

**TOWN COUNCIL OF THE TOWN  
OF PLAINFIELD, INDIANA  
RESOLUTION 2023-38**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PLAINFIELD, INDIANA, AUTHORIZING CERTAIN AMENDMENTS  
TO THE HOBBS STATION PROJECT AGREEMENT**

**WHEREAS**, the Town of Plainfield, Indiana (the “Town”) is a political subdivision of the State of Indiana (the “State”) and is duly organized and existing under the Constitution and laws of the State; and

**WHEREAS**, pursuant to applicable law, the Town Council of the Town (the “Council”) previously approved and entered into that certain project agreement (inclusive of amendments and ancillary agreements thereto, the “Project Agreement”) with Hobbs Station MU Multifamily QOZB, LLC (the “Developer”) related to the mixed-use Hobbs Station project (inclusive of all phases, the “Project”), as more particularly described in the Project Agreement; and

**WHEREAS**, since the execution of the Project Agreement, certain design and construction changes have been necessary in order for Developer to complete the initial phase (“Phase 1”) of the Project; and

**WHEREAS**, a portion of the second phase (“Phase 2”) of the Project has proceeded more quickly than initially anticipated, causing certain infrastructure to be needed on an accelerated timeframe not contemplated in the Project Agreement; and

**WHEREAS**, the necessary design and construction changes have increased the overall cost of the Project beyond what was contemplated at the time of execution of the Project Agreement by approximately \$1,242,445, consisting of the following scope:

1. Relocation of sanitary sewer main from Station Road to Anthem Drive
2. Increase of sewage pumping station and force main capacity to serve entire Project
3. Extension of 12-inch diameter sanitary sewer main approximately 900 feet
4. Relocation of water main and storm sewer mains along Anthem Drive; and
5. Other adjustments as more thoroughly listed under Exhibit A

**WHEREAS**, Town staff and consultants have had occasion to review certain change order documentation provided by Developer, which documentation is attached hereto, and has determined that the increased costs are reasonable; and

**WHEREAS**, the Project Agreement initially contemplated certain enhancements to Smith Road which, upon completion of the design of the Project, are not necessary to serve the Project, which allows for such costs to be reallocated to the increased Project infrastructure costs; and

**WHEREAS**, certain utility costs to be paid by the Developer for the Project can be credited back to Developer to offset the increased Project infrastructure costs;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Plainfield, Indiana, as follows:

Section 1. The Council hereby approves amendment to the Project Agreement and/or any agreements ancillary thereto as may be necessary in order to provide the following:

- A. Enhancements to Smith Road in the form of added turn lanes are no longer required as part of the Project, and the costs to construct such enhancements can be reallocated from Project funds to offset the increased infrastructure costs.
- B. Fees due for Phase 1 of the Mixed-Use Project Site located at 2870 Pearson Parkway for sewer, water, and stormwater in the amount of \$778,356.10 may be retained by Developer and applied to increased infrastructure costs.
- C. Town will either waive or reimburse Developer’s sewer, water, and stormwater fees collected from the Project developed and/or owned by parties other than Developer in an amount not to exceed \$464,088.90.

Section 2. The President of the Town Council (hereby an “Authorized Representative”), acting on behalf of the Town, is hereby authorized, individually, with the advice of counsel, to negotiate, enter into, execute, and deliver such documents relating to the Project and Project Agreement, inclusive of any amendments thereto, as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Project are hereby authorized.

Section 3. This Resolution shall be effective as of the date of its adoption.

ADOPTED this 23rd day of October, 2023.

TOWN COUNCIL  
TOWN OF PLAINFIELD

DocuSigned by:  
*Robin G. Brandgard*  
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Robin G. Brandgard, President

DocuSigned by:  
*Bill Kirschoff*  
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Bill Kirschoff, Vice President

DocuSigned by:  
*Kent McPhail*  
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Kent McPhail

DocuSigned by:  
*Dan Bridget*  
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Dan Bridget

DocuSigned by:  
*Lance Angle*  
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Lance Angle

ATTESTED BY:

DocuSigned by:  
*Mark J. Todisco*  
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Mark Todisco, Clerk-Treasurer  
Town of Plainfield, Indiana

## EXHIBIT A

TOWN MANDATED CHANGES					
Issue	Reference	Pricing Source	Added Cost	Potential Recoupable Items	
1.0 Relocation of Sanitary from Station Boulevard to Anthem		GMP/Budget	\$ 595,452.00		
2.0 Storm Sewer relocated to middle of street per Town request	3/01/22 - Town Comments	Unavailable	Unavailable		
3.0 Upgrade of Lift Station to meet Town Standards		PCO-05	\$ 60,838.00		
4.0 Additional water valves required for pressure zones requested by the town of Plainfield	RFI-03 / Town Comments	PCO-11	\$ 121,020.00		
5.0 Requirement for Sanitary to be Backfilled with 100% Granular Beyond Town Detail		SSC Granular Breakout	\$ 505,900.00		
6.0 Additional sleeving in water line at sanitary crossings on Pearson		PCO-16	\$ 33,879.00		
7.0 Upsizing of Lift Station Pumps to Accommodate Full Development Capacity		PCO-22	\$ 77,034.00	\$ 74,029.00	
8.0 Upsizing of Forced Main to Accommodate Full Development Capacity (Original South Forced Main \$141K)		PCO-23	\$ 153,767.00	\$ 150,600.00	
9.0 Project Agreement - Savings Related to Turn Lanes (CREDIT)		PSA	\$ (679,150.00)		
10.0 Adjustments to Accommodate Smith Road Design and Gravity Sewer Extension Rev. 13		PCO-24	\$ 150,151.00		
11.0 6% Cement Stabilization in Lieu of Recommended 7% Lime Stabilization - Station Blvd		PCO-27	\$ 10,004.00		
12.0 Additional Tap at the Station Blvd Water Main for Irrigation		PCO-42R1	\$ 53,462.00		
13.0 Additional Kimley Horn Service Fee - Rework and Investigation of Sanitary, Extension of Gravity Sewer, Water Revisions		Kimley Communication	\$ 20,000.00		
14.0 Extension of Gravity Sanitary at Smith Road Rev. 15		PCO-030	\$ 130,195.00		
15.0 6% Cement Stabilization in Lieu of Recommended 7% Lime Stabilization - Pearson Parkway		PCO-032	\$ 4,173.00		
16.0 6% Cement Stabilization in Lieu of Recommended 7% Lime Stabilization - Harper, Sidecar, East Station		PCO-038	\$ 5,720.00		
<b>TOTAL</b>			<b>\$ 1,242,445.00</b>	<b>\$ 224,629.00</b>	