

ORDINANCE NO. 9349

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF HAMMOND, INDIANA AMENDING ORDINANCE NO. 9328
AUTHORIZING AND APPROVING A PILOT AGREEMENT FOR THE
SOHL AVENUE RESIDENTIAL CARE PROJECT FOR THE
PURPOSE OF CORRECTING A DATE CONTAINED THEREIN
(as amended)**

WHEREAS, the Common Council (the “Council”) of the City of Hammond, Indiana (the “City”) adopted and approved Ordinance No. 9328 on December 14, 2015 for the purpose of authorizing the entry by the City into a Pilot Agreement (the “Pilot Agreement”) with Sohl Avenue RCF, LP (the “Developer”) concerning the development, construction and operation of an affordable residential care assisted living multi-family housing project to be located within the City at 5620 Sohl Avenue (the “Project” or the “Real Estate”); and

WHEREAS, the Pilot Agreement was attached as Exhibit A to and incorporated by reference into Ordinance No. 9328; and

WHEREAS, Section 2.3 of the Pilot Agreement contained the following language:

The Annual in Lieu Amount payable by developer with respect to the Real Estate should be imposed as property taxes and payable in two equal installments due and payable on or before May 10 and November 10 of each successive calendar year, commencing with the first semiannual installment due and payable on or before May 10, 2016 (the “In Lieu of Payments”).

WHEREAS, the date of “May 10, 2016” contained in Section 2.3 of the Pilot Agreement should have been “May 10, 2017”; and

WHEREAS, Ordinance No. 9328, including the fully executed Pilot Agreement attached thereto and incorporated therein as Exhibit A was filed in the Office of the Lake County Auditor on February 3, 2016 and was recorded as Instrument #2016 007814 in the records of the Office of the Lake County Recorder; and

WHEREAS, the Council desires to correct said Ordinance No. 9328 by substituting the date of “May 10, 2017” in the aforesaid Section 2.3 of the Pilot Agreement in lieu of the existing “May 10, 2016” and give effect to such change retroactively as if said sentence was property included in the original Ordinance No. 9328.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA, AS FOLLOWS:

Section 1. Council Ordinance No. 9328 is hereby amended by striking out the date of “May 10, 2016” and inserting in lieu thereof the date of “May 10, 2017” in Section 2.3 of the Pilot Agreement. In all other respects, the text of Ordinance No. 9328 is affirmed.

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Section 2. The Council directs and intends that the above-stated amendment be given effect *nunc pro tunc*, that is, as if the original text of Ordinance No. 9328 contained the newly inserted language described in the preceding section of this Ordinance.

Section 3. The City Clerk is hereby directed to record an executed copy of this Ordinance with the Lake County Recorder's Office and file the recorded Ordinance and PILOT Agreement with the City Controller's Office, the Lake County Assessor's Office, the Lake County Auditor's Office and the Lake County Treasurer's Office. Developers shall pay all filing and recording costs.

Section 4. This Ordinance shall be in full force and effect upon its adoption and its passage.

BE IT FURTHER ORDAINED by the Hammond Common Council that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof and approval by the Mayor.

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ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 25th day of July, 2016.

Michael Opinker, President /s/
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

PASSED by the Common Council on the 25th day of July, 2016, and approved by the Mayor on the 1st day of August, 2016 at 2:00 p.m.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

PRESENTED TO ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 26th day of July, 2016 at 10:40 a.m.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

The foregoing Ordinance No. 9349 is hereby APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 1st day of August, 2016 at 2:00 p.m.

Thomas M. McDermott, Jr., Mayor /s/
City of Hammond, Indiana