres , Section 13, T15N, R10E, Washington Twp., zoned A-3; Agricultural, Regulated Livestock.
2. Reginald Watkins, 10550 N 800 W, Carthage, is requesting a single lot subdivision of 4.00 acres from a parent tract of 28.84 acres , Section 12, T15N, R8E, Ripley Twp., zoned A-1; Agricultural, Rural Residential.

SUBDIVISIONS: Secondary Plat Approval

1. MF Beyer LTD Partnership, 9125 W 700 N, Carthage, is requesting to subdivide 4 lots as part of one tract, for a total acreage of 39.407 acres from parent tracts totaling approximately 209 acres , Sections 26, 34 and 35, T15N, R8E, Ripley Twp., zoned A-3; Agricultural, Regulated Livestock.

REZONES:

1. Jonas Kemp, 466 W 1100 S, Milroy, is requesting to amend the zoning map for Rush County, parcel # 70-15-30-400-002.000-001, from A-3; Agricultural, Regulated Livestock to A-2; Agri-Business.

NEW BUSINESS: Pioneer Redevelopment Area TIF District

AMENDMENT HEARING: Chicken Ordinance/Scorecard

OLD BUSINESS: None

AUDIENCE PARTICIPATION:

REPORTS:

Plan Consultant:

Attorney:

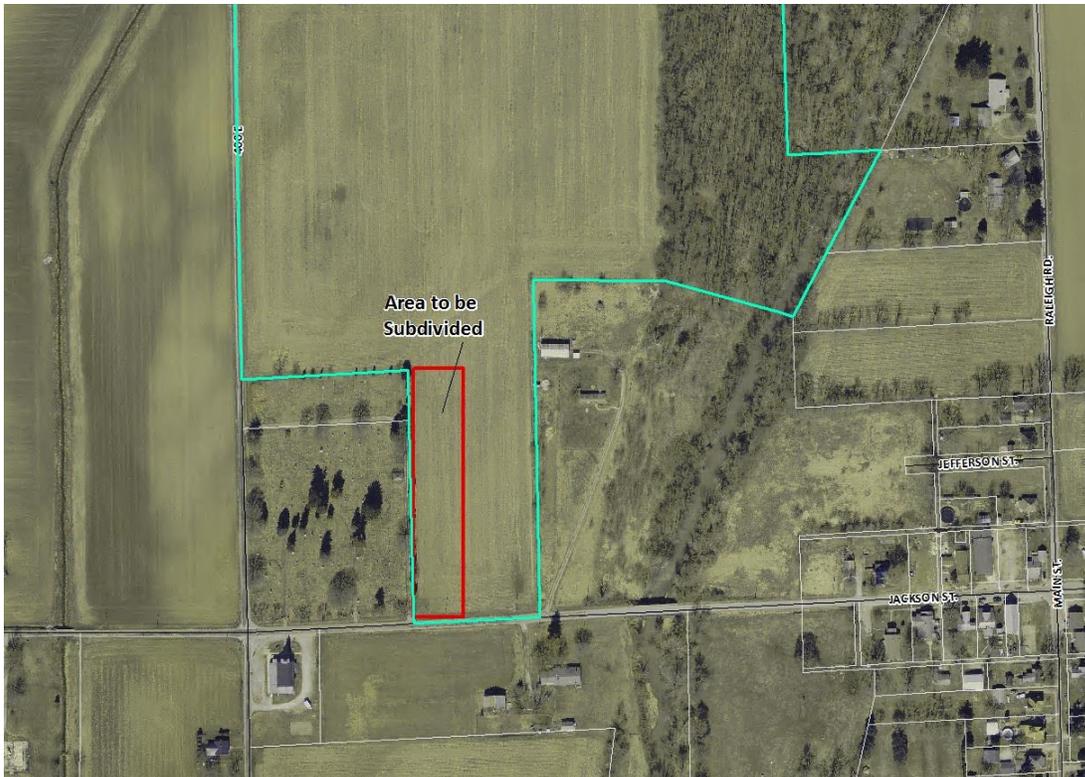
Director:

ADJOURN:

**SUBDIVISION FACT SHEET
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, MARCH 25, 2014
6:30 P.M.**

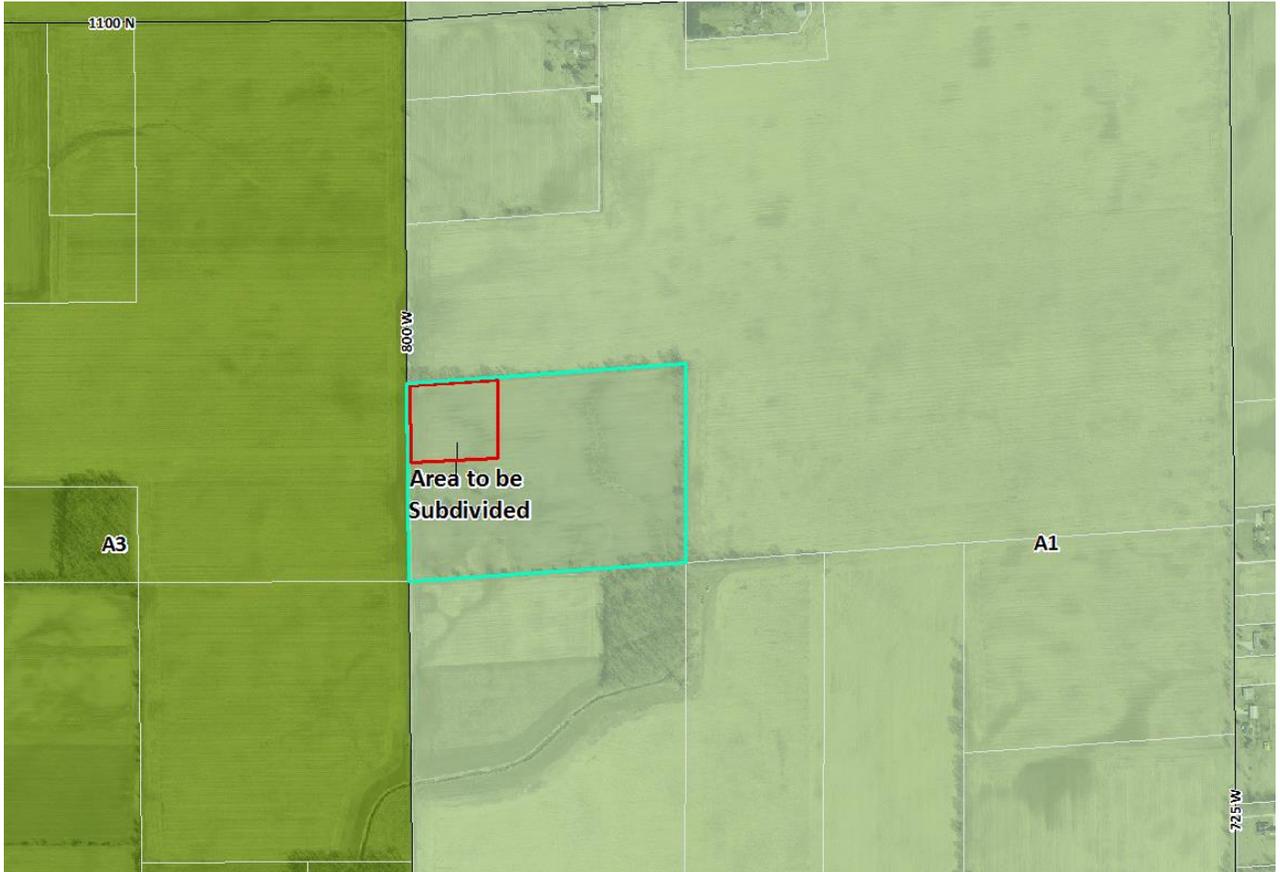
Primary Plat Approval

1. E&D Gordon Farms, 9200 N 400 E, Rushville, is requesting a single lot subdivision of 1.00 acres from a parent tract of approximately 53 acres , Section 13, T15N, R10E, Washington Twp., zoned A-3; Agricultural, Regulated Livestock.
 - a. All legal notification requirements have been met;
 - b. Deed of dedication has not yet been received, but should be on file by APC meeting;
 - c. No drainage or septic approval required;
 - d. Survey has been sent to consultant for review, no revisions necessary;
 - e. Aerial map has been attached;
 - f. The portion to be subdivided and all surrounding land is zoned A-3; Agricultural, Regulated Livestock;
 - g. The applicant is proposing to subdivide one (1) acre of land along the southwest corner of the property to be sold to the Zion Cemetery.



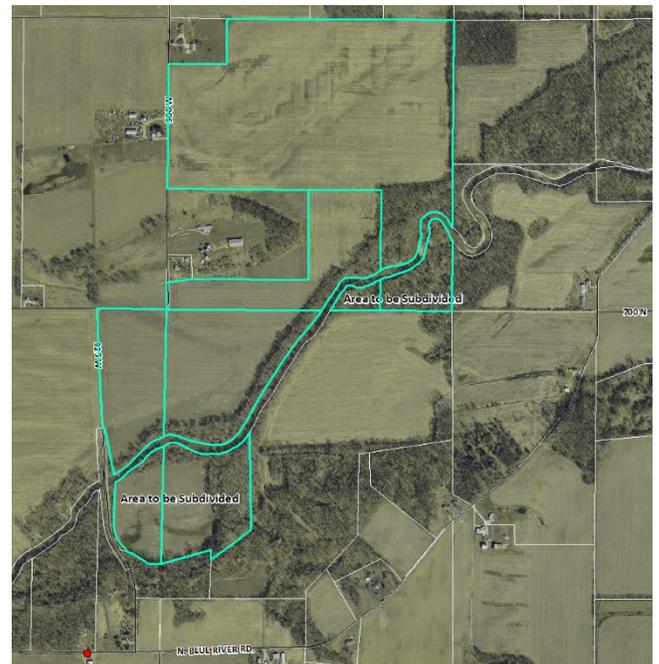
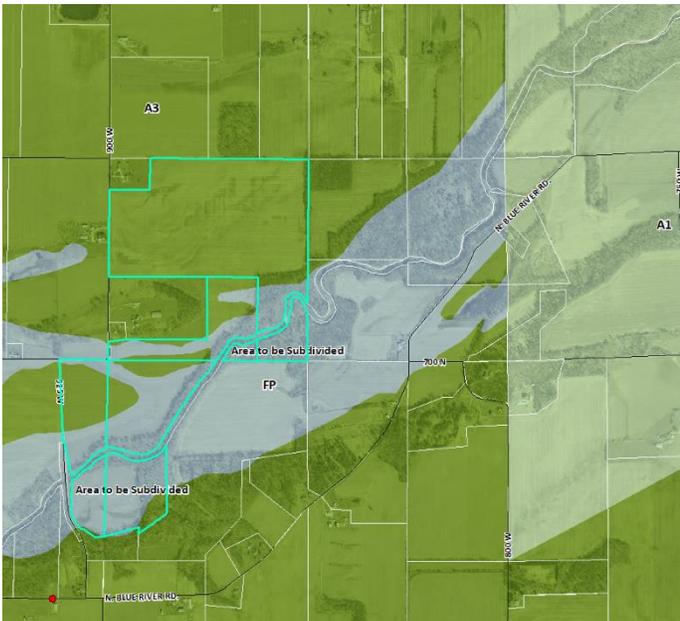
Primary Plat Approval

1. Reginald Watkins, 10550 N 800 W, Carthage, is requesting a single lot subdivision of 4.00 acres from a parent tract of 28.84 acres , Section 12, T15N, R8E, Ripley Twp., zoned A-1; Agricultural, Rural Residential.
 - a. All legal notification requirements have been met;
 - b. Deed of dedication has not yet been received, but should be on file by APC meeting;
 - c. No drainage or septic approval required;
 - d. Survey has been sent to consultant for review, no revisions necessary;
 - e. Aerial and zoning map has been attached;
 - f. The portion to be subdivided is zoned A-1; Agricultural, Rural Residential;
 - g. The applicant is proposing to subdivide four (4) acres of land along the northwest corner of the property.



Secondary Plat Approval

1. MF Beyer LTD Partnership, 9125 W 700 N, Carthage, is requesting to subdivide 4 lots as part of one tract, for a total acreage of 39.407 acres from parent tracts totaling approximately 209 acres , Sections 26, 34 and 35, T15N, R8E, Ripley Twp., zoned A-3; Agricultural, Regulated Livestock.
 - a. All legal notification requirements have been met;
 - b. Deed of dedication has been signed;
 - c. No drainage or septic approval required;
 - d. Survey has been sent to consultant for review and corrected;
 - e. Zoning and aerial maps are attached;
 - f. Secondary plat approval has been received;
 - g. Monuments and markers have been installed according to received information; verification will be completed by APC meeting (weather permitting);
 - h. There are four parcels in total that are going to be subdivided, the parcels are now each currently divided by the Big Blue River;
 - i. Parcels that are located within the same section will be combined administratively with existing parcels in the same parcel under the same owner.



ZB 2014-06 – Rezone Petition Staff Report

Comes now Jonas Kemp and petitions the Rush County Area Plan Commission to amend the zoning maps of Rush County and change the following property from the current zone classification of A-3; Agricultural, Regulated Livestock to A-2; Agri-Business District.

The property is located at 466 W 1100 S, Milroy and further described as parcel # 70-15-30-400-002.000-001, consisting of 15 acres, more or less.

The applicant wishes to use an existing non-residential structure on the property for a salvage food store.

Mr. Kemp requests that the Rush County Area Plan Commission grant a favorable recommendation to his request and forward the petition to the Rush County Commissioners for further action.

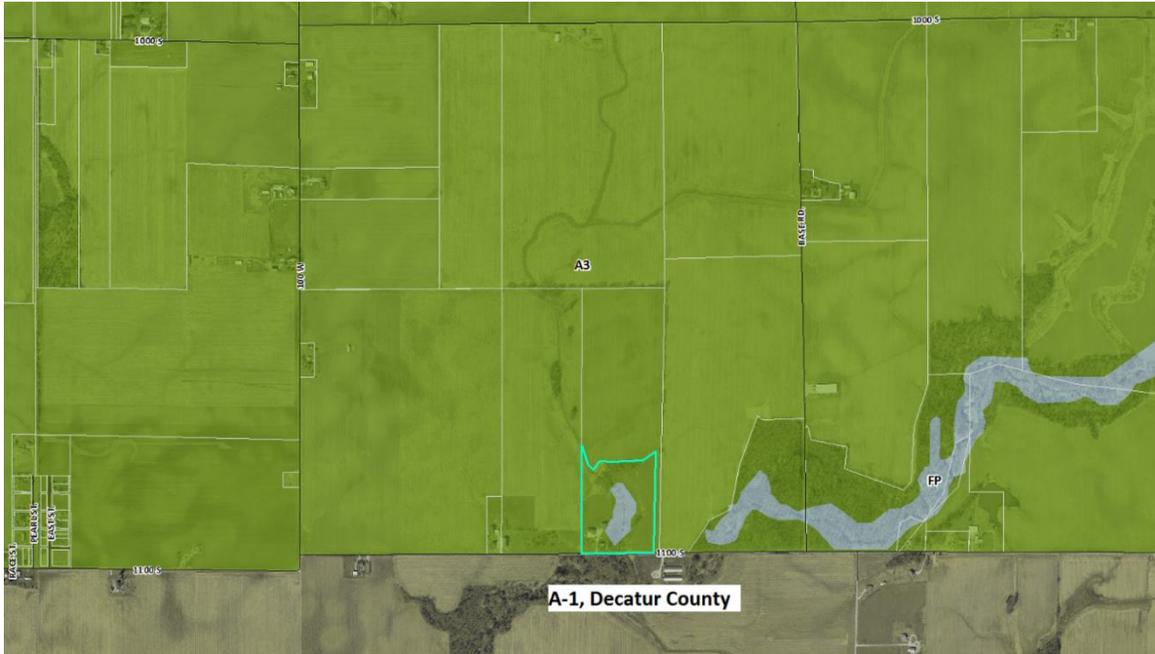
Mr. Kemp further requests that the Rush County Commissioners act favorably on his request to amend the zoning maps of Rush County and change the zoning of the aforementioned parcel from A-3 to A-2.

This petition is filed with the Rush County Area Plan Commission on the 6th day of March, 2014.

Rezone Facts

1. The parcel currently contains a single family home and several other buildings.
2. The primary use of the parcel currently is residential, but previously has contained several non-residential uses.
3. If rezoned, the owner would use one of the existing structures on the property for the retail store.
4. The property is currently surrounded by agricultural zones and is bordered on the south by Decatur County.
5. According to the Decatur County Zoning Ordinance, a similar type of use would be permitted in their agricultural districts as a conditional use, which are approved by their Board of Zoning Appeals.
6. The rezoning would also remove the floodplain zoning designation from a portion of the property, but would not change the designation of that portion of the property as shown on the FEMA flood maps, and would remain in the floodway fringe.
7. The portion of this property that is in the floodway fringe should not affect the proposed use of the parcel as the existing buildings are located outside of the flood zone and no new construction is proposed.

Surrounding Zoning Districts & Uses



	Zoning District	Property Use
North:	A-3; Agricultural, Regulated Livestock	Agricultural
South:	A-1; Agricultural – Decatur County Zoning	Agricultural
East:	A-3; Agricultural, Regulated Livestock	Agricultural
West:	A-3; Agricultural, Regulated Livestock	Agricultural

Staff Recommendation

Upon review of the associated facts with this petition, Staff at this time does not have a recommendation. The main issues that need to be decided by the APC are:

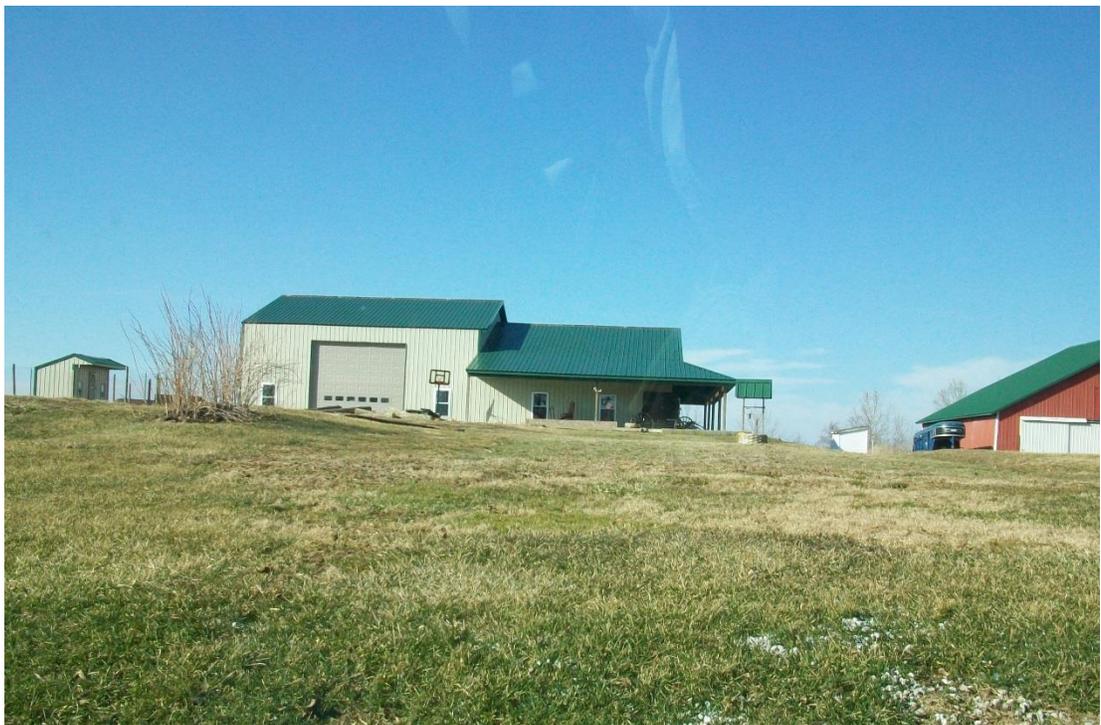
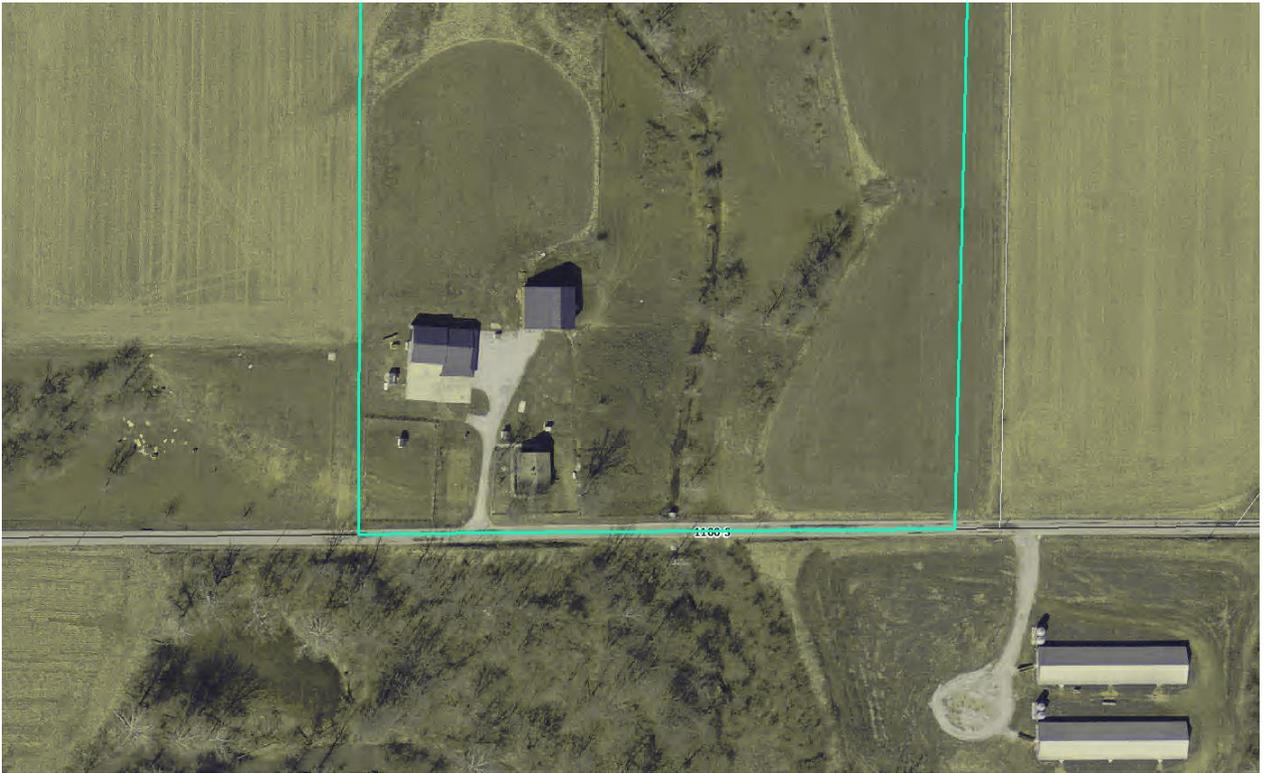
- 1) Does this rezone proposal meet the intent of our comprehensive plan?
- 2) Would this considered to be spot zoning?

The first question would appear to be easy to answer, but since the latest adopted comprehensive plan for the county does not show a future land use plan for this part of the county, it is hard to say conclusively whether this will or will not conform. That the property will remain agricultural would, in staff opinion, appear to meet the intent. As to whether or not this would be considered spot zoning would depend on one’s interpretation. It would remain a similar designation to the surrounding zoning districts which by most definitions would not consider this to be spot zoning, although there would be a wide number of potential uses available after the rezone that are currently not options, most of those commercial uses.

Other considerations are that this and similar types of uses would be considered a conditional use directly across the road in Decatur County which would be heard by their BZA. Also, this property has been used in the past for commercial type uses, although it currently is used only as residential.

Submitted by Kevin Tolloty, AICP
 Executive Director, Rush County APC
 March 19, 2014

Site Pictures



2. **Electric Utility**
3. **Gas Utility**
4. **Water Utilities and Irrigation**
5. **Wastewater Treatment Plant and Sewage Disposal**
6. **Solid Waste Disposal**
7. **Major Utilities, Stations and Plants**
8. **Other Utilities**
9. **Other Pipeline Right-of-Way and Pressure Control Stations**
10. **Transportation Services**
11. **Other Transportation, Communication & Utilities**
12. **Wind Energy Conversion Systems**
13. **Manufacturing workshop**

7.11.3 General Provisions for Agricultural Zones

7.11.3.1 Signs

Signs intended to be seen outside the lot lines:

- a. **Non-flashing illuminated business signs are permitted.**
- b. **No more than one (1), twelve (12) square foot sign per principal use.**
- c. **No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way.**
- d. **No sign shall be so placed as to hinder or obstruct any pedestrian movement along any pedestrian path.**

7.11.3.2 Violations and Remedies

- a. **Livestock shall not be placed in a new facility until the Area Plan Director determines there is adequate compliance with the approved site plan which shall be attached to, and remain filed with, the permit application and site score.**
- b. **If at any time a CFO/CAFO or residence is found to be in non-compliance with the approved site plan the following procedures shall be followed by the Area Plan Director:**
 1. **First Offense: Delivery of a written warning to the owner or operator of the CFO/CAFO by the Area Plan Director and a Rush County Sheriff Department deputy.**
 2. **Second Offense: Imposition of a fine in the amount of two thousand five hundred dollars (\$2500.00).**
 3. **Third Offense: Imposition of a fine in the amount of five thousand dollars (\$5000.00).**

4. **Fourth Offense: Imposition of a fine in the amount of five thousand dollars (\$5000.00) per day until compliance is achieved.**
- c. **Non-compliance must be rectified within five (5) days time from written notice is given or fine is imposed. Failure to timely rectify such non-compliance will be treated as a subsequent offense.**

7.11.3.3 Agricultural buildings are exempt from permit requirements; however, such agricultural buildings still are subject to zoning requirements. A farm dwelling is exempt from special exception requirements; however, such dwelling is still subject to zoning requirements and requires an improvements location permit and septic permits. Does not include hardship cases.

7.11.3.4 Performance Standards concerning noise, smoke, and particulate matters, odors, vibration, glare, or heat do not apply to farm uses, grain and livestock. However, toxic or noxious matter and fire and explosion hazard performance standards do apply.

7.11.3.5 Restrictions for Special Exceptions (in addition to those in Appendix E), also see *Section 9 of the Rush County Zoning Ordinance* for BZA procedures.

a. Restrictions for Code 210 Manufacturing Workshop

1. **Manufacturing to be performed by a maximum of 10 full-time employees.**
2. **Manufacturing to be performed within an enclosed building.**
3. **Raw materials and manufactured inventory to be stored within an enclosed building; or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted fence not less than 7 feet in height.**
4. **All Restrictions of 6.3.5 apply.**

b. Restrictions for 470

Refer to Section 6.2.9 Wireless Telecommunication Facilities

c. Restrictions for 480

Refer to Section 6.2.10 Wind Energy Conversion Systems

d. Restrictions for 481-484: Utilities Substations and 491: Other Pipeline Stations.

1. **See Section 6.3.1.14: Residential District Special Exceptions, Restrictions for 481-484.**

e. Restrictions for 485: Solid Waste Disposal and 486: Major Utilities, Stations and Plants.

- 1. See Section 6.3.5.12: Commercial District Special Exceptions, Restrictions for 485 and 486.**

f. Restrictions for 623: Beauty and Barber Services.

- 1. See Section 6.3.5: Commercial District Restrictions. All restrictions set forth in that section apply here also.**

g. Restrictions for Code 637 Warehousing and Storage Services

- 1. All activities shall be carried out within a totally enclosed building, except off-street loading facilities, which shall be visually screened from public thoroughfares and pedestrian sidewalks.**

h. Restrictions for Code 824: Agriculture use on less than 10 acres

825: Livestock on less than 10 acres.

- 1. If there is a dwelling unit on the lot, one acre shall be allocated to the dwelling unit.**

2. Limit of one quadruped per acre of land.

3. Five (5) or less domestic pets per acre are permitted in all zones.

4. More than five (5) domestic pets per acre are permitted only in agricultural zones by special exception.

i. Restrictions for Code 826: Fowl on less than ten (10) acres of land:

1. Applicant must complete scorecard located in Appendix E.

2. Food shall be kept in airtight containers.

3. Coops and bedding shall be kept clean.

4. Soiled bedding and manure shall be disposed in a timely manner.

5. Birds shall be housed in appropriately sized housing.

6. Notice of intent to keep fowl shall be sent to owners of all residential structures within 500 feet of a proposed coop.

7. Non-Agricultural zones also are further restricted:

a. Chickens only are permitted. Waterfowl, peafowl, guinea fowl, and other game birds are not permitted.

b. Chickens may be kept for non-commercial use only.

c. Chickens may be kept only on the lot where the applicant resides or an adjoining lot.

d. Chickens may be kept in side or rear yards only.

j. Restrictions for 851: Mining and Quarrying of Nonmetallic Minerals,

855: Mining Services

890: Other Resource Production and Extraction.

1. On approval of the BZA, the excavation and sale of sand, gravel, clay, shale or other natural mineral deposit (excluding top soil, it is permitted to remove top soil) or the quarrying of any kind of rock formation is permitted, subject to the following conditions:

(i) In the case of any open excavation, there shall be substantial fence (woven wire, minimum height 47”) with suitable gates completely enclosing the portion of the property in which the excavation is located, and such fence shall be located at all points forty feet (40’) or more distant from the edge of such excavation.

(ii) The slope of the material in such sand, gravel or other pit shall not exceed the normal angle of repose of such material, and the plane of such angle or repose shall not come nearer than forty feet (40’) or more distant from the face of any quarry walls.

(iii) In the case of a quarry or other excavation in rock there shall be a substantial fence enclosure (woven wire, minimum height 47”) with substantial minimum gates located at all points forty feet (40’) or more distant from the face of any quarry walls.

(iv) No such quarry wall shall be nearer than forty feet (40’) to any property boundary line of street line.

TABLE A

ANIMAL UNIT CONVERSION CHART

ANIMAL SPECIES	EQUIVALENT # OF HEAD (More or Less)
Swine (over 55 lbs.)	8,000
Dairy Cows	2,235
Cattle	3,200
Swine (under 55 lbs)	32,000
Turkey	175,000
Pullets	320,000

APPENDIX E

Fowl Ordinance - Scorecard

*Only one (1) choice from each section will count toward total points

Lot Size	Points	
< 0.50	2	
0.50 - 0.99	4	
1 - 2.99	8	
3-6.99	14	
7-10	20	
		/20

Number of Chickens	Points	
1-4	15	
5-9	10	
10-19	6	
20-49	3	
50+	0	
		/15

Chicken/Acre Ratio	Points	
< 10 per acre	8	
10-19 per acre	4	
20-50 per acre	0	
>50 per acre	-10	
		/8

Coop Setback (from nearest residential structure)	Points	
<10	-50	
10-24 ft.	0	
25 - 49 ft.	5	
50 - 74 ft.	10	
75 - 100 ft.	15	
> 100 ft.	20	
Chicken Tractor/Mobile Coop	10	
		/20

Type of Enclosure	Points	
Opaque Fencing - over 6 feet	8	
Opaque Fencing - 6 feet or less	5	
Non-opaque Fencing - over 6 feet	5	
Non-opaque Fencing - 6 feet or less	2	
No fencing (Ag. Zone)	-5	
No fencing (Non-Ag. Zone)	-50	
		/8

APPENDIX E

Fowl Ordinance - Scorecard

Zoning	Points	
Agricultural	10	
Non-Agricultural	0	
		/10
Number of Roosters		
0	10	
1 (non-ag. zone)	-10	
1+ (ag. zone)	0	
2+ (non-ag. zone)	-50	
		/10
Section Density		
0-5	20	
6-10	12	
11-17	6	
18+	3	
		/20
Total Points:		/113

- > 45 points - permitted
- 25 - 45 points- special exception required
- < 24 points - not permitted

Permits

Permits will initially be valid for a one (1) year period.
 Permits will be automatically renewed every three (3) years.
 If there are no zoning violations relating to chickens and/or other fowl.

Permit will be a one (1) time \$25 fee.

RESOLUTION NO. 2014-__

DECLARATORY RESOLUTION OF THE RUSHVILLE REDEVELOPMENT
COMMISSION DESIGNATING AN AREA AS A REDEVELOPMENT AREA
AND ADOPTING THE PLAN FOR THE REDEVELOPMENT AREA

WHEREAS, the Board of Commissioners (the “Board”) of Rush County, Indiana (the “County”), has selected a redevelopment project area to be developed under the Act; and

WHEREAS, the Board entered into an Agreement to Perform Powers and Duties of Redevelopment Commission dated as of February 25, 2014 (the “Agreement”), with the Rushville Redevelopment Commission (the “Commission”), and the City of Rushville, Rush County, Indiana (the “City”), pursuant to INDIANA CODE 36-7-14-14 which Agreement is attached hereto as Exhibit A; and

WHEREAS, the Commission, exists and operates under the provisions of the Act, and the Commission has investigated, studied and surveyed the assigned redevelopment project area which it has been assigned certain redevelopment powers pursuant to the Agreement; and

WHEREAS, the Commission prepared a plan (the “Plan”) for the selected redevelopment project area, which Plan is incorporated by reference in this Resolution; and

WHEREAS, the Commission has caused to be prepared:

(1) Maps and plats showing:

- (a) the boundaries of the redevelopment project area, the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning or economic development of the area, indicating any parcels of property to be excluded from the acquisition; and
- (b) the parts of the area acquired that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan;

(2) An estimate of the cost of acquisition, redevelopment and economic development;
and

WHEREAS, the Commission has caused to be prepared a factual report (the “Report”) in support of the findings contained in this Declaratory Resolution which Report is attached to and

incorporated by reference in this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE RUSHVILLE REDEVELOPMENT COMMISSION THAT:

(1) The Commission is hereby designating the area identified in the Agreement as the Pioneer Redevelopment Area (the “Redevelopment Area”), and which Redevelopment Area is described in Exhibit A.

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

- (a) Promotes significant opportunities for the gainful employment of the citizens of the City and County;
- (b) Works to attract new business enterprises to the City and County;
- (c) Benefits the public health, safety, morals and welfare of the citizens of the City and County;
- (d) Increases economic well-being of the City, the County and the State of Indiana; and
- (e) Serves to protect and increase property values in the City, the County 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 the Act because of:

- (a) The lack of local improvements; and
- (b) The existence of improvements or conditions that lower the value of the land below that of nearby land.

(4) The Commission finds that the public health and welfare will be benefitted specifically by increasing and diversifying the County’s tax base and providing more employment opportunities for the citizens of the City and County.

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

- (a) The attraction and retention of permanent jobs;
- (b) An increase in the property tax base;
- (c) Improved diversity of the economic base; and
- (d) Other similar benefits, specifically to increase the safety of the City's and County's citizens and to allow for continued planned growth.

(6) The Plan for the Redevelopment Area conforms to other development and redevelopment plans for the County.

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

(8) The Commission finds that no residents of the Redevelopment 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) This paragraph shall be considered the allocation provision for the purposes of INDIANA CODE 36-7-14-39. The entire Redevelopment Area shall constitute an allocation area pursuant to INDIANA CODE 36-7-14-39 (the "Allocation Area") for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided therein. 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 INDIANA CODE 36-7-14-39. The allocation provision with respect to the Allocation Area shall expire on the date which the first bonds payable from tax increment revenue from the Allocation Area shall be paid in full but in no event later than twenty-five (25) years after the date of issuance of such bonds. The base assessment date for property in the Allocation Area shall be March 1, 2013.

(10) (a) The Commission hereby finds that:

(i) The taxes to be derived from the depreciable personal property of Pioneer Hi Bred International, Inc. (and any parent, subsidiary or affiliate of Pioneer Hi Bred International, Inc.) (the "Taxpayer") in the Allocation Area and all other depreciable personal property located and taxable on the Taxpayer's site of operations within the Allocation Area in

excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service or provide security for bonds of the Town issued in order to provide local public improvements for the Allocation Area;

(ii) The Taxpayer's property in the Allocation Area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects; and

(iii) The Taxpayer's property in the Allocation Area does not consist primarily of retail, commercial or residential projects.

(b) Pursuant to INDIANA CODE 36-7-14-39.3, the Commission hereby designates as a "designated taxpayer" the Taxpayer and its successors or assigns or any parent, subsidiary or affiliate of the Taxpayer and its successors or assigns. The Commission hereby modifies the definition of property taxes in INDIANA CODE 36-7-14-39(a) and Section 9 of this Resolution for the purposes of including taxes imposed under INDIANA CODE 6-1.1 on the depreciable personal property of the Taxpayer and all other depreciable property located and taxable on the Taxpayer's site of operations in the Allocation Area. This allocation provision shall expire on the date that the allocation provisions of Section 9 of this Resolution expire.

(11) The President of the Commission is hereby authorized and directed to submit this Resolution, the Plan and the Report to the Rush County Area Plan Commission (the "Plan Commission") for its approval.

(12) The Secretary of the Commission is hereby directed, after receipt of the written order of approval of the Plan Commission which has been approved by the Board, to publish notice of the adoption and substance of this Resolution in accordance with INDIANA CODE 5-3-1-4 and to file notice with the offices of the County Council, the Plan Commission, the Surveyor, and any other departments or agencies of the County concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plat have been prepared and can be inspected at the office of the Commission 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 INDIANA CODE 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Allocation Area.

(13) The President of the Commission is hereby directed to prepare or cause to be prepared a statement disclosing the impact of the Allocation Area, including the following, and to provide the statement to each taxing unit that is either wholly or partially located within the

Allocation Area at least 10 days before the date of the hearing described in Section 7 of this Resolution:

- (a) The estimated economic benefits and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property and personal property 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.

(14) The Secretary of the Commission is hereby directed to submit this Resolution to the Board for its approval of the Redevelopment Area.

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

ADOPTED this 25th day of February, 2014.

RUSHVILLE REDEVELOPMENT COMMISSION

President

Vice President

ATTEST:

Secretary

EXHIBIT A

AGREEMENT TO PERFORM POWERS AND DUTIES OF REDEVELOPMENT COMMISSION

EXHIBIT B

PIONEER REDEVELOPMENT AREA

SCHEDULE I

The area consists of the real estate located at 3258 West US Highway 52, Rushville, Indiana 46173, and as shown in the map of the Area attached hereto as Schedule B-2.

PIN NUMBER:

70-06-34-227-001.000-010

EXHIBIT B
PIONEER REDEVELOPMENT AREA
SCHEDULE II
MAP



EXHIBIT C

REDEVELOPMENT PLAN FOR THE PIONEER REDEVELOPMENT AREA

RUSHVILLE REDEVELOPMENT COMMISSION

Purpose and Introduction.

This document is the Redevelopment Plan (the “Plan”) for the Pioneer Redevelopment Area (the “Redevelopment Area”), adopted by Declaratory Resolution on February 25, 2014 (the “Resolution”). It is intended for approval by the Board of Commissioners (the “Board”) of Rush County, Indiana (the “County”), the Rush County Area Plan Commission, and the Rushville Redevelopment Commission (the “Redevelopment Commission”) in conformance with INDIANA CODE 36-7-14.

The Board has entered into an Agreement to Perform Powers and Duties of Redevelopment Commission dated as of February 25, 2014 (the “Agreement”), with the Redevelopment Commission pursuant to INDIANA CODE 36-7-14-14 which Agreement is attached to the Resolution as Exhibit A.

Project Objectives.

The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the City and the County, attract new business enterprises to the County, retain or expand existing business enterprises to the County, provide for local public improvements in the Redevelopment Area, remove improvements or conditions that lower the value of the land in the Redevelopment Area below that of nearby land, resolve problems associated with multiple ownership of land, attract and retain permanent jobs, increase the property tax base, improve the diversity of the economic base of the County and increase the safety of the County’s citizens and to allow for continued planned growth..

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

Description of the Project Area.

The Redevelopment Area is located in the County and is described in Exhibit B to the Resolution.

Project Description.

The redevelopment of the Redevelopment Area will proceed in phases to be determined as the need arises. The Redevelopment Commission anticipates local public improvements that are in, serving or benefiting the Redevelopment Area and the Allocation Area (as defined in the Resolution) to be included as follows (the “Project”):

1. The construction or extension of water or sewer utilities and other infrastructure connected therewith.
2. The construction of other local public improvements necessary to attract and retain businesses in the area.

Acquisition of Property.

The Redevelopment Commission has no present plans to acquire any interests in real property within the Redevelopment Area.

The Redevelopment Commission shall follow procedures in INDIANA CODE 36-7-14 in the acquisition of property.

Procedures with respect to the Project.

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

Any construction work required in connection with the Project may be carried out by the appropriate municipal or county department or agency. The Redevelopment Commission may, if appropriate, 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 Redevelopment Commission.

The Redevelopment Commission may, if appropriate, pay any charges or assessments made on account of orders, approvals, consents, and construction work with respect to the Project or may agree to pay these assessments in installments as provided by statutes in the case of private owners.

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

Disposal of Property.

The Redevelopment Commission may dispose of real property acquired 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 Redevelopment 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 INDIANA CODE 5-3-1. The Redevelopment Commission will follow the procedures of INDIANA CODE 36-7-14-22 in making a sale or lease of real property acquired.

Designated Taxpayer.

A taxpayer may be a “designated taxpayer” if the Redevelopment Commission finds that taxes to be derived from the depreciable personal property located within the Redevelopment Area will be needed to pay debt service or provide security for bonds of the County. The taxpayer’s property within the Redevelopment Area must consist primarily of industrial, manufacturing or transportation related projects and may not consist primarily of retail, commercial or recreational related projects. Any property taxes levied on or after the effective date of the Resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Redevelopment Area shall be allocated and distributed in accordance with INDIANA CODE 36-7-14-39. The term “property taxes” as used in Section 39 is hereby modified by the Redevelopment Commission to include the taxes imposed under INDIANA CODE 6-1.1 on depreciable personal property located and taxable on the site of operations of the taxpayer within the Redevelopment Area and Allocation Area.

Amendment of the Plan.

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

President

ATTEST:

Secretary

EXHIBIT C

FACTUAL REPORT IN SUPPORT OF FINDINGS
CONTAINED IN RESOLUTION NO. 2014-__ OF THE
RUSHVILLE REDEVELOPMENT COMMISSION

1. The Plan for the Pioneer Redevelopment Area (the “Redevelopment Area”) will promote significant opportunities for the gainful employment of citizens of the Rush County, Indiana (the “County”), the City of Rushville, Indiana (the “City”), and the State of Indiana (the “State”) as follows:

- (a) The creation of the area will enable increases in the assessed value in the area to finance infrastructure improvements within the area. Such improvements will increase the likelihood of investment in the area to attract new business enterprises to the City and County. Any construction or permanent jobs will be available by reason of the commercial construction that is expected to take place in the County after the Redevelopment Area is better suited for commercial development. Additionally, water and / or sewer lines to the Pioneer facility will increase the long term usability of the site.

2. The Plan will attract a new business enterprise to, or will retain or expand an existing significant business enterprise in, the City as follows:

- (a) Development is currently planned for to Redevelopment Area. Additional business enterprises, including potential further expansion of an existing business, are expected to locate in the County after the Redevelopment Area is established to incentivize further commercial development.

3. The planning, replanning, development, and redevelopment of the Redevelopment Area will benefit the public health, safety, morals, and welfare; increase the economic well-being of the County, the City and the State; and serve to protect and increase property values in the County, the City and the State as follows:

- (a) Expand diversity of the County’s tax base and provide additional employment opportunities for the citizens of the County and the City.

4. The Plan for the Redevelopment Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to INDIANA CODE 36-7-14 because of the lack of local public improvements, the conditions that lower the value of the land in the Redevelopment Area below that of nearby land, and the historical lack of redevelopment in the

area.

5. The accomplishment of the Plan for the Redevelopment Area will be of public utility and benefit as measured by:

- (a) The attraction of an estimated 19 permanent full-time/part-time jobs by 2016;
- (b) An estimated capital investment of \$12,685,000, and an increase in the property tax base of \$8,237,500 of net assessed valuation; and
- (c) Improve diversity of the economic base as follows: commercial development in the County is needed and will be encouraged by the accomplishment of the Plan for the Redevelopment Area.

6. The Commission expects to pledge tax increment to obligations issued by the County the proceeds of which will be used to extend water and / or sewer infrastructure from the City to the Area.

RUSHVILLE REDEVELOPMENT COMMISSION

President

ATTEST:

Secretary

ORDER OF THE RUSH COUNTY PLAN COMMISSION APPROVING A
DECLARATORY RESOLUTION OF THE RUSHVILLE REDEVELOPMENT
COMMISSION AND THE PLAN FOR THE PIONEER REDEVELOPMENT
AREA

WHEREAS, the Board of Commissioners (the “Board”) of Rush County, Indiana (the “County”), has selected a redevelopment project area to be developed under the Act; and

WHEREAS, the Board entered into an Agreement to Perform Powers and Duties of Redevelopment Commission dated as of February 27, 2014 (the “Agreement”), with the Rushville Redevelopment Commission (the “Commission”), and the City of Rushville, Rush County, Indiana (the “City”), pursuant to INDIANA CODE 36-7-14-14; and

WHEREAS, the Rush County Area Plan Commission (the “Plan Commission”) is the body charged with the duty of developing a general plan of development for the County; and

WHEREAS, on February 27, 2014, the Commission adopted Resolution No. 2014-3 entitled “DECLARATORY RESOLUTION OF THE RUSHVILLE REDEVELOPMENT COMMISSION DESIGNATING AN AREA AS A REDEVELOPMENT AREA AND ADOPTING THE PLAN FOR THE REDEVELOPMENT AREA” (the “Declaratory Resolution”); and

WHEREAS, the Declaratory Resolution designates an area within the County as a redevelopment project area named the Pioneer Redevelopment Area (the “Area”), designates the entire Area as an allocation area (the “Allocation Area”), approves the Pioneer Redevelopment Area Plan (the “Plan”) for the Area and designates Pioneer Hi Bred International, Inc., as a designated taxpayer for the purposes of INDIANA CODE 36-7-14 (the “Act”) to capture personal property taxes within the new Allocation Area; and

WHEREAS, the Commission has submitted the Declaratory Resolution and Plan to the Plan Commission for approval pursuant to the provisions of the Act; and

WHEREAS, the Plan Commission now desires to issue its written order approving the Declaratory Resolution and the Plan:

NOW, THEREFORE, IT IS ORDERED by the Rush County Area Plan Commission, as follows:

1. The Declaratory Resolution and the Plan conform to the comprehensive plan for County.
2. The Declaratory Resolution and the Plan are in all respects approved, ratified and confirmed.
3. This Order is hereby designated as and constitutes the written order of the Plan

Commission approving the Declaratory Resolution and the Plan pursuant to the requirements of Section 16 of the Act.

4. The Secretary of the Plan Commission is hereby directed to forward a copy of this Order together with the Declaratory Resolution and the Plan to the Board for its consideration.

5. The Secretary is hereby directed to file a copy of this Order with the minutes of this meeting.

IN WITNESS WHEREOF, the members of the Rush County Area Plan Commission have hereunto set their hands, this 25th day of March, 2014.

RUSH COUNTY AREA PLAN COMMISSION

Commissioner

Attest:

Secretary