

Shelby County Plan Commission

January 26, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
January 26, 2021 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

PC APPOINTMENT TO THE BZA

PC APPOINTMENT OF BZA HEARING OFFICER

ATTORNEY CONTRACT

APPROVAL OF MINUTES

Minutes from the December 22, 2020 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 21-01 – PETRO REZONING: Rezoning of 29.83 acres from the RE (Residential Estate) District to the A2 (Agricultural) District to assign the zoning district consistent with the size and use of the property. Located at 10550 N 600 W, Fountaintown, Moral Township.

RZ 21-02 – SHELBY COUNTY COMMISSIONERS / ELLIOTT REZONING: Rezoning of 1-acre from the IS (Institutional) District to the C2 (Highway Commercial) District to assign the zoning district consistent with the historical zoning designation of the property. Located at 4333 E SR 244, Shelbyville, Liberty Township.

NORTHWEST SHELBY COUNTY ECONOMIC DEVELOPMENT AREA RESOLUTION: Resolution of the Shelby County Plan Commission determining that a resolution and an economic development plan approved by the Shelby County Redevelopment Commission conform to the plan for development (Comprehensive Plan) for Shelby County.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **February 23, 2021 at 7:00 PM.**

Property Details

Location: 10550 N 600 W, Fountaintown, Moral Township.

Property Size: 29.83 acres

Current Land Use: Estate Residential / Agricultural

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Proposed Zoning Classification

A2 (Agricultural)

Intent: This district is established for general agricultural areas and buildings associated with agricultural production.

Plan Commission: Use this zoning district for existing agricultural land. Protect the land and operations within the Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks.

Future Land Use per Comp Plan

Agricultural

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential/Agricultural
South	R1	Single-Family Residential
East	RE	Estate Residential
West	A2	Agricultural

Staff Report

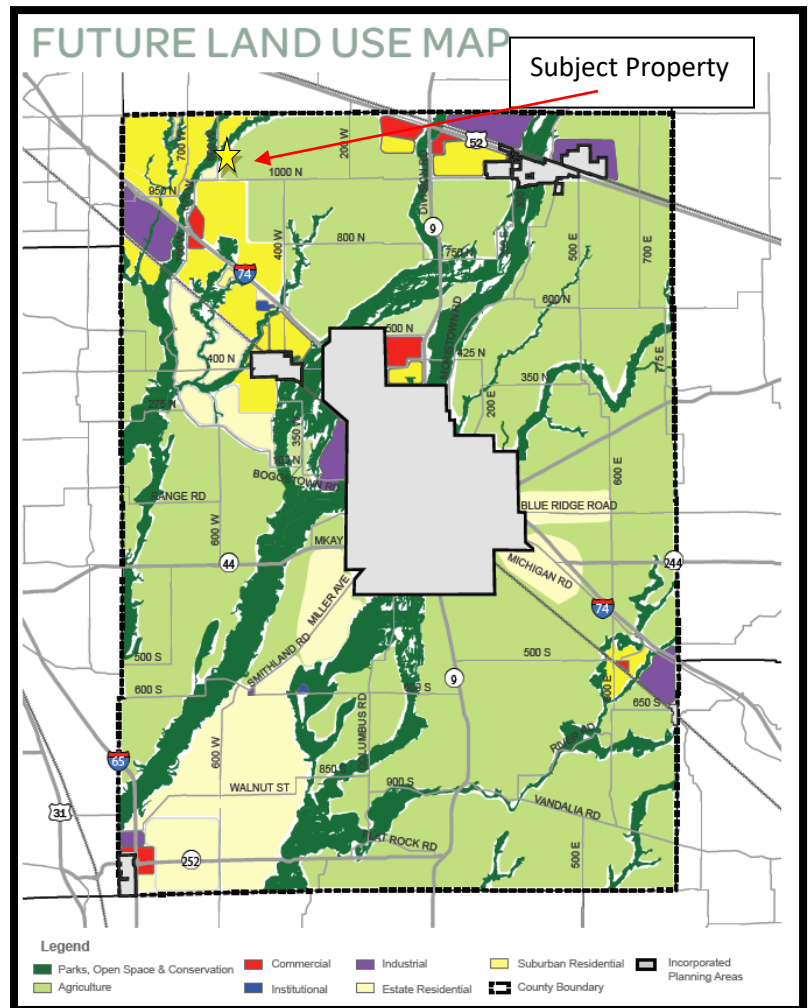
Case Number: RZ 21-01

Case Name: Petro Rezoning – RE (Residential Estate) to A2 (Agricultural)

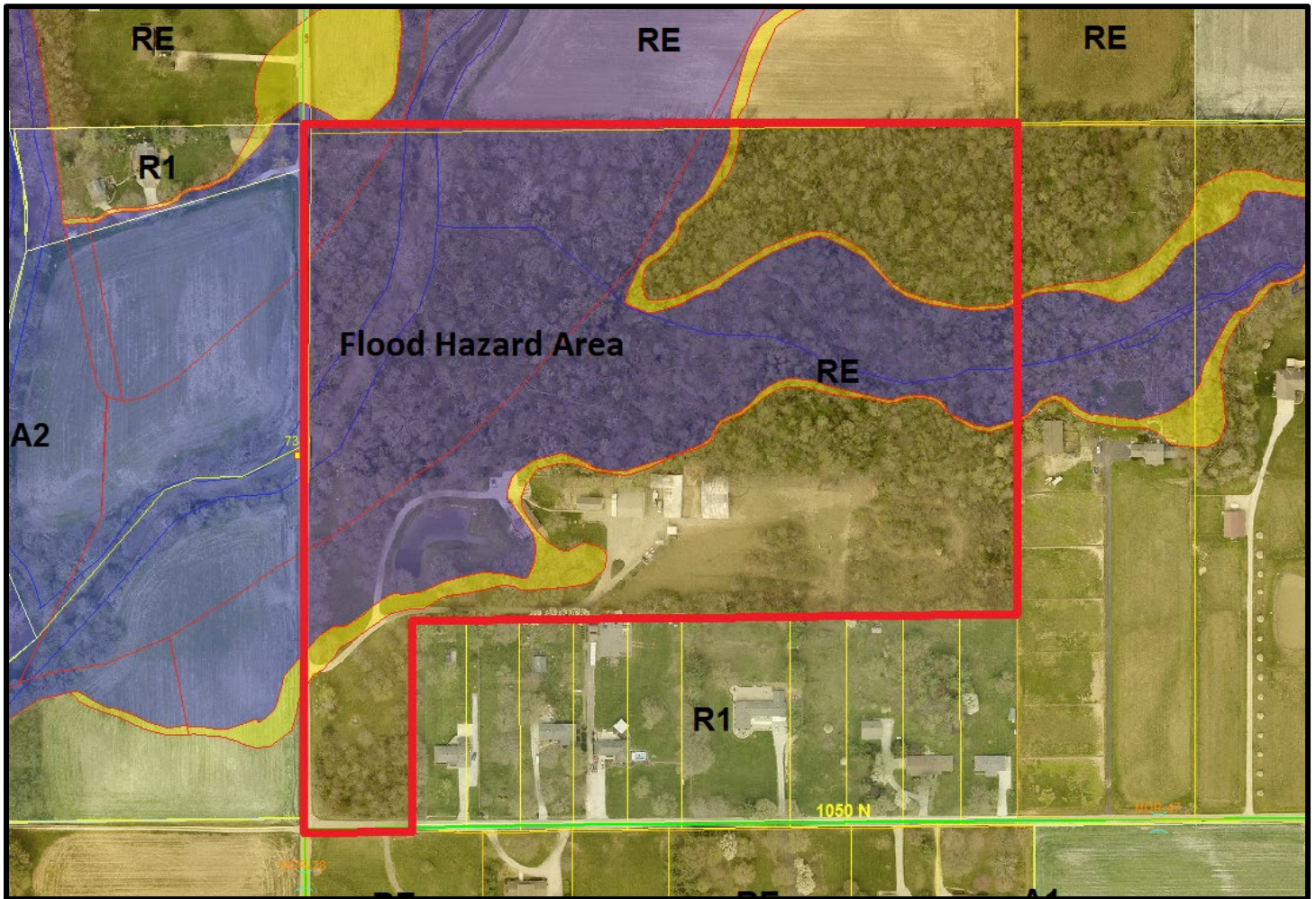
Request

Rezoning of 29.83 acres from the RE (Residential Estate) District to the A2 (Agricultural) District to assign the zoning district consistent with the size and use of the property.

Future Land Use Map



Property Map



Case Description

- The petitioner has requested the rezoning to allow for construction of an additional agricultural building to house horses and store machinery and equipment.
- The current RE zoning designation does not permit more than two accessory structures and does not allow the total square footage of all accessory structures on the lot to exceed two times (2X) the footprint of the residence. The current accessory structures on the lot exceed both these requirements, which prohibits construction of additional accessory structures if the property remains zoned RE without approval of a development standards variance.
- The rezoning would also allow for additional agricultural uses, use of more of the lot for agricultural purposes, and higher intensity home businesses (see attached use comparison chart and noted use definitions). The petitioner stated that he plans to keep personal horses on the property but does not plan to use the property for other agricultural purposes or for a home business.

- The RE zoning designation would permit subdivision of the property to create two additional building lots through the Simple Subdivision process. The A2 zoning designation would not permit subdivision of the property. Therefore, approval of a rezoning to A2 would have the result of prohibiting future subdivision of the property without approval of a rezoning back to RE, thereby protecting the flood hazard area on the property from future residential development.
- Prior to 2008 the property had an agricultural zoning designation. The County assigned the property the RE zoning designation when updating the zoning maps in 2008. The County assigned the A2 zoning designation to the majority of properties in the County five acres and larger and under ten acres, however several properties including single-family residences five acres and larger within Moral Township have the RE zoning designation.

Staff Analysis Findings of Fact

In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. Current Conditions and the Character of Current Structures and Uses in Each District

The size and existing use of the property as a rural homesite and for agricultural purposes is consistent with the size and use of the majority of properties within the County zoned A2.

2. The Most Desirable Use for Which the Land in Each District Is Adapted

The size of the property can accommodate typical agricultural uses without posing a negative impact on adjacent rural residential properties. The A2 zoning designation would protect the flood hazard area of the property from future residential development.

3. The Conservation of Property Values throughout the Jurisdiction

The size of the property can accommodate typical agricultural uses without posing negative impacts on adjacent rural residential properties.

4. Responsible Development and Growth

Use of the property as a rural homesite and for the keeping of horses would not have a negative impact on adjacent property or conflict with the Agricultural Future Land Use designation of the Comprehensive Plan.

5. The Comprehensive Plan

The Comprehensive Plan recommends agricultural uses and rural home sites at a density of one lot per five acres within the Agricultural Future Land Use Designation. Therefore, use of a 29.83-acre rural homesite for the keeping of horses does not conflict with the Agricultural Future Land Use recommendation of the Plan.

Staff Recommendation

Staff recommends **APPROVAL** primary because the size and use of the property as a rural homesite and for the keeping of horses does not conflict with the size and use of most properties in the County zoned A2 or the Agricultural Future Land Use recommendation of the Comprehensive Plan.

A2 Permitted Uses

Permitted Uses
<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • agricultural tourism • farmers market • home business kennel • home business (type 1) • home business (type 2) • home business (type 3) • roadside sales <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • hobby farming • orchard • raising of farm and exotic animals • stable (private) • storage of agricultural products • tree farm • vineyard <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • stable • winery <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • bio-diesel production ≤ 5,000 gallons per year <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling, single-family detached • fair housing facility (small)

RE Permitted Uses

Permitted Uses
<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home business (type 1) • roadside sales <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • hobby farming • stable (private) <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • bio-diesel production ≤ 5,000 gallons per year <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling, single-family detached • fair housing facility (small)

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the primary income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Business (Type 1): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 1) uses may include a home office, professional services, internet business, or clergy office and are further listed and regulated in *Section 5.33: Type 1 Home Business Standards*.

Home Business (Type 2): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and one (1) employee and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 2) uses may include domestic crafts, art and music teaching, tutoring, or hair cutting/styling and are further listed and regulated in *Section 5.34: Type 2 Home Business Standards*.

Home Business (Type 3): A business activity conducted completely within a dwelling unit and an accessory structure, carried on by any lawful resident of the property and his/her employees and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 3) uses may include assembly of products, automobile repair, landscaping/lawn care business, or light manufacturing and are further listed and regulated in *Section 5.35: Type 3 Home Business Standards*.

APPLICATION FOR REZONING
Written Statement

Applicant: Silvia B. Miller for John Petro

Case # _____

Location: 10550 N. 600 W., Fountaintown, Shelby County, Indiana, 46130

WRITTEN STATEMENT:

The property owner requests a rezoning of the property above to a designation of Agricultural (A2).

The property consists of almost 30 acres of land. Neighboring properties also consist of multiple acre lots. From an arial perspective, or street level view, the properties could have been classified as agricultural when the Unified Development Ordinance was enacted.

Currently, the property is used a single-family dwelling, with several horses and small timber operation. The rezoning will allow the property owner to construct a pole barn for the horses so they can be exercised in the winter, indoors, and to accommodate machinery and other equipment.

Rezoning this property does not contradict the Shelby County Comprehensive Plan, increases the property value by allowing general agricultural activities on the property, and does not detract from neighboring properties that continue to hold a residential zoning designation.

Property owner is aware and ready to pay for any necessary building permits for the pole barn, and further understands that rezoning the properties may have an impact on his property taxes.

APPLICATION FOR REZONING

Findings of Fact

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: Silvia B. Miller for John Petro

Case # _____

Location: 10550 N. 600 W., Fountaintown, Shelby County, Indiana, 46130

FINDINGS OF FACT:

1. The request **is** consistent with the Shelby County Comprehensive Plan because it promotes the orderly, responsible and beneficial development and growth of the areas within the planning jurisdiction in accordance with Shelby County land use policy.
2. The request **is** consistent with the current conditions and the character of the structures and uses in each district because the current conditions and structures already protect the character and stability of an agricultural area.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because this request does not involved encroachment of incompatible uses on the property, and preserves the scenic beauty, aesthetics and environmental integrity of the planning jurisdiction.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction as it maintains the character of the planning jurisdiction, is compatible with the current and surrounding land uses, and will not increase the intensity of use in the planning jurisdiction.
5. This request **is** consistent with responsible growth and development because it will not have a negative environmental or structural impact on the planning jurisdiction.

Property Details

Location: 4333 E SR 244, Shelbyville, Liberty Township.

Property Size: 1-acre.

Current Land Use: Single-Family Residential.

Current Zoning Classification

IS (Institutional)

This district is established for institutional and municipal owned lands for public purpose and use.

Proposed Zoning Classification

C2 (Highway Commercial)

Intent: This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.

Application: Only permitted within 600 feet of an interstate interchange or intersection of two major arterial streets; however, not appropriate at all interchanges or intersection of major arterial streets. Existing and new development. Small to medium area zoning
Plan Commission: Use this zoning district for existing developments and carefully for new commercial development.

Future Land Use per Comp Plan

Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

	Zoning	Land Use
North	C2	Vacant
South	A1	Agricultural
East	C2	Commercial
West	IS	Religious Institution

Staff Report

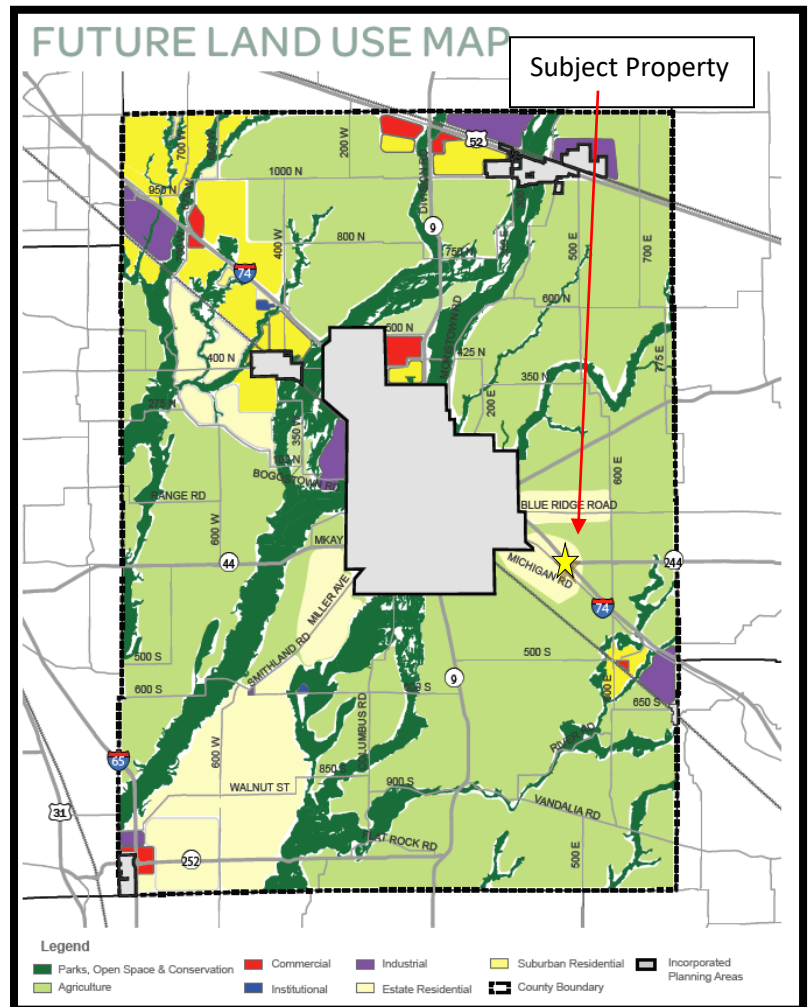
Case Number: RZ 21-02

Case Name: Shelby County Commissioners / Elliott Rezoning – IS (Institutional) to C2 (Highway Commercial)

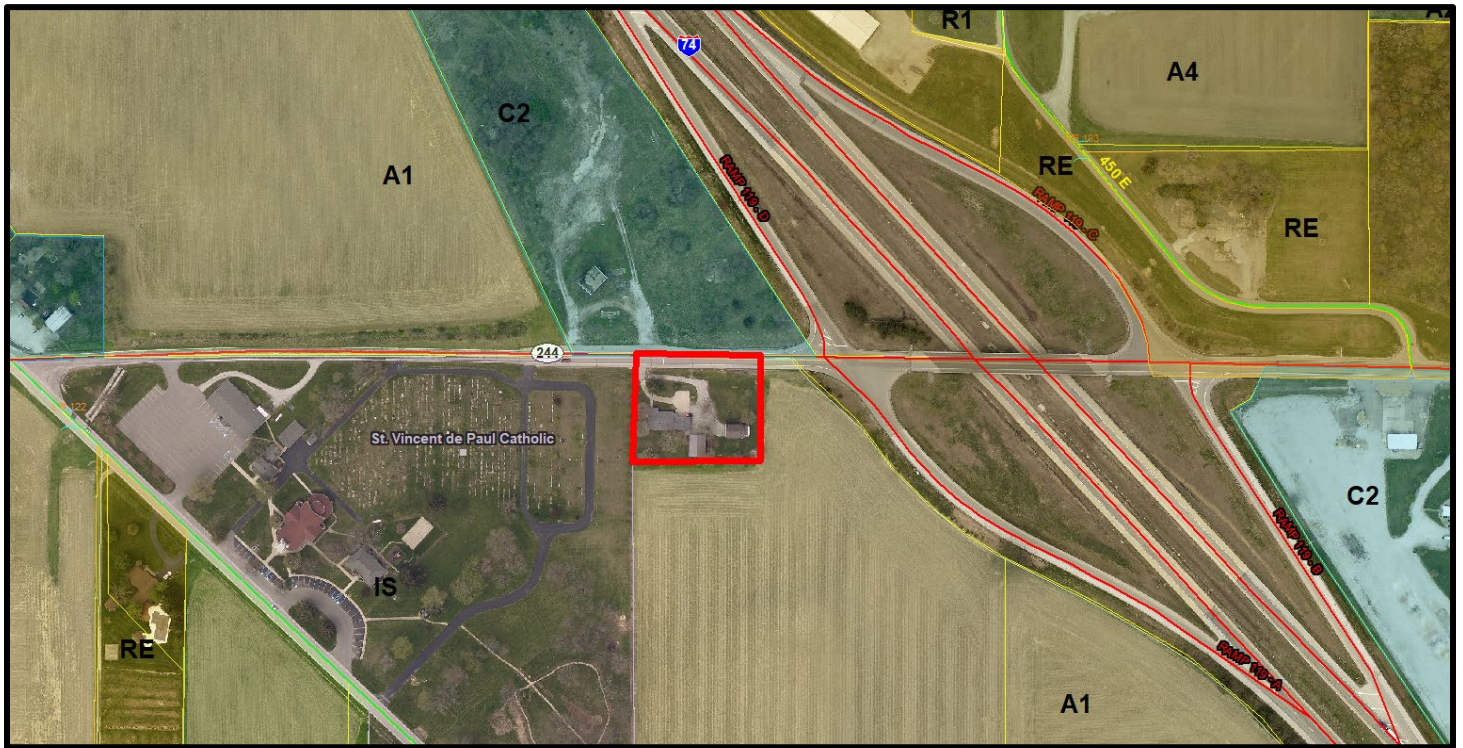
Request

Rezoning of 1-acre from the IS (Institutional) District to the C2 (Highway Commercial) District to assign the zoning district consistent with the historical zoning designation of the property.

Future Land Use Map



Property Map



Case Description

- The Planning Director, on behalf of the County Commissioners, requests a favorable recommendation from the Plan Commission to rezone the subject property from IS to C2. When updating the County-wide zoning maps in 2008, the County likely made an error in assigning the property the IS zoning designation because the property adjoins St. Vincent Church, also zoned IS. Historically the County Commissioners have applied for a rezoning on behalf of the property owner in a situation where the County has assigned an incorrect zoning designation.
- Property & Zoning History
 - 1955 – Date of construction of the existing single-family residence, as indicated on the property tax card.
 - 1972 – The original County zoning maps designated the property as B2 (General Service).
 - 2001 – The County adopted a new zoning ordinance in 1999 which removed the B2 (General Service) District. The County updated the zoning maps in 2001 and assigned the property the B2 (Business Two) zoning designation.
 - 2004 – The Board of Zoning Appeals granted a variance to allow for use of a detached garage as a guest house. Permit issued for construction of detached garage with guest house.
 - 2008 – The County adopted a new zoning ordinance in 2008 which removed the B2 (Business Two) District. The County updated the zoning maps and assigned the property the IS (Institutional) zoning designation.
 - 2012 – A letter written to the property owner from the Planning Director indicated that the County would initiate a rezoning to C2. However, the Plan Commission did not hear the rezoning request. A permit was issued for construction of a storage building.

- The property owner currently uses the property for residential purposes, however indicated that they would like the option to sell the property for commercial use.
- The UDO designates the single-family residence as legal-nonconforming due to construction of the residence prior to adoption of zoning regulations. Therefore, the residence may continue to be used for residential purposes. However, if the rezoning is approved, any future development of the property must relate to commercial use permitted in the C2 District. The detached garage would qualify for use as a guest house regardless of the zoning district due to approval of the development standards variance.

Staff Analysis Findings of Fact

In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. Current Conditions and the Character of Current Structures and Uses in Each District

The area adjacent to the I-74 / SR 244 currently includes several properties in the C2 District.

2. The Most Desirable Use for Which the Land in Each District Is Adapted

Future use of the property for highway-oriented commercial uses is desirable due to the proximity of the property to the I-74 / SR 244 interchange.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would not allow for land use at a higher intensity than permitted by the historical zoning designation of the property.

4. Responsible Development and Growth

Approval of the rezoning would not allow for land use at a higher intensity than permitted by the historical zoning designation of the property.

5. The Comprehensive Plan

Approval of the rezoning would not allow for land use at a higher intensity than permitted by the historical zoning designation of the property.

Staff Recommendation

Staff recommends **APPROVAL**.

Applicant/Owner Information

Applicant:	Shelby County Commissioners 25 W Polk St. Shelbyville, IN 46176	Owner:	Elliott, Robert E SR Trustee of Robert E Elliott Sr Revocable Living Trust 4333 E SR 244 Shelbyville, IN 46176
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Shelby County Plan Commission

25 West Polk Street, Room 201

Shelbyville, Indiana 46176

(317) 392-6338

Executive Director

Samuel R. Booth

October 17, 2012

Robert Elliot

4333 E SR 244

Shelbyville, IN 46176

RE: Zoning of property

Dear Mr. Elliot:

At your request I have reviewed the zoning for your property at the above address. It appears that the property was inadvertently zoned IS-Institutional in 2008 when Shelby County changed its zoning designations and definitions. In talking with you I believe that the correct zoning for the property would be a C2-Highway Commercial, which allows for moderate to high intensity commercial uses.

Due to the fact that the current zoning is incorrect, and at no fault of your own, the Shelby County Commissioners will initiate the rezone request on your behalf. This zoning request will likely appear before the Shelby County Plan Commission at their November 27, 2012 meeting. As soon as the zoning change is approved I will notify you in writing. Until this time, the Plan Commission will not hold the property in question to the standards of the IS Zoning.

If you need further information, please feel free to contact me at the enclosed location.

Sincerely,

Samuel R. Booth

CC: File, Connie Lindsay

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

Northwest Shelby County Economic Development Area Resolution: Resolution determining that a Declaratory Resolution and Economic Development Plan approved by the Shelby County Redevelopment Commission conform to the plan for development (Comprehensive Plan) for Shelby County.

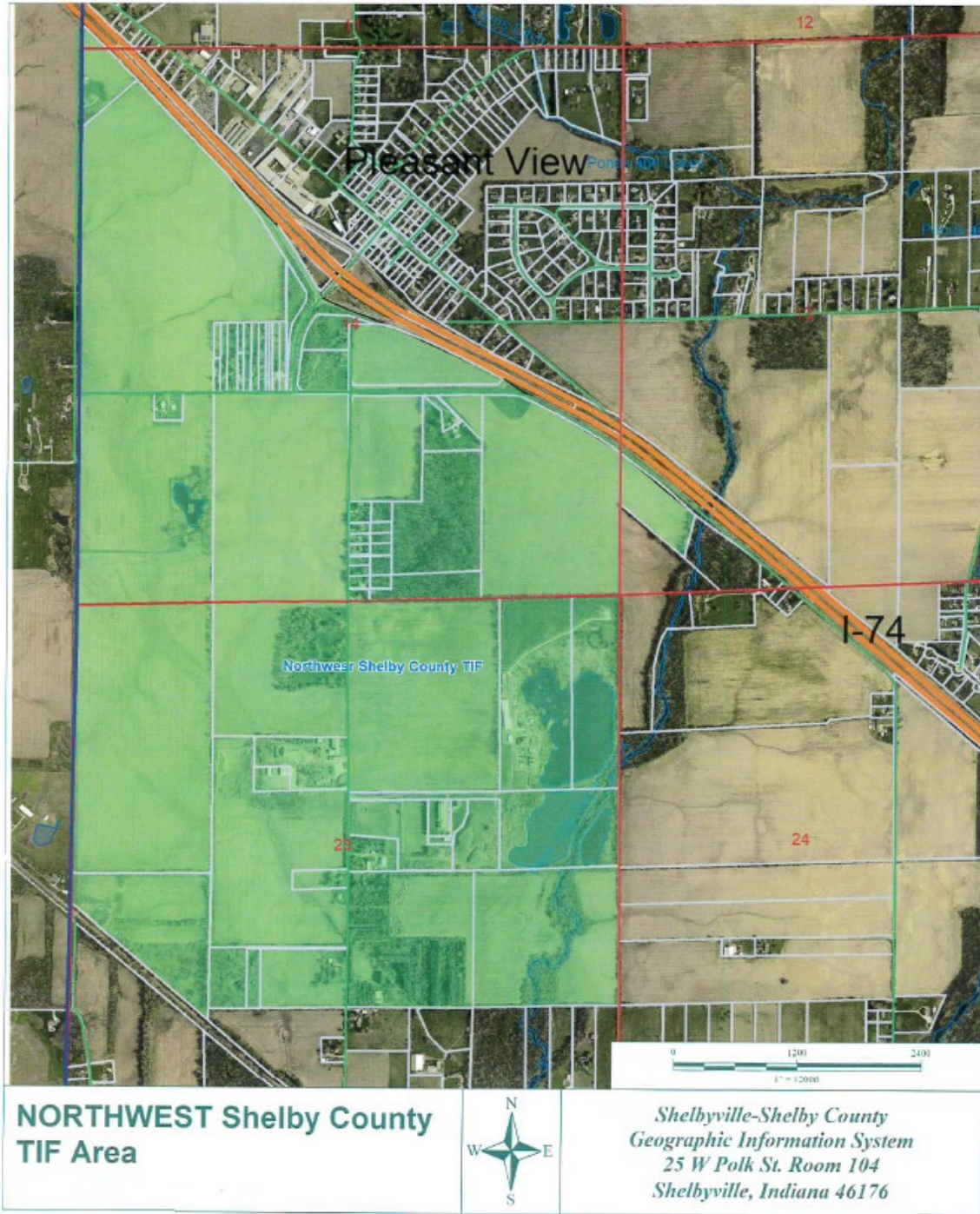
Background

The Shelby County Redevelopment Commission has passed a Declaratory Resolution declaring its intent to establish an Economic Development Area (EDA) and Tax Increment Financing District (TIF) for an area of land in northwest Shelby County. The EDA currently does not include a sewer utility and has limited water utility and road improvements. Establishment of the TIF would capture incremental real property tax within the EDA to fund needed public improvements, thereby retaining and expanding existing businesses and attracting new businesses to the area. Proposed public improvements include the following:

- Water Utility Improvements - \$250,000
- Road Improvements - \$2,585,000
- Sewer Utility Improvements (extension of Citizens sewer line from Marion County) - \$4,250,000
- Other projects which become necessary as development occurs.

25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

Northwest Shelby County Economic Development Area



Process for Establishing an EDA & TIF

1. Declaratory Resolution of the Redevelopment Commission
2. **Resolution of the Plan Commission determining that the Declaratory Resolution and the Economic Development Plan approved by the Redevelopment Commission conform to the Comprehensive Plan for Shelby County.**
3. County Commissioners Approval
4. Confirmatory Resolution by the Redevelopment Commission. A public hearing is required.

Consistency of Resolution & Economic Development Plan with the Shelby County Comprehensive Plan

- The Comprehensive Plan recommends industrial land use for the area included in the EDA. Specifically, the Plan states: The purpose of this category is to provide for a full range of light and heavy industrial uses. Types of uses include manufacturing, processing, distribution and storage. The designation should accommodate a variety of industrial establishments which:
 1. Employ high environmental quality standards;
 2. May function as an integral part of an overall development area;
 3. Require large tracts of land because of their nature and function;
 4. Have minimal impacts on adjacent uses.
- The Comprehensive Plan designates the northwest corner of the County as Focus Area #1. This focus area includes the land within the EDA. The Plan includes the following recommendations for Focus Area #1.
 1. Cooperate with Indy MPO for project inclusion and future funding applications.
 2. Build county partnerships for future development potential- focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities.
 3. **Target residential, commercial, and industrial development near existing interchanges.**
 4. **Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities.**
 5. **Encourage the extension of public water & sewer facilities to this area.**

6. Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.
- The following goals, strategies, and actions identified in the Comprehensive Plan relate to future development within the EDA:
 1. Coordinate with adjacent jurisdictions to identify opportunities for future transportation and expansion of utilities.
 - Plan ahead for an efficient and effective roadway system.
 - Improve roads and infrastructure to areas identified for future development. Ensure roadways can handle future traffic volumes and vehicle types based on intended and anticipated future uses.
 - Plan ahead for roadway improvement needs throughout the county including provisions for repairs, upgrades and funding sources.
 - Improve the primary gateways into the county along I-74 and I-65 to make them more efficient and noticeable.
 2. Provide utility infrastructure support and coordination resources to support targeted growth.
 - Identify and plan ahead for where utilities are located and where future expansion should be located as indicated on Future Land Use Map.
 - Make needed investments (upgrades, utility infrastructure, high speed internet, etc.) to areas where growth is being promoted.
 - Invest in critical infrastructure needs within targeted growth areas.
 - Encourage Infrastructure investment and development along the I-74 corridor as identified on the Future Land Use Map.
 3. Welcome and promote future development in appropriate areas of the county.
 - Balance development patterns and character with available transportation and utility resources and existing character context.
 - Identify and promote development areas for all major land use types identified on the Future Land Use Map.
 - Actively recruit investment at identified prime locations/ destinations/ opportunity areas.
 4. Attract new residents, business and employers to key parts of the county.

- Encourage development of commercial/retail, multi-family, and single-family housing along the I-74 corridor.
5. Encourage diversity in business and industry throughout the county.
- Identify Industrial development locations.

Staff Analysis

The Declaratory Resolution and Economic Development Plan establish an Economic Development Area (EDA) and Tax Increment Financing District (TIF) in northwest Shelby County to fund needed public improvements, thereby retaining and expanding existing businesses and attracting new businesses to the area. The Shelby County Comprehensive Plan targets the northwestern portion of Shelby County for future development and recommends commercial and industrial development with the EDA, extension of public water and sewer to the EDA, and using the area within the EDA as a highly visible marketing opportunity for Shelby County.

Therefore, Staff recommends that the Plan Commission adopt a Resolution determining that a Declaratory Resolution and Economic Development Plan approved by the Shelby County Redevelopment Commission conform to the plan for development (Comprehensive Plan) for Shelby County.

RESOLUTION NO. 2020-01

**RESOLUTION OF THE SHELBY COUNTY REDEVELOPMENT
COMMISSION DECLARING AN AREA IN SHELBY COUNTY, INDIANA, AS
AN ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC
DEVELOPMENT PLAN FOR SAID AREA**

WHEREAS, the Shelby County Redevelopment Commission (the "Commission"), as the governing body of the Shelby County Redevelopment District (the "District"), pursuant to Indiana Code 36-7-14, as amended (the "Act"), has thoroughly studied that area of the Shelby County, Indiana (the "County"), as described in Appendix A to the Plan (as hereinafter defined) and hereby designated as the "Northwest Shelby County Economic Development Area" (the "Economic Development Area"); and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Economic Development Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, economic development or redevelopment of the Economic Development Area, and the parts of the Economic Development Area that are to be devoted to public ways, sewerage and other public purposes under the Plan; and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the economic development projects as set forth in the Plan; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an economic development plan for the Economic Development Area entitled "Northwest Shelby County Economic Development Area Economic Development Plan" (the "Plan"); and

WHEREAS, the Plan and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, Section 39 of the Act permits the creation of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, Sections 41 and 43 of the Act permit the creation of "Economic Development Areas" and provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in an area needing redevelopment or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 39, 41, and 43 of the Act to the Plan and financing of the Plan.

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Redevelopment Commission, as the governing body of the Shelby County Redevelopment District, as follows:

1. The Plan for the Economic Development Area promotes significant opportunities for the gainful employment of the citizens of the County, will assist in attracting major new business enterprises to the County, may result in the retention or expansion of significant business enterprises existing in the County, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting the public health, safety and welfare, increasing the economic well-being of the County and the State of Indiana (the "State"), and serving to protect and increase property values in the County and the State.

2. The Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, or other similar conditions, including without limitation the cost of the projects contemplated by the Plan and the necessity for requiring the proper use of land so as to best serve the interests of the County and its citizens.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Economic Development Area.

4. The accomplishment of the Plan for the Economic Development Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Plan for the Economic Development Area conforms to other development and redevelopment plans for the County.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. Except as otherwise set forth in the Plan, the Plan does not contemplate the acquisition of property as a part of the economic development strategy, and the Commission does not at this time propose to acquire any specific parcels of land or interests in land within the boundaries of the Economic Development Area. If the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication, notice to affected property owners and a public hearing.

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

9. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting.

10. The Economic Development Area is hereby designated as an “economic development area” under Section 41 of the Act.

11. The entire Economic Development Area is hereby designated as an “allocation area” pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided by said Section. Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for said allocation area that may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

12. Said allocation area is hereby designated as the “Northwest Shelby County Allocation Area” (the “Allocation Area”), and said allocation fund is hereby designated as the “Northwest Shelby County Allocation Fund” (the “Allocation Fund”). The base assessment date for the Allocation Area shall be January 1, 2020. This allocation provisions herein relating to the Allocation Area shall expire on the later of twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Allocation Area.

13. Based on a study of the Economic Development Area and the specific findings set forth in the Plan, the Commission hereby finds that the adoption of the allocation provision as provided herein will result in new property taxes in the Economic Development Area that would not have been generated but for the adoption of the allocation provision.

14. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Shelby County Auditor in connection with the creation of the Allocation Area.

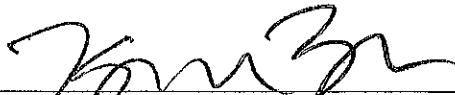
15. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

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

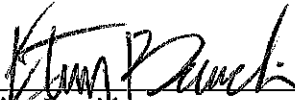
17. This resolution shall take effect immediately upon its adoption by the Commission.

Adopted the 10th day of December, 2020.

SHELBY COUNTY REDEVELOPMENT
COMMISSION



President



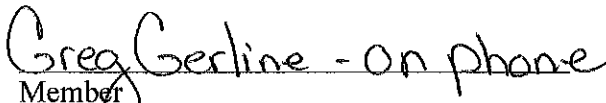
Vice President



Secretary



Member



Member

SHELBY COUNTY, INDIANA

Northwest Shelby County Economic Development Area

ECONOMIC DEVELOPMENT PLAN

November 24, 2020



SHELBY COUNTY, INDIANA

Northwest Shelby County Economic Development Area

ECONOMIC DEVELOPMENT PLAN

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SHELBY COUNTY, INDIANA

Northwest Shelby County Economic Development Area

ECONOMIC DEVELOPMENT PLAN

SUMMARY

REQUIRED FINDING OF FACTS TO SUPPORT THE STATUTORY REQUIREMENTS

FACTS

1. The Economic Development Plan (the "Plan") promotes significant opportunities for gainful employment of its citizens, attracts major business enterprises to Shelby County (the "County"), retains and expands significant business enterprises existing in the boundaries of the County and meets other statutory purposes, as set forth in Indiana Code Sections 36-7-14-2.5 and 36-7-14-41.
2. The Plan for the Northwest Shelby County Economic Development Area (the "EDA") cannot happen by regulatory processes or by the ordinary operation of private enterprise because of the lack of public infrastructure, existence of conditions that lower the value of land below that of nearby land and multiple ownership of land or other similar conditions. This Plan will assist in allowing the public infrastructure to be developed.
3. The Plan will provide for greater efficiency and will enhance the opportunities to retain existing businesses and to attract new business to the existing areas resulting in the attraction of new jobs and the retention of existing jobs, and protect and increase property values.
4. The establishment of the Area and the Plan for the area's development will promote significant opportunities for the gainful employment of the citizens of the County.
5. The establishment of the Area and the Plan for the area's development will provide improvements to the Area which are needed to retain and expand existing businesses and attract new businesses to the Area.
6. The improvements outlined in the Plan will not occur by the operation of the regulatory processes or by the ordinary operation of private enterprise without the establishment of the Area because of the lack of public improvements, a lack of funding for the needed public improvements, and the multiple ownership of land within the Area.
7. The accomplishment of the Plan will be a public utility and benefit which will be able to be measured by the attraction or retention of permanent jobs, and an increase in property taxes.
8. The public health and welfare will benefit by the accomplishment of the Plan for the EDA.

9. The achievement of the Plan for the EDA will constitute a public utility and will benefit as measured by the attraction or retention of permanent jobs, an increase in the property values, thus equating to increased assessed value (which is herein defined as “assessed value”), improved diversity of the economic base through the enhanced mix of property and other public benefits.
10. The Plan for the EDA conforms to other development and redevelopment plans for the County.

SHELBY COUNTY REDEVELOPMENT COMMISSION

Purpose

This document is the Shelby County Economic Development Plan (the “Plan”) for the Northwest Shelby County Economic Development Area (the “EDA” or the “Area”) contained within Shelby County, Indiana (the “County”). This document is intended to be approved by Shelby County’s Plan Commission, County Commissioners and Redevelopment Commission, in conformance with IC 36-7-14 (the “Act”).

Introduction

As the community continues to grow and expand its economic base and economic engine, the need to address many issues (related to development and the infrastructure needed for this development) such as transportation, community services and numerous capital additions, will also be required in order to allow further economic development in the County.

The County is located in central Indiana, southeast of Indianapolis, Indiana. The County is served by Interstates 74 as well as US Highway 421 and State Roads 9 and 44. The County’s population in 1980 was 39,887 and has grown to the 2010 census of 44,436, a 11% increase. The County’s median household income for 2018 was \$57,193, which ranked near the middle of the State of Indiana. The community is faced with the challenge of continuing to create high quality job opportunities for its citizens and attracting new investment to the area to maintain and to continue to grow its economic base. This is why the Plan is needed and required.

The County is facing the same financial hardships most communities are faced with in today’s world. In order to continue to grow, the community must develop and maintain adequate infrastructure to have infrastructure ready sites to attract new investment and businesses to the area. This can be achieved by the development of an EDA such as this.

Description of the Area

The proposed Area is located within the boundaries of the County (See APPENDIX A for the detailed map of the Area). The general description is defined in the map.

We have also included (as APPENDIX D) a schedule outlining the zoning classifications and the estimated acreage. The total acreage of the Area is estimated to be 835 acres. The approximate total acreage of the County is 264,047 acres; therefore, the District is approximately .32% of the County's current boundaries.

Project Description

Potential Project List within TIF District (defined herein)/EDA

1. Water Utility Improvements- \$ 250,000
2. Road Improvements - \$2,585,000
3. Sewer Utility Improvements - \$4,250,000
4. Other projects which become necessary in the Area as development occurs. As development occurs additional projects will be needed.

(See APPENDIX B for a summary of the estimated cost of the proposed projects.)

THE PROCESS OF DESIGNATING AN ECONOMIC DEVELOPMENT AREA

The following represents a general narrative summary of the sequence of actions to be undertaken in support of the designation of the EDA (and the tax increment finance allocation area (the "TIF District) anticipated to be created within the EDA). Each step will be reviewed by the special legal staff of the County.

After formulation of the Plan, it will be submitted to the Redevelopment Commission for approval. Upon presentation, the Redevelopment Commission may approve the Plan in its entirety, make modifications to the Plan and approve the Plan as amended, or reject the Plan and the designation of an EDA and the TIF District.

Declaratory Resolution

If the Redevelopment Commission desires to approve the Plan, it will pass a Declaratory Resolution of the Redevelopment Commission. The Declaratory Resolution declares the intent of the Redevelopment Commission to create an EDA and the TIF District.

Plan Commission Review

After passing the Declaratory Resolution, the Redevelopment Commission must then submit the Plan to the Plan Commission, for review, to assure that it conforms to the plan of development of the County. The Plan can propose an alteration of land use or zoning of the County in response to a specific economic development proposal, but if it does so, such alteration or rezoning must be approved by the Plan Commission. This Plan has been developed in compliance with the current plan of development for the County.

County Commissioners Approval

Upon receiving the approvals of the Redevelopment Commission and the Plan Commission, the Plan must be submitted to County Commissioners, for approval, before it can be implemented. The County Commissioners may reject the Plan or approve the Plan. The County Commissioners also must approve the Redevelopment Commission's determination that the Area is an economic development area under the Act.

Notice of Public Hearing and Tax Impact Statement

Upon receipt of approval by the County Commissioners, the Redevelopment Commission must publish a notice of the adoption of the Declaratory Resolution and the date on which the Redevelopment Commission will conduct a public hearing thereon, which must be no sooner than 10 days following the publication of the notice. The Redevelopment Commission also must deliver a copy of the notice, along with a statement disclosing the impact of the TIF District, to each taxing unit that is wholly or partially located in the TIF District.

Confirmatory Resolution

The Redevelopment Commission must then conduct the public hearing and pass a Confirmatory Resolution which confirms the Redevelopment Commission's intention to designate the EDA set forth in the Plan. The Redevelopment Commission is not required to take this action, but may consider whether the TIF District designation is still appropriate. If the Redevelopment Commission passes the Confirmatory Resolution, the EDA is then finally declared and designated.

Bond Counsel for the project will assure that all necessary and appropriate filings and administrative actions are taken. It is, therefore, important that the various agencies, bodies, elected officials and the general public understand the limitations which are imposed on subsequent decisions and actions by these various agencies and bodies.

EXAMPLES OF HOW THE COUNTY INTENDS TO MEET THE STATUTORY FINDINGS

The EDA represents an opportunity for the County to attract new jobs and high-quality development to the County. The County has attracted some new economic development and this new area should provide additional growth. Future development may also include office and retail space. Based upon development that has occurred in the original areas, the County expects construction of commercial and office related buildings along with other development. Based upon the development patterns at other similar locations in the County, we estimate a total new investment of over \$62,000,000 in the area and creation of 600 jobs over the next 10 years (pending zoning).

In addition to developments in the EDA, the County expects more developments in the surrounding area as a result of the new infrastructure (within the next 10 years).

It is crucial that the County be able to provide the required infrastructure to attract new investment and jobs to the area. Future development within the Area is expected to occur.

Acquisition of Property

At the current time, no specific property acquisition is proposed; however, in order to accomplish the Project, the Redevelopment Commission may, in the future, determine to acquire, without the use of eminent domain, properties and right-of-way in the Project areas. The Redevelopment Commission shall follow procedures in IC 36-7-14-19 in any current or future acquisition of property. The Redevelopment Commission may not exercise the power of eminent domain in an economic development area. The acquisition process may be needed in order to facilitate the Plan.

Procedures with Respect to the Project

In the planning and rezoning (if needed) of real property acquired or to be used in the accomplishment of the Plan, there will be required construction, relocation and improvements of utility services. The Redevelopment Commission shall proceed in the same manner as others are required to do for similar projects. The Redevelopment Commission may negotiate with proper officers and agencies of the County to secure proper orders, approvals and consents.

Any construction work required in connection with the Project will be carried out by the County or the developer. The Redevelopment Commission may carry out the construction work if all plans, specifications and drawings are approved by the appropriate department or agency once the statutory procedures for letting the contracts by the appropriate department or agency are followed by the Redevelopment Commission. The Redevelopment Commission will only be responsible for projects which it is funding (in, directly serving or benefiting the Area).

Disposal of Property

The Redevelopment Commission may dispose of real property, if any is 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. 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 IC 36-7-14-22. The Redevelopment Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired. At this time, the disposal of property is not expected, but may occur in the future.

Financing the Projects

It is the intention of the Redevelopment Commission to create a Tax Incremental Financing ("TIF") District and capture the incremental real property within the EDA in order to finance many necessary projects. The Declaratory Resolution establishing the TIF District may be adopted by December 31, 2020; therefore, the base date will be January 1, 2020, allowing the Redevelopment Commission to receive funds in

2022 from the new Area. If this does not occur, the Redevelopment Commission will not be able to meet the needs that are projected to occur shortly in road improvement funding.

It may be necessary to issue bonds sometime in the future, based on the 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, or the Redevelopment Commission may choose to “pay-as-you-go”.

Either form of financing may be used for part, or all, of the following:

- (1) The cost of land, right-of-way and other property to be acquired and developed;
- (2) 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 Project or the issuance of bonds;
- (3) Interest on, principal of, and debt service reserve for the bonds issued by the Commission for the project; and
- (4) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In conjunction with some form of financing, the Redevelopment 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.

Amendment of the Plan

By following the procedures specified in IC 36-7-14-15 through 17.5 (which involves the same approval process required for the original establishment of the Area), the Redevelopment Commission may amend the Plan for the Area.

FACTUAL REPORT IN SUPPORT OF FINDINGS CONTAINED IN RESOLUTION ____

1. The Plan for the Northwest Shelby County Economic Development Area (the “Area”) will promote significant opportunities for the gainful employment of citizens of the County by establishing a well planned, comprehensive road and business plan in the Area. These facilities will promote the safe and beneficial development of hundreds of acres of land for commercial and industrial use and will most likely bring in additional support facilities into the County, thus allowing economic development in the County. Such development will improve the County’s ability to attract employers as follows:
 - A. To locate in the Area, entities require sites that are relatively inexpensive to develop and ready for property improvements. This Plan provides for the public funding of water, wastewater and road improvements needed to reduce the cost necessary to prepare the sites; and

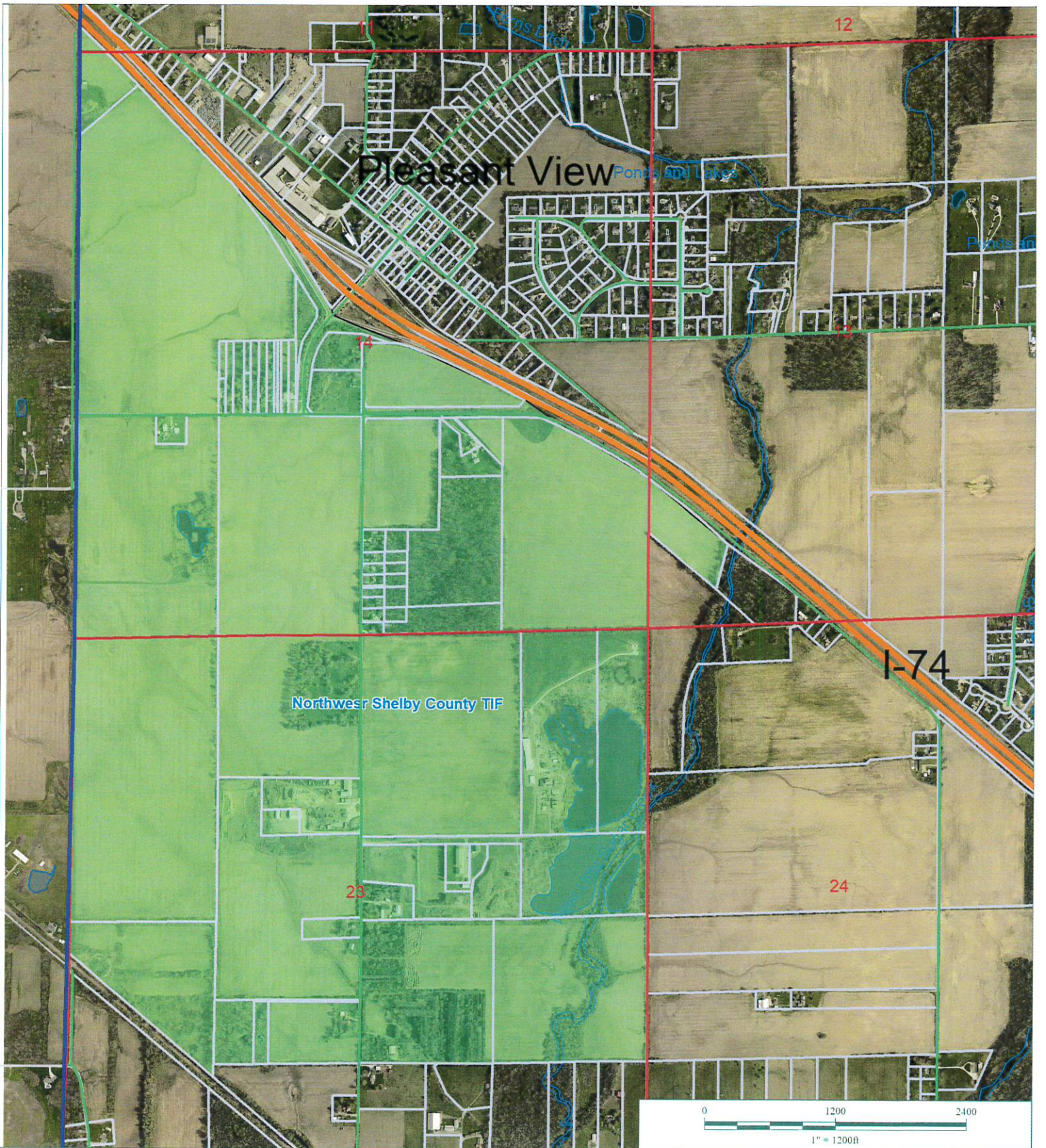
- B. The Plan provides for an increase in the amount of vacant land able to receive utilities and, therefore, increases the employment opportunities in the Area by expanding the utility lines to the Area.
2. The Plan:
- A. will promote significant opportunities for the gainful employment of the citizens of the County;
 - B. is likely to attract major new business enterprises as a result of the new transportation access point;
 - C. enables the use of public funding to guide infrastructure design and construction, and thus, development in the Area to promote basic employment and mixed uses of the land to an extent that individual property owners would not otherwise attain;
 - D. benefits the public health, safety, morals and welfare of the citizens of the County and State, as follows: The Plan, when fully implemented, will assist in putting into service new roads and related infrastructure. The community can approach land use development, public services and resources and public investments in a positive manner; and
 - E. increases the economic well-being of the County and the State of Indiana by the assistance with the creation of additional transportation assets in the State.
3. The planning and development of the Area will benefit the public health, safety, morals and welfare; it will increase the economic well-being of the County and serve to protect and increase property values in both the County and the State of Indiana.
- A. The Plan will create employment opportunities;
 - B. The Plan will improve public amenities and aesthetics in an effort to spur interest and economic development in the Area. These improvements may include walkways/sidewalks, street lighting, landscaping, building facades, signage, right-of-way improvements; and
 - C. The Plan provides for road upgrades and expansions that will increase mobility and transportation safety. Such upgrades can be made sooner than they otherwise could be with the help of tax increment financing from the Area. The TIF will allow the County to have access to grants, low interest loans and other forms of financing.
4. The Plan for the Area cannot be achieved by regulatory processes or by ordinary operation of private enterprise without resorting to the Act because of the lack of public improvements, the existence of geological impediments to industrial development and multiple ownership of land.
5. The accomplishment of the Plan for the Area will be of public utility benefit, for at least three reasons. First, it is estimated that full development of the Area, pursuant to the Plan, will allow for the attraction of 500 permanent jobs in the

County by 2029. Additional jobs will be created as additional developments are attracted to the area. Secondly, it is estimated that, when fully developed in accordance with the Plan, the assessed value for Real Property of the Area will be estimated at \$62,000,000 and \$40,000,000 for Personal Property. Lastly, the Plan will promote and support development that includes industrial, general business, office and numerous types of business. This will result in over \$25,000,000 of additional payroll income to the area when the project is complete; it would equate to an additional \$375,000, per year, of income taxes (shared by all taxing entities).

6. The Commission believes that the TIF District will generate, over time, along with federal, State and some local funds, sufficient monies to fully implement the Plan.

APPENDIX A

Map of the Area



**NORTHWEST Shelby County
TIF Area**



*Shelbyville-Shelby County
Geographic Information System
25 W Polk St. Room 104
Shelbyville, Indiana 46176*

APPENDIX B

Project Cost Estimates within the Economic Development Area

SHELBY COUNTY, INDIANA

Northwest Shelby County Economic Development Area

Estimated Project Costs

Potential Project List within TIF District/EDA

Water Utility Improvements	\$ 250,000
Road Improvements	2,585,000
Sewer Utility Improvements	4,250,000
	<hr/>
	\$ 7,085,000
	<hr/> <hr/>

APPENDIX D

Zoning Classifications within the Economic Development Area

SHELBY COUNTY, INDIANA

Northwest Shelby County Economic Development Area

Zoning Classifications within the Economic Development Area

<u>Classification</u>	<u>Type</u>	<u>Acres</u>	<u>Percent</u>
A1	4, 5, 6, 9, 21, 71, 72, 82	776.87	70%
I1	4, 6, 11, 13, 72, 82	142.26	13%
I2	4, 6	16.65	2%
R1	9, 91, 91RR,	26.84	2%
RE	4, 6, 9, 71, 72, 82, 91, 91RR	81.89	7%
IS	4, 5, 9, 71, 72, 82	51.72	5%
M2	4, 9, 71, 82	8.08	1%
OP	82	2	0%
I-74	82	1	0%

RESOLUTION NO. _____

RESOLUTION OF THE SHELBY COUNTY PLAN COMMISSION DETERMINING THAT A RESOLUTION AND AN ECONOMIC DEVELOPMENT PLAN APPROVED AND ADOPTED BY THE SHELBY COUNTY REDEVELOPMENT COMMISSION CONFORM TO THE PLAN OF DEVELOPMENT FOR SHELBY COUNTY AND APPROVING THE RESOLUTION AND PLAN

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

WHEREAS, the Shelby County Redevelopment Commission (the “Redevelopment Commission”) on December 10, 2020, adopted a resolution (the “Declaratory Resolution”) designating an area known as the Northwest Shelby County Economic Development Area (the “Economic Development Area”) as an economic development area pursuant to Section 41 of IC 36-7-14 (the “Act”) and approving an economic development plan for the Economic Development Area (the “Plan”); and

WHEREAS, the Redevelopment Commission has submitted the Declaratory Resolution and the Plan to the Plan Commission for approval pursuant to the provisions of Section 16 of the Act; and

WHEREAS, in determining the location and extent of the Economic Development Area, the Plan Commission has determined that no residents of the Shelby County will be displaced by the proposed development thereof; and

WHEREAS, the Plan Commission has reviewed the Declaratory Resolution and the Plan and determined that they conform to the plan of development for the County, and now desires to approve the Declaratory Resolution and the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY PLAN COMMISSION, THAT:

1. The Plan Commission hereby finds and determines that the Declaratory Resolution and the Plan for the Economic Development Area conform to the plan of development for the County.
2. The Declaratory Resolution and the Plan for the Economic Development Area are hereby approved.
3. This Resolution hereby constitutes the written order of the Plan Commission approving the Declaratory Resolution and the Plan for the Economic Development Area pursuant to Section 16 of the Act.

4. The Secretary is hereby directed to file a copy of the Declaratory Resolution and the Plan for the Economic Development Area with the minutes of this meeting.

SO RESOLVED BY THE SHELBY COUNTY PLAN COMMISSION this 26th day of January, 2021.

SHELBY COUNTY PLAN COMMISSION

President

ATTEST:

Secretary

**SHELBY COUNTY PLAN COMMISSION
AND ZONING APPEALS
CONTRACT FOR EMPLOYMENT OF ATTORNEY**

This agreement made and entered into this 26th day of January 2021, between the Shelby County Plan Commission of Shelby County, Indiana, hereinafter called “ Plan Commission”, and Mark W. McNeely, hereinafter called “Attorney”.

WITNESSETH: Plan Commission retains and employs Mark W. McNeely, as it’s Attorney to represent it, counsel it, and provide all legal services which it deems necessary commencing this date.

Mark W. McNeely will act as the attorney for the Shelby County Plan Commission and Shelby County Board of Zoning Appeals and have all duties and powers as set out by law.

The Plan Commission will pay to the Attorney compensation as follows:

1. Attorney shall receive from funds of the County appropriated for said purposes, and annual fee, payable quarterly, in the total amount of \$6,000, for services rendered to the Plan Commission and Board of Zoning Appeals of Shelby County, Indiana.
2. The Plan Commission and Board of Zoning Appeals agrees to the the Attorney the sum of \$180.00 per hour for all services rendered involving litigation where an appearance in the Court is required, or a Response is required to a complaint.
3. The Plan Commission and Board of Zoning Appeals of Shelby County, Indiana agrees that services rendered by the Attorney on separately funded projects including but not limited to, the sale of bonds, or -other such projects, and shall be compensated by said project.
4. In the event that Mark W. McNeely is required to travel to any other county than Shelby, he shall be paid his hourly rate and mileage at \$. 56 per mile.
5. Mark W. McNeely agrees that he, or his representative, will attend the regular meetings of the Plan Commission and for the Board of Zoning Appeal.

ALL OF WHICH IS AGREED THIS 26TH DAY OF JANUARY, 2021

McNeelyLaw LLP

Shelby County Plan Commission

by: _____
Mark W. McNeely, Attorney

by: _____
President

Attest:

by: _____
Desiree Calderella,
Planning Director of the Shelby County Plan Commission