

PETITIONER(S):
Department of Planning & Development
Mayor's Office of Economic Development

SPONSOR(S):
Councilman Dave Woerpel,
Councilman, 5th District

RESOLUTION NO.: R17

**A DECLARATORY RESOLUTION OF THE HAMMOND CITY COUNCIL DESIGNATING THAT
A CERTAIN AREA OF THE CITY OF HAMMOND, INDIANA BE ESTABLISHED AS THE OXBOW NO.
1 ECONOMIC REVITALIZATION AREA TO WHICH DEDUCTIONS FROM ASSESSED VALUE MAY
BE REQUESTED BY AN APPLICANT TO THE COMMON COUNCIL OF THE CITY OF HAMMOND
PURSUANT TO INDIANA CODE 6-1.1-12.1**

WHEREAS, Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code ("IC") 6-1.1-12.1 *et seq.*, (the "Act") in the form of deductions of assessed value for qualified real property improvements and the installation of qualified personal property that results from development, redevelopment and rehabilitation; and

WHEREAS, The Common Council of the City of Hammond, Indiana ("City Council") desires to offer assessed valuation deductions for real and personal property development, redevelopment and rehabilitation in a certain area of the City of Hammond (the "City") to stimulate private investment of new construction, redevelopment and rehabilitation and the installation of personal property in order attract, retain and expand existing manufacturing enterprise, to increase the City's primary manufacturing and commercial assessed valuation base, and to provide employment opportunities for residents of the City, northwest Indiana and the State of Indiana; and

WHEREAS, The Act provides for assessed valuation deductions as an incentive resource, also known as tax abatement, to encourage private enterprise (i) to develop, redevelop and rehabilitate real property and/or (ii) to install qualified personal property within the City as a means to attract, retain or expand private enterprise and economic development in the City by designating certain areas within its jurisdiction to be Economic Revitalization Areas (an "ERA"); and

WHEREAS, The Act provides that an ERA is an area as defined under Section 1(1) of the Act "...which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character or occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent normal development of property or use of property" for which said term also includes "any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenue;" and

WHEREAS, The Act pursuant to Section 11.3 titled Waiver of Noncompliance authorizes the City Council as the designating body to waive noncompliance under the following sub items: (3) for the failure to designate an area as an ERA before the initiation of the redevelopment or rehabilitation for which an applicant desires to claim an assessed valuation deduction; item (4) failure to make the required findings of fact before designating an area as an ERA; and item (5) failure to file a timely or complete deduction application (FORM SB-1/Real Property) pursuant to Section 5 of the Act.

WHEREAS, The City's Department of Planning & Development and Mayor's Office of Economic Development in accordance with Section 2.5(a) of the Act have (i) prepared maps identifying an ERA and prepared a simplified description of the boundaries of an ERA by describing its location in relation to public ways, streams, or otherwise, attached hereto as **EXHIBIT A** and (ii) submitted said documents to the City Council for review and consideration as to the designation of an ERA in the City; and

WHEREAS, The City Council has reviewed said documents as submitted for the designation of an ERA in the City and desires to take formal action in order to designate a certain area of the City as an ERA for the purpose of providing for assessed valuation deductions to qualified applicants as an incentive resource to encourage private enterprise to develop, redevelop and rehabilitate real property within the City as a means to attract, retain or expand private enterprise and economic development;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Hammond, Indiana, that based upon all of the evidence presented and a presentation by the City's Department of Planning & Development and Mayor's Office of Economic Development pursuant to the Act, the City Council hereby waives noncompliance pursuant to Section 11.3 titled Waiver of Noncompliance under the following sub items: (3) for the failure to designate an area as an ERA before the initiation of the redevelopment or rehabilitation for which an applicant desires to claim an assessed valuation deduction, and item (4) failure to make the required findings of fact before designating an area as an ERA.

BE IT FURTHER RESOLVED that the Oxbow No. 1 ERA area as described and detailed in **EXHIBIT A** as attached hereto is determined to be, established and designated as the **Oxbow No. 1 Economic Revitalization Area** (the "Oxbow No. 1 ERA") as defined under Section 1(1) of the Act for which said area is located within the Gateways Redevelopment Area designated pursuant to Resolution No. 05-2011 approved on May 5, 2011 (the "Amending Declaratory Resolution No. 1") under the criteria as a redevelopment project area was undesirable for, or impossible of, normal development because of deterioration of improvements, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent normal development of property or use of property when the redevelopment area was declared by Resolution No. 09-2005 approved on April 19, 2005 (the "Declaratory Resolution").

BE IT FURTHER RESOLVED that the Oxbow No. 1 ERA, as of the approval date of this Resolution, is located in an allocation area (as defined in IC 36-7-14-39) pursuant to and in accordance with Section 2(l) of the Act, namely the Gateways Allocation Area as designated within the Gateways Redevelopment Area pursuant to the Amending Declaratory Resolution No. 1.

BE IT FURTHER RESOLVED that in accordance Section 2(i)(1) of the Act, the Oxbow No. 1 ERA shall be limited to a period of ten (10) years such that the ERA designation shall expire on the earlier of: (i) ten (10) years from the date of the confirming resolution of this Declaratory Resolution or (ii) December 31, 2028.

BE IT FURTHER RESOLVED that in accordance Section 2.5(b) of the Act, a determination of the number of years a deduction under Section 3 of the Act (as it relates to qualified real property assessed valuation deductions) is allowed and shall not exceed 10 years, as based upon the "Cost" and "Assessed

Value” of “Estimated Values of Proposed Project” that may be found in Section 4 of the Statement of Benefits (FORM SB-1/Real Property), as submitted to the City Council for consideration and approval.

BE IT FURTHER RESOLVED that pursuant to Section 11.3(b) of the Act a property owner or an application for an assessed valuation deduction of real property is **not** exempt from filing the appropriate FORM SB-1/Real Property with the City for submission to the City Council for consideration.

BE IT FURTHER RESOLVED that the Common Council by an appropriate resolution approving a FORM SB-1/Real Property may impose a fee in accordance with Section 14 of the Act on any development, redevelopment and rehabilitation of real property within the Oxbow No. 1 ERA which shall be distributed to one or more identified public or non-profit entities established to promote economic development in the City.

BE IT FURTHER RESOLVED that in accordance Sections 2.5(c)(1) and 11.3(c) of the Act, the City Council directs and authorizes the Mayor’s Office of Economic Development to publish notice of the adoption and substance of this Resolution, as a declaratory resolution, in accordance with IC 5-3-1 for a public hearing scheduled of the City Council for a date, time and place to be determined by the City Council.

BE IT FURTHER RESOLVED that in accordance Section 2.5(c)(2) of the Act, the City Council directs the Mayor’s Office of Economic Development to file the following information with each taxing unit that has authority to levy property taxes in the geographic area where the Oxbow No. 1 ERA is located:

1. A copy of the notice published in accordance with IC 5-3-1; and
2. A statement containing substantially the same information as a statement of benefits filed with the City Council (a “Report on Economic and Tax Impact Analysis”) before a public hearing required by Sections 2.5 of the Act under Sections 3, 4.5 and 4.8 of the Act.

BE IT FURTHER RESOLVED that the City Council directs the Mayor’s Office of Economic Development to file this Resolution including all exhibits attached hereto, as the Declaratory Resolution, with the Lake County Assessor in accordance with Section 2.5(b) of the Act.

BE IT FURTHER RESOLVED that this Resolution shall have full force and effect from and after its passage by the City Common Council, signing by the President thereof and approval by the Mayor.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Lake County, Indiana on this 23rd day of April, 2018.

HAMMOND COMMON COUNCIL

Janet Venecz, President /s/
Hammond Common Council

ATTEST:

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

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 24th day of April, 2018.

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

The foregoing Ordinance No. R17 consisting of four (5) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this _____ day of _____ 2018.

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

PASSED by the Common Council on the 23rd day of April, 2018 and approved by the Mayor on the 25th day of April, 2018.

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

EXHIBIT A

Oxbow No. 1 Economic Revitalization Area: Boundary Description and Map

A general description of the boundaries of the **Oxbow No. 1 Economic Revitalization Area** (the "Oxbow No. 1 ERA") predominantly includes commercial service land uses. A general boundary description and map is provided below.

General boundary description of the Oxbow No. 1 ERA as follows.

- Oxbow Landing Add Block 1 Lot 1 with a common address of 2842 Carlson Drive in the City of Hammond, Lake County, Indiana.

Real Property Key Numbers within the Oxbow No. 1 ERA

Real Property Key Number	Owner (as of January 1, 2017)
45-07-16-405-003.000-023	Hammond Hospitality, LLC

MAP 1: ERA Boundary

