

**20R-17**

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

**SPONSOR(S):**  
Daniel Spitale  
Councilman at Large

**RESOLUTION NO.: 20 R. R17**

**A DECLARATORY RESOLUTION DETERMINING THAT A CERTAIN AREA OF THE CITY OF HAMMOND, INDIANA BE DESIGNATED AS THE OXBOW LANDING ECONOMIC REVITALIZATION AREA #2 TO WHICH DEDUCTIONS FROM ASSESSED VALUATION MAY BE REQUESTED BY AN APPLICANT TO THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA PURSUANT TO INDIANA CODE 6-1.1-12.1**

**WHEREAS,** A Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8, each as a result of new development, redevelopment and/or rehabilitation; and

**WHEREAS,** The Common Council of the City of Hammond, Indiana ("Common Council") desires to offer assessed valuation deductions to the gross assessment of qualified tangible (real and personal) property in a certain area of the City of Hammond, Indiana (the "City") to stimulate private investment of new construction, development, redevelopment and rehabilitation and including the installation of depreciable personal property in order to: (i) attract, retain and expand existing manufacturing enterprise, (ii) increase and/or diversify the City's primary manufacturing and commercial assessed valuation base, and (iii) 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 a public financial incentive resource, also known as tax abatement, to encourage private enterprise to: (i) develop, redevelop and rehabilitate real property and/or (ii) install depreciable personal property within the City as a means to attract, retain or expand private enterprise and economic development in the City through the designation of 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 City's Department of Planning & Development and the Mayor's Office of Economic Development in accordance with Section 2.5(a) of the Act have: (i) prepared maps identifying a certain area as an ERA and prepared a simplified description of the boundaries of said 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 Common Council for review and consideration of this area for designation as an ERA; and

**WHEREAS,** The Common Council has; (i) reviewed said documents as submitted as it relates to the designation of said area within the City as an ERA and (ii) desires to take formal action in order to designate said certain area of the City as an ERA for the purpose of providing assessed valuation deductions for the investment in, redevelopment to or rehabilitation of qualified real and personal provided as provided in the Act to eligible and qualified applicants as a public financial incentive resource to encourage private enterprise to develop, redevelop and rehabilitate real property within and to invest in personal property for installation and placement into service 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 Common Council hereby finds that a certain area of the City as described and detailed in **EXHIBIT A** as attached hereto is determined to be, designated as and established as the **Oxbow Landing Economic Revitalization Area #2** (the "Oxbow Landing ERA #2") as defined under Section 1(1) of the Act.

**BE IT FURTHER RESOLVED** that Oxbow Landing ERA #2 is located within the Gateways Redevelopment Area, an "area needing redevelopment" as designated under Hammond Redevelopment Commission Declaratory Resolution No. 6-2005, as amended by Resolution No. 9-2005 adopted by the Commission on May 17, 2005.

**BE IT FURTHER RESOLVED** that Oxbow Landing ERA #2 is located within and contiguous with the boundaries of the Oxbow Landing EDTA #2 as designated by the Common Council under Ordinance No. 9485 passed and approved on November 9, 2020, such that pursuant to Section 7(a)(1) of the Act, the Common Council re-affirmed the determination and finding of this area as an "area needing redevelopment" meaning this area which includes the Oxbow Landing EDTA #2 has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property; therefore, meeting the criteria and findings required for the designation of an ERA pursuant to Section 1(1) of the Act.

**BE IT FURTHER RESOLVED** that Common Council has determined and discloses pursuant to and in accordance with Section 2(l) of the Act that the Oxbow Landing ERA #2 is located in a designated allocation area (as defined in IC 36-7-14-39) of the Hammond Redevelopment District, namely the Gateways Allocation Area as designated by the Hammond Redevelopment Commission pursuant to declaratory Resolution No. 5-2011 approved on May 5, 2011 as amended through amending declaratory Resolution No. 07-2015 as approved on October 25, 2015 and through amending declaratory Resolution No. 07-2019 as approved on December 17, 2019.

**BE IT FURTHER RESOLVED** that in accordance Section 2(i)(1) of the Act, the Oxbow Landing ERA #2 shall be limited to a period of ten (10) years such that said 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, 2030.

**BE IT FURTHER RESOLVED** that in accordance Section 2.5(b) of the Act, a determination of the number of years a deduction under Sections 3, 4.5 and 4.8 of the Act (as it relates to qualified real property, personal property and vacant building assessed valuation deductions) is allowed and shall not exceed 10 years, as based upon the "Cost" and "Assessed Value" of "Estimated Total Cost and Value of

Proposed Project" that may be found in Section 4 of a Statement of Benefits (FORM SB-1), as submitted to the Common Council for consideration and approval.

**BE IT FURTHER RESOLVED** that pursuant to Section 11.3(b) of the Act, a property owner or an applicant for an assessed valuation deduction is **not** exempt from filing the appropriate FORM SB-1 with the City for submission to the Common Council prior to and for consideration by the Common Council as the designating body.

**BE IT FURTHER RESOLVED** that the Common Council by an appropriate resolution approving a FORM SB-1 may impose a fee in accordance with Section 14 of the Act on any development, redevelopment and rehabilitation of qualified real or personal property or for the occupation of a qualified vacant building within the Oxbow Landing ERA #2, for which said imposed fee 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 the Common Council directs the Mayor's Office of Economic Development upon its passage and approval, as executed and signed, to:

- 1) File this Resolution including all exhibits attached hereto, as a declaratory resolution, with the Office of the Lake County, Indiana Assessor in accordance with Section 2.5(b) of the Act.
- 2) Publish notice in accordance Sections 2.5(c)(1) of the Act 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 Common Council for a date, time and place to be determined by the Common Council.
- 3) File in accordance Section 2.5(c)(2) of the Act the following information with each taxing unit that has authority to levy property taxes in the geographic area where the Oxbow Landing ERA #2 is designated and located:
  - i. A copy of the notice published in accordance with IC 5-3-1; and
  - ii. 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.

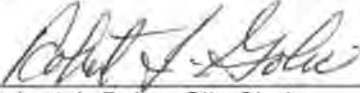
**BE IT FURTHER RESOLVED** that this Resolution shall have full force and effect from and after its passage and approval by the Common Council, its execution and signing by the President thereof and approval by the Mayor, all as attested by the Clerk of the City.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Lake County, Indiana on this 23rd day of November 2020.



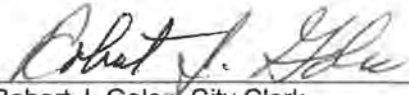
Dave Woerpel, President of Common Council  
City of Hammond, Indiana

Attest:



Robert J. Golec, City Clerk  
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 November 2020.



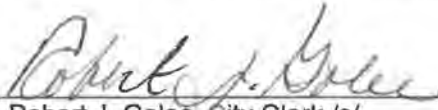
Robert J. Golec, City Clerk  
City of Hammond, Indiana

The foregoing Resolution No. R17 consisting of (5) typewritten pages, including this page, was Approved and signed by me, the undersigned Mayor of the City of Hammond, Indiana, this 25<sup>th</sup> day of November 2020.



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

PASSED by the Common Council on this 23rd day of November 2020 and approved by the Mayor on the 25<sup>th</sup> day of November 2020.



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

## EXHIBIT A

### **Oxbow Landing Economic Revitalization Area #2: Boundary Description and Map**

A general description of the boundaries of the **Oxbow Landing Economic Revitalization Area #2** (the "Oxbow Landing ERA #2") predominantly includes real estate land currently zoned for commercial land uses. A general boundary description and map is provided below.

The Oxbow Landing ERA #2 has a legal description as identified on an assessment record card of the Lake County, Indiana Office of the Assessor identified under the legal description:

Oxbow Landing 4th Add Lot 1 consisting of approximately 2.083 acres of area.

#### **Real Property Key Numbers within the Oxbow Landing ERA #2**

<u>Real Property Key Number</u>	<u>Owner (as of November 9, 2020)</u>
45-07-16-404-012.000-023	Hammond Dual Hotels LLC
45-07-16-404-013.000-023	Hammond Dual Hotels LLC
45-07-16-404-014.000-023	Hammond Dual Hotels LLC

Note: All parcels above will be combined as and under parcel number 45-07-16-404-015.000-023 by the Office of the Lake County, Indiana Auditor, Department of Tax Mapping.

**MAP 1: Oxbow Landing ERA #2 Boundary**

