INTRO 7/13/2020

20R-13

PETITIONERS: Hammond Plan Commission
Hammond Redevelopment Commission

SPONSOR(S): Councilman Mark Kalwinski

RESOLUTION NO. R13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA DETERMINING AND APPROVING PLAN COMMISSION RESOLUTION 2020-01 AS A WRITTEN ORDER APPROVING A REDEVELOPMENT COMMISSION RESOLUTION NO. 04-2020 AS AN AMENDING DECLARATORY RESOLUTION THAT AMENDED AND MODIFIED THE BOUNDARIES OF THE STATE LINE ALLOCATION AREA WITHIN THE MARINA DEVELOPMENT AREA TO REMOVE CERTAIN REAL PROPERTY FROM SAID ALLOCATION AREA PROVISIONS OF THE DECLARATORY RESOLUTION

WHEREAS, the City of Hammond, Indiana (the "**City**") Redevelopment Commission (the "**Redevelopment Commission**"), the governing body of the City's Department of Redevelopment (the "**Department**"), pursuant to IC 36-7-14 *et seq.* (the "**Act**"), approved and adopted on June 4, 2020 Resolution No. 04-2020 for the purpose of removing certain real properties from the State Line Allocation Area and its allocation provisions that are producing a "tax decrement, "meaning the current assessed valuation of the individual component real property in the Allocation Area for the January 1, 2020 assessment date is less than the base year assessment being January 1, 2017; and

WHEREAS, the Hammond Plan Commission (the "**Plan Commission**"), which is the duly designated and acting official planning body of the City on June 29, 2020 adopted Plan Commission Resolution No. 2020-01 which constituted its written order determining and approving Redevelopment Commission Resolution No. 04-2020 determining its conformity with the plan of development (the Comprehensive Plan, as amended) for the City without Plan Commission amendments or modifications, in accordance with Section 16(a) of the Act; and

WHEREAS, the Plan Commission, on behalf of the Redevelopment Commission, submitted Plan Commission Resolution No. 2020-01 as its written order to the City's Common Council (the "**Common Council**") pursuant to Section 16(d) of the Act; and

WHEREAS, the Common Council upon receipt of the Plan Commission's Resolution No. 2020-01 as its written order is now desirous to: (i) take further action to consider said Plan Commission resolution pursuant to the Act regarding the Redevelopment Commission's Resolution No. 04-2020 that it is in conformity to the plan of development for the City, pursuant to Section 16(d)(1) and (2) of the Act.

NOW, THEREFORE, BE IT RESOLVED by the City of Hammond, Indiana Common Council, as follows:

1. The Common Council accepts and concurs with the Plan Commission Resolution 2020-01 as its written order and determines that the Redevelopment Commission's Resolution No. 04-2020 conforms to the plan of development for the City pursuant to Section 16(d)(1) of the Act.
2. The Common Council hereby approves the Plan Commission Resolution PC 20-07A, pursuant to Section 16(d)(2) of the Act.
3. The Plan Commission Resolution 2020-01 as its written order, attached hereto and made a part hereof, is in all respects approved, ratified and confirmed.

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

COMMON COUNCIL OF THE
CITY OF HAMMOND, INDIANA

Dave Woempel, President
Common Council

ATTEST:

Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 14th day of July, 2020.

Robert J. Golec, City Clerk

The foregoing Resolution No. R13 consisting of three (3) typewritten pages, including this page was Approved by the Mayor on 14th day of July, 20____.

Thomas McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 13th day of July, 2020 and Approved by the Mayor on the 14th day of July, 20____.

Robert J. Golec, City Clerk .

PLAN COMMISSION RESOLUTION NO. 2020-01

RESOLUTION OF THE CITY OF HAMMOND PLAN COMMISSION APPROVING HAMMOND REDEVELOPMENT COMMISSION RESOLUTION NO. 04-2020, AN AMENDING DECLARATORY RESOLUTION THAT AMENDED AND MODIFIED THE BOUNDARIES OF THE STATE LINE ALLOCATION AREA WITHIN THE MARINA DEVELOPMENT AREA IN ORDER REMOVE CERTAIN REAL PROPERTY FROM SAID ALLOCATION AREA PROVISIONS OF THE DECLARATORY RESOLUTION

WHEREAS, the City of Hammond, Indiana (the "**City**") Plan Commission (the "**Plan Commission**") is the body charged with the duty of developing a general plan of development for the City; and

WHEREAS, the Hammond Redevelopment Commission (the "**Redevelopment Commission**") on July 28, 1989 adopted Resolution No. 3-89 (the "Declaratory Resolution") declaring a certain area in the City's Redevelopment District as the Marina Development Area to be a blighted area within the meaning of the Act, and has amended said Declaratory Resolution on November 21, 1995 (Resolution No. 5-95), on February 26, 2013 (Resolution No. 03-2013) and on November 21, 2017 (Resolution No. 07-2017), each pursuant to Indiana Code 36-7-14 (the "**Act**"); and

WHEREAS, the Marina Development Area currently has designated within its designated boundaries two (2) allocation areas, being the Roby Allocation Area (Resolution No. 03-2013) and the State Line Allocation Area (Resolution No. 07-2017 as approved on November 21, 2017);

WHEREAS, on June 4, 2020, the Redevelopment Commission approved and adopted Resolution No. 04-2020 as an amending Declaratory Resolution (the "**Amending Declaratory Resolution**") that amended and modified the boundaries of the State Line Allocation Area (the "**Allocation Area**") as designated within the Marina Development Area of the Hammond Redevelopment District for the purpose of removing certain real properties from the State Line Allocation Area and its allocation provisions that are producing a "tax decrement," meaning the current assessed valuation of the individual component real property in the Allocation Area for the January 1, 2020 assessment date is less than the base year assessment being January 1, 2017, as neutralized for subsequent general reassessments and for the annual adjustments to assessed valuation known as "Annual Trending, all pursuant to Act; and

WHEREAS, the Redevelopment Commission has submitted said Resolution No. 04-2020 to the Plan Commission for action pursuant to Section 16(a) of the Act; and

WHEREAS, the Plan Commission staff has reviewed the official plans of the City, in particular, the 1992 Comprehensive/Land Use Plan, and the 2003 Zoning Ordinance and Maps, as amended *et seq.*; in relation to the provisions and land use development identified in the Marina Development Area specifically as it relates to the North Hammond Redevelopment Plan for the Marina Development Area (the "**Redevelopment Plan**") to prepare and submit to the Plan Commission a written order and finding of fact consistent with Section 16(a) of the Act for its presentation, review and consideration; and

WHEREAS, the Plan Commission, after hearing staff recommendation and reviewing said official plans, desires to take action on Resolution No. 04-2020, consistent with Section 16(a) of the Act; and

NOW, THEREFORE, BE IT RESOLVED by the City of Hammond Plan Commission, as follows:

1. The Commission hereby finds that the actions of Redevelopment Commission's Amending Declaratory Resolution do not revise or amend the Marina Development Area boundaries or the land use provisions of the Redevelopment Plan.

2. The Commission has determined and finds that this Amending Declaratory Resolution does not change: (i) any part of the Redevelopment Plan devoted to public way, levy, sewerage, park, playground, or other public purpose; (ii) the proposed use for the land within the Marina Development Area in the Redevelopment Plan, or (iii) the requirements for rehabilitation building requirements, proposed zoning, maximum density or similar requirements.

3. The Plan Commission has reviewed and determined that the Amending Declaratory Resolution conforms to the official plans of development for the City.

4. The Plan Commission hereby approves Amending Declaratory Resolution No. 04-2020 as attached hereto this Resolution and that this Resolution hereby constitutes the written order and finding of fact of the Plan Commission approving said Amending Declaratory Resolution pursuant to Section 16(a) of the Act, without modification to the Redevelopment Plan.

5. The Plan Commission hereby directs the secretary of the Plan Commission to submit: (i) this resolution of the Plan Commission as issued and as its written order approving the Amending Declaratory Resolution and (ii) the Amending Declaratory Resolution to the Common Council of the City as the municipal legislative body, for further action pursuant to Section 16(b) of the Act.

6. The Secretary to the Plan Commission is hereby directed to file a copy of the Amending Declaratory Resolution, with the official files and minutes of this meeting.

7. This Resolution shall be in full force from and after its adoption by the Plan Commission of the City of Hammond, Indiana.

Adopted this ____ day of _____, 2020.

CITY OF HAMMOND
CITY PLAN COMMISSION

_____
Dean Button, President

ATTEST:

_____
Shannon Morris-Smith, Secretary

HAMMOND REDEVELOPMENT COMMISSION
HAMMOND, INDIANA

RESOLUTION NO.: 04 – 2020

A RESOLUTION OF THE CITY OF HAMMOND, INDIANA REDEVELOPMENT COMMISSION AMENDING THE DECLARATORY RESOLUTION, WHICH DESIGNATED THE MARINA DEVELOPMENT AREA, APPROVED THE DEVELOPMENT PLAN FOR THE MARINA DEVELOPMENT AREA, AND DESIGNATED THE STATE LINE ALLOCATION AREA FOR PURPOSES OF TAX INCREMENT FINANCING, IN ORDER TO REMOVE CERTAIN REAL PROPERTY FROM SAID ALLOCATION AREA PROVISIONS OF THE DECLARATORY RESOLUTION

WHEREAS, the City of Hammond, Indiana ("City"), Lake County, Indiana, Redevelopment Commission (the "Commission"),exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code ("I.C.") 36-7-14, *et seq.*, (the "Act") and I.C. 36-7-25 *et seq.*;

WHEREAS, the Commission on July 28, 1989 adopted Resolution No. 3-89 (the "Declaratory Resolution") declaring a certain area in the City as the Marina Development Area (the "Development Area") to be a blighted area within the meaning of the Act;

WHEREAS, the Commission on August 22, 1989 adopted Resolution No. 6-89 (the "Confirmatory Resolution") confirming Commission Resolution No. 3-89 declaring the Marina Development Area to be a blighted area within the meaning of the Act;

WHEREAS, the Commission has amended said Declaratory Resolution on November 21, 1995 (Resolution No. 5-95), on February 26, 2013 (Resolution No. 03-2013) and on November 21, 2017 (Resolution No. 07-2017);

WHEREAS, the Marina Development Area currently has designated within the Marina Development Area two allocation areas, being the Roby Allocation Area (Resolution No. 03-2013) and the State Line Allocation Area (Resolution No. 07-2017 as approved on November 21, 2017);

WHEREAS, the Commission now desires to amend the Amending Declaratory Resolution for the purpose of removing certain real properties from the State Line Allocation Area that are producing a "tax decrement," meaning the current assessed valuation of the individual component real property in the State Line Allocation Area for the January 1, 2020 assessment date is less than the base year assessment being January 1, 2017, as neutralized for subsequent general reassessments and for the annual adjustments to assessed valuation known as "Annual Trending;"

WHEREAS, the Commission has analyzed, investigated and studied the actions and impacts of this resolution (the "Amending Declaratory Resolution"); and

WHEREAS, the Commission now desires to take action to amend prior Amending Declaratory Resolutions to remove certain parcels from the State Line Allocation Area that are producing a tax decrement.

NOW, THEREFORE, BE IT RESOLVED, by the Hammond Redevelopment Commission of the City of Hammond, Lake County, Indiana, as follows:

1. After review and consideration of the evidence as it applies to the State Line Allocation Area, the Commission hereby finds that the proposed amendment to prior Amending Declaratory Resolutions is reasonable and appropriate when considered in relation to the prior resolutions designating the Development Area, approving the Development Plan, and designating the State Line Allocation Area and the purposes of the Act, more specifically under Sections 15 through 17.5 and 39.

2. The Commission has determined and finds that this Amending Declaratory Resolution does not change: (i) any part of the Development Plan devoted to public way, levy, sewerage, park, playground, or other public purpose; (ii) the proposed use of land within the Development Area, or (iii) the requirements for rehabilitation building requirements, proposed zoning, maximum density or similar requirements.

3. Upon investigation, review and analysis, the actions of the Commission do not bifurcate, divide or separate the existing State Line Allocation Area.

4. The State Line Allocation Area is hereby amended to remove a total of three (3) real property individual components currently located within the boundaries of the State Line Allocation Area, as set forth in **EXHIBIT A** as attached hereto and incorporated herein.

5. The Secretary of the Commission is hereby directed to file a certified copy of this Amending Declaratory Resolution with the minutes of the meeting at which it is adopted and approved.

6. The Secretary of the Commission is hereby directed to submit and file a certified copy of this Amending Declaratory Resolution No. 1 with the City's Plan Commission for consideration of written order and resolution pursuant to Section 16(a).

7. This Amending Declaratory Resolution shall be in full force and effect after its adoption and approval by the Commission.

HEREBY ADOPTED AND APPROVED at a meeting of the City of Hammond, Indiana, Lake County, Indiana, Redevelopment Commission held on the **4th day of June 2020**.

HAMMOND REDEVELOPMENT COMMISSION
CITY OF HAMMOND, LAKE COUNTY, INDIANA

By: _____
Tony Hauprich,
President of the Commission

ATTEST:

Cathy Marek
Cathy Marek, Secretary

EXHIBIT A

HAMMOND REDEVELOPMENT COMMISSION
CITY OF HAMMOND, INDIANA

State Line Allocation Area
List of Parcels to be Removed for the January 1, 2020 Assessment Date

Parcel Numbers
45-01-36-176-001.000-023
45-01-36-176-002.000-023
45-01-36-176-003.000-023

Parcels to be Removed: 3

6/23/20

CP 20-07 A

Resolution and Order Approving Amending Declaratory Resolution 04-2020 Regarding the Development Plan for the Marina Development Area, and Designated the State Line Allocation Area for Purposes of Tax Increment Financing, in Order to Remove Certain Real Property from Said Allocation Area Provisions of the Declaratory Resolution within the Marina Development Area

CP-20-07B

Resolution and Order Approving Amending Declaratory Resolution 05-2020 Regarding the Development Plan for the Marina Development Area, and Designated the State Line Allocation Area for Purposes of Tax Increment Financing, In Order to Expand Said Allocation Area Provisions of the Declaratory Resolution for Certain Real Property Previously Removed from the Allocation Area by an Amending Declaratory Resolution to Expand the Boundaries of the Allocation Area Provisions of the Allocation Area

Background

On November 21, 2017, the Hammond Redevelopment Commission approved and adopted Resolution 07-2017. The purpose of the resolution was to amend the declaratory resolution in which the Marina Redevelopment Area was created and to establish the State Line Allocation Area. The State Line Allocation is a 78 acres of property that was the former site of the State Line Energy Plant originally built by Commonwealth Edison of Illinois.

The purpose of the first HRC resolution is to remove certain parcels from the allocation area. These parcels include property owned by Commonwealth Edison, Sam Townline Development, and the HRC. The 4th parcel within the allocation area is the HRC owned parcel leased for the Data Center and remains in the allocation area. The second HRC resolution adds back in the HRC parcel. In essence this action resets the tax base for the allocation area.

The Marina Development Area dates back to 1989 and it was expanded and modified over the past 28 years. The current boundaries of the Marina Development date from Resolution 6-02 in 2002 and were expanded in 2013. In this time period, two allocation areas had been in effect: The Marina Development Allocation Area and the Lakefront Allocation Area No. 1. Both of these Allocation areas have been closed. In 2013, the Roby Allocation area was established for the area around 5th Avenue and Indianapolis Blvd.

Analysis

In accordance with the statute governing Redevelopment Areas, the Plan Commission is to review the proposed Amending Declaratory Resolutions 04-2020 and 05-2020 for conformity with the 1992 Comprehensive Plan. The Plan Commission has had several opportunities to review the redevelopment plans and amendments for the Marina Development area. In each case, the Plan Commission had determined that the redevelopment plans were in compliance with the Comprehensive Plan, as amended.

The formal plan document has been presented to the Plan Commission. Land use provisions of the North Hammond Redevelopment Plan for the Marina Development Area is the plan in effect for the proposed allocation area.

STAFF RECOMMENDATION

The staff recommends that the Plan Commission:

1) make a determination that Amending Declaratory Resolutions 04-2020 and 05-2020 are in conformity with the 1992 Comprehensive Plan;
2) adopt this report as its Findings of Fact; and
3) adopt Plan Commission Resolution 2020-01 and 2020-02.
4) determine that this report as its Findings of Fact and PC Resolutions 2020-01 and 2020-02 both constitute the Plan Commission' s Written Order for compliance with the Official Plans of the City of Hammond in accordance with IC 36-7-14-16(a); and
5) forward the Plan Commission's Written Order to the Common Council with a favorable recommendation.

Thomas M. McDermott, Jr.
Mayor

DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF HAMMOND

BRIAN L POLAND, AICP
Director of City Planning

July 8, 2020

Hammond City Council
City Hall
5925 Calumet Avenue
Hammond, IN 46320

RE: CP-20-07A Petition of the Hammond Redevelopment Commission for a Resolution and Order Approving Amending Declaratory Resolution 04-2020 Regarding the Development Plan for the Marina Development Area, and Designated the State Line Allocation Area for Purposes of Tax Increment Financing, in Order to Remove Certain Real Property from Said Allocation Area Provisions of the Declaratory Resolution within the Marina Development Area

Dear Council Members:

This is to certify that the Hammond Plan Commission on June 29, 2020 moved to send CP-20-07A Petition of the Hammond Redevelopment Commission for a Resolution and Order Approving Amending Declaratory Resolution 04-2020 Regarding the Development Plan for the Marina Development Area, and Designated the State Line Allocation Area for Purposes of Tax Increment Financing, in Order to Remove Certain Real Property from Said Allocation Area Provisions of the Declaratory Resolution within the Marina Development Area with a favorable recommendation.

Pursuant to IC 36-7-4-608 (f) (1), the Common Council is required to act on or before October 6, 2020.

Sincerely,

Shannon Morris-Smith

Shannon Morris-Smith
Secretary to the Plan Commission

/sms

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852