

20-29

Sponsor(s): Daniel Spitale  
Councilman at Large

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

ORDINANCE No. 9485

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA UPON RECOMMENDATION OF THE HAMMOND ECONOMIC DEVELOPMENT COMMISSION DESIGNATING A CERTAIN AREA WITHIN THE CITY AS AN ECONOMIC DEVELOPMENT TARGET AREA PURSUANT TO INDIANA CODE 6-1.1-12.1**

**WHEREAS**, Indiana Code 6-1.1-12.1 *et seq.*, as amended, (the "Act") under Section 7(a)(1) enables by ordinance a designating body (the Common Council of the City of Hammond, Indiana, the "Common Council") to consider the designation of Economic Development Target Areas (and "EDTA") upon a favorable recommendation by an economic development commission (the Hammond Economic Development Commission, or the "Hammond EDC") for certain geographic territories that have "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"; and

**WHEREAS**, the Act further authorizes a designating body the statutory authority to approve certain deductions of tangible (real and personal property) assessed valuation (or "Tax Abatement") as public financial incentive to stimulate and encourage "Redevelopment" or "Rehabilitation" activities in designated Economic Revitalization Areas (an "ERA"), pursuant to those terms as defined in the Act, and

**WHEREAS**; Section 3(e) of the Act provides that any facility the primary purpose of which is retail food or beverage service; automobile sales or service; or other retail is not eligible for a deduction of assessed valuation or property tax abatement unless the facility is located in an EDTA, and

**WHEREAS**, The Hammond EDC in cooperation with the Hammond Redevelopment Commission and representatives of the City administration have identified a certain area with the City's jurisdiction to be designated as the Oxbow Landing EDTA #2, more specifically located at 2847 Carlson Drive (known under the property description of Oxbow Landing 4th Add Lot 1 consisting of approximately 2.083 acres, which includes parcel numbers 45-07-16-404-012.000-023; 45-07-16-404-013.000-023; and 45-07-16-404-014.000-023) as identified in EXHIBIT A of the Oxbow Landing EDTA #2 Report as prepared by the Hammond EDC; and

**WHEREAS**, Section 7(b) of the Act enables the Common Council to designate up to 15% of the total geographic territory of the city to be in designated EDTAs;

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

**Section 1.** In accordance with Section 7(a) of the Act, the Hammond EDC by resolution (Resolution No. 2020-01 as approved on October 5, 2020) made a favorable recommendation to the Common Council for the designation of the Oxbow Landing EDTA #2 as described and delineated in Oxbow Landing EDTA #2 Report as attached to Resolution EDC 2020-01 under EXHIBIT A.

**Section 2.** The Hammond EDC has submitted and filed said EDC Resolution No. 2020-01, including all exhibits attached thereto, to the Common Council for consideration and designation of the Oxbow Landing EDTA #2.

**Section 3.** That the foregoing findings in the preamble to this ordinance are true, all information required to be submitted pursuant to the Act has been submitted in proper form and all requirements for the consideration and designation of Oxbow Landing EDTA #2 under this ordinance of the Common Council as the designating body.

**Section 4.** Oxbow Landing EDTA #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, such that pursuant to Section 7(a)(1) of the Act, the Common Council re-affirms 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.

**Section 5.** The Hammond EDC has verified and the Common Council concurs with such finding that the Oxbow Landing EDTA #2 including all existing EDTAs (Oxbow Landing EDTA #1) as designated or under consideration for designation in the City as of this date total approximately 4.838 acres in area and is 0.033% of the City's total geographic territory, being within the statutory maximum limitation of 15% for EDTAs of the City's total geographic territory.

**Section 6.** The Common Council corroborates and supports the desire and favorable recommendation of the Hammond EDC, including that of the Mayor's Office of Economic Development and the Hammond Redevelopment Commission, and hereby designates by this ordinance the **Oxbow Landing #2** pursuant to Section 7 of the Act for the purposes to stimulate economic development and redevelopment of vacant and underutilized real property with the Gateways Redevelopment Area.

**Section 7.** That the City Clerk is authorized and directed to file an executed and signed copy of this ordinance with the Mayor's Office of Economic Development and the Hammond Redevelopment Commission as evidence of the designation of the Oxbow Landing EDTA #2.

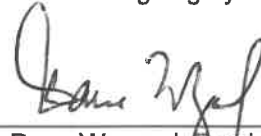
**Section 8.** Severability.

A. If any Court of competent jurisdiction shall adjudge any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or amendment thereto, to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, or amendment thereto, not specifically included in said judgment. It is expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared invalid or unconstitutional.

B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or amendment thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

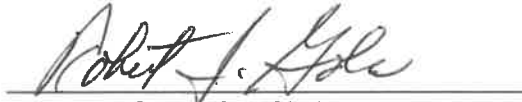
C. If any Court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of the Ordinance, or amendment thereto, is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate clause, phrase, or word render the attached major section or provision unconstitutional, but instead such subordinate clause, phrase, or word shall be severed there from, unless such severance renders the remainder wholly meaningless or unconstitutional.

**BE IT FURTHER ORDAINED** by the Common Council of the City of Hammond, Indiana that the herein Ordinance shall be in full force and effect from and after passage and approval hereof by the Common Council, signing by the President thereof, and approval and signing by the Mayor.



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

Attest:



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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 9<sup>th</sup> day of November, 2020.



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Robert J. Golec, City Clerk

The foregoing Ordinance No. 9485 consisting of (3) typewritten pages, including this page was APPROVED by the Mayor on the 10<sup>th</sup> day of NOVEMBER, 2020.



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

PASSED by the Common Council on the 10<sup>th</sup> day of November 2020 and approved by the Mayor on the 10<sup>th</sup> day of November 2020.



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Robert J. Golec, City Clerk