

**21R-02**

**Petitioners:** Hammond Plan Commission  
Hammond Redevelopment Commission

**Sponsor(s):** Councilman Daniel Spitale

**RESOLUTION NO. R 2**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA, APPROVING PLAN COMMISSION RESOLUTION 2021-01 AS THE WRITTEN ORDER APPROVING REDEVELOPMENT COMMISSION RESOLUTION 01-2012 AN AMENDING DECLARATORY RESOLUTION REGARDING CERTAIN MATTERS IN CONNECTION WITH THE DOWNTOWN NO. 1 URBAN RENEWAL AREA**

WHEREAS, the City of Hammond Redevelopment Commission (the "Commission") has previously adopted and confirmed resolutions (collectively, the "Declaratory Resolution") which established and amended an urban renewal area known as the "Downtown No. 1 Urban Renewal Area" (the "Urban Renewal Area"), designated a portion of the Urban Renewal Area as an "allocation area" pursuant to Section 39 of Indiana Code 36-7-14, as amended (the "Act"), known as the "Downtown No. 1 Urban Renewal Area Allocation Area" (the "Allocation Area") and approved a development plan for the Urban Renewal Area (the "Downtown No. 1 Urban Renewal Area Plan") pursuant to the Act; and

WHEREAS, the Commission, on January 19, 2021, adopted Resolution No. 01-2021 (the "HRC Resolution") to (i) remove the area depicted on Exhibit A attached thereto from the Allocation Area, (ii) designate the area depicted on Exhibit A attached thereto as a separate allocation area pursuant to Section 39 of the Act to be known as the Sibley Allocation Area (the "Sibley Allocation Area"), and (iii) adopt a supplement to the Downtown No. 1 Urban Renewal Area Plan attached thereto as Exhibit B (the "Sibley Plan Supplement"); and

WHEREAS, the Hammond City Plan Commission, on January 19, 2021, approved and adopted a resolution PC 2021-01 (the "Plan Commission Order") determining that the HRC Resolution and the Sibley Plan Supplement conform to the plan of development for the City of Hammond, Indiana (the "City") and approving the HRC Resolution and Sibley Plan Supplement; and

WHEREAS, pursuant to Section 16(b) of the Act, the Commission has submitted the HRC Resolution, the Sibley Plan Supplement and the Plan Commission Order to the Common Council of the City (the "Common Council").


NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA, as follows:

1. Pursuant to Section 16(b) of the Act, the Common Council hereby determines that the HRC Resolution and the Sibley Plan Supplement conform to the plan of development for the City, and approves the HRC Resolution, the Sibley Plan Supplement and the Plan Commission Order.

2. This Resolution shall be in full force and effect from and after its adoption.

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

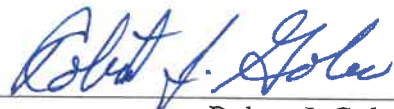
**COMMON COUNCIL OF THE  
CITY OF HAMMOND, INDIANA**

  
\_\_\_\_\_  
Dave Woerpel Council President  
Common Council

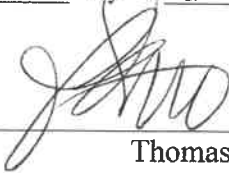
**ATTEST:**

  
\_\_\_\_\_  
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 26<sup>TH</sup> day of January, 2021.

  
\_\_\_\_\_  
Robert J. Golec, City Clerk

The foregoing Resolution No. B2 consisting of two (2) typewritten pages, including this page was Approved by the Mayor on the 26<sup>th</sup> day of January, 2021.

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

**PASSED** by the Common Council on the 25<sup>TH</sup> day of January, 2021 and Approved by the Mayor on the 26<sup>th</sup> day of January 2021.

  
\_\_\_\_\_  
Robert J. Golec, City Clerk

## EXHIBIT A

### **Sibley Allocation Area**

#### Boundary description:

Beginning at the intersection of Hohman Avenue Easterly Right-of-Way line and the northerly Sibley St. Right-of-Way; then Southeasterly along the Northerly line of the Sibley Street Right-of-Way 340.3 feet, more or less, to a point of intersection with the Easterly property line of the CSX parcel 45-02-36-182-008.000-023; then Northwesterly along the Easterly property line of the said CSX parcel 311.5 feet, more or less, to a point of intersection with the Southerly Right-of-Way line of State Street, then continuing in the same northwesterly direction 70.3 feet, more or less, to the Northerly Right-of-Way line of State Street to a point of intersection with the Southerly property line of the CSX parcel 45-02-36-180-002.000-023; then Northwesterly along the Easterly line of said CSX parcel 212.9 feet, more or less, to a point of intersection with the Easterly Right-of-Way line of Hohman Avenue; then Southwesterly line the Easterly Right-of-way line of Hohman Avenue 486.8 ft., more or less, to the point of beginning.

#### Property Identification Numbers

45-02-36-180-001.000-023	City of Hammond	403 State Street
45-02-36-180-002.000-023	CSX Transportation Inc.	5101 Hohman Avenue
45-02-36-182-001.000-023	Greater Works Outreach Prayer of Deliverance Ministry	5125-27 Hohman
45-02-36-182-002.000-023	Cuauhtemoc LTD	5129 Hohman
45-02-36-182-003.000-023	Cuauhtemoc LTD	5133 Hohman
45-02-36-182-004.000-023	Raymundo Garcia	5135 Hohman
45-02-36-182-005.000-023	City of Hammond	5137 Hohman
45-02-36-182-006.000-023	Hammond Redevelopment Comm.	415 Sibley St.
45-02-36-182-007.000-023	Claven-Clifford Inc.	423 Sibley
45-02-36-182-008.000-023	CSX Transportation Inc.	5127 Hohman



## **EXHIBIT B**

### **Sibley Plan Supplement**

The Downtown No. 1 Urban Renewal Area Plan is hereby supplemented by adding the following projects:

All or any portion of the design and construction of infrastructure improvements, including utility improvements and/or streetscape development, in or directly serving and benefiting the Sibley Allocation Area. The development of the Sibley Allocation Area, including incentivizing 415 Sibley, LLC (the "Company") to construct a state-of-the-art ground-up, mixed-use development and other facilities. The estimated cost of these improvements is \$2,300,000. The Commission anticipates capturing tax increment revenues from the Sibley Allocation Area and applying a portion of such tax increment revenues to further assist in the development of the Sibley Allocation Area, either directly or through bonding.

Based on representations of the Company, the Commission has determined that the development will not proceed as planned without the contribution of tax increment revenues to be derived from the Sibley Allocation Area to the projects described above.

**RESOLUTION NO. 01-2021**

**RESOLUTION OF THE CITY OF HAMMOND REDEVELOPMENT COMMISSION  
APPROVING AN AMENDMENT TO THE AMENDING DECLARATORY  
RESOLUTION NO. 2-2008 TO AMEND THE DECLARATORY RESOLUTION  
DESIGNATING THE DOWNTOWN NO. 1 URBAN RENEWAL AREA AS AN  
ALLOCATION AREA AND URBAN RENEWAL PLAN FOR THE DOWNTOWN NO. 1  
URBAN RENEWAL AREA ALSO KNOWN AS AMENDING DECLARATORY  
RESOLUTION NO. 4**

WHEREAS, the City of Hammond Redevelopment Commission (the "Commission") pursuant to IC 36-7-14 (the "Act") serves as the governing body of the City of Hammond Redevelopment District (the "District"); and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the "Declaratory Resolution") which established and amended an urban renewal area known as the Downtown No. 1 Urban Renewal Area (the "Urban Renewal Area"), designated a certain portion thereof as allocation area pursuant to Section 39 of the Act known as the Downtown No. 1 Urban Renewal Area Allocation Area (the "Allocation Area") and approved and amended a development plan for the Urban Renewal Area (the "Downtown No. 1 Urban Renewal Area Plan") pursuant to the Act; and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Downtown No. 1 Urban Renewal Area Plan (i) to remove the area depicted on Exhibit A attached hereto from the Allocation Area, (ii) to designate the area depicted on Exhibit A attached hereto as a separate allocation area pursuant to Section 39 of the Act to be known as the Sibley Allocation Area (the "Sibley Allocation Area"), and (iii) to adopt a supplement to the Downtown No. 1 Urban Renewal Area Plan attached hereto as Exhibit B pursuant to Sections 15, 16 and 17 of the Act (the "Sibley Plan Supplement") (the Downtown No. 1 Urban Renewal Area Plan as supplemented by the Sibley Plan Supplement, the "Plan") (clauses (i) through (iii), collectively, the "Sibley Amendments"); and

WHEREAS, the Sibley Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of Sections 15, 16, 17, and 39 of the Act to the Sibley Amendments; and

WHEREAS, the Commission now desires to approve the Sibley Amendments.

NOW, THEREFORE, BE IT RESOLVED by the City of Hammond Redevelopment Commission, governing body of the City of Hammond Redevelopment District, as follows:

1. In accordance with Section 1.3 of the Act, the Urban Renewal Area, including the Sibley Allocation Area, is deemed an “an area needing redevelopment”, and such area is an area in which normal development and occupancy are undesirable or impossible because of the lack of development, the cessation of growth and the deterioration of improvements in the Urban Renewal Area; the character of occupancy, age, and obsolescence of property in the Urban Renewal Area; the substandard condition of buildings in the Urban Renewal Area; and other factors that impair values or prevent a normal use or development of property in the Urban Renewal Area.

2. The Sibley Plan Supplement for the Sibley Allocation Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of lack of development, cessation of growth, deteriorating improvements, age and the substandard condition of buildings in the Urban Renewal Area.

3. The public health and welfare will be benefited by the Sibley Amendments.

4. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan for the Urban Renewal Area as provided in the Sibley Amendments and to continue to develop the Urban Renewal Area, including the Sibley Allocation Area, under the Act.

5. The accomplishment of the Sibley Plan Supplement for the Sibley Allocation Area will be of public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

6. The Declaratory Resolution and the Plan, as amended by this resolution (the “Amending Declaratory Resolution No. 4”) and the Sibley Plan Supplement, conform to the comprehensive plan of development for the City of Hammond, Indiana (the “City”).

7. The Sibley Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act.

8. The findings and determinations set forth in the Declaratory Resolution and the Plan are hereby reaffirmed.

9. Other than the property currently owned by the Commission, the Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Sibley Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan, as amended by the Sibley Plan Supplement, under the Act will be followed, including notice by publication to affected property owners and a public hearing.

10. The Commission finds that no residents of the Urban Renewal Area will be displaced by any project resulting from the Sibley Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

11. The Sibley Amendments are hereby approved.

12. The area described in Exhibit A is hereby removed from the Allocation Area, and is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act to be known as the “Sibley Allocation Area,” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the Sibley Allocation Area hereby designated as the “Sibley Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

13. The foregoing allocation provision shall apply to the Sibley Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Sibley Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B. The base assessment date for the Sibley Allocation Area is January 1, 2021.

14. The provisions of this Amending Declaratory Resolution No. 4 shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the Sibley Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Sibley Allocation Area.

15. This Amending Declaratory Resolution No. 4, together with any supporting data, shall be submitted to the City of Hammond Plan Commission (the “Plan Commission”) and the Common Council of the City (the “Council”) as provided in the Act, and if approved by the Plan



Commission and the Council, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.


16 The officers of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Amending Declaratory Resolution No. 4.

17. The provisions of this Amending Declaratory Resolution No. 4 shall be subject in all respects to the Act and any amendments thereto.

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Adopted the 19<sup>th</sup> day of January, 2021.

HAMMOND REDEVELOPMENT COMMISSION

  
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Tony Hauprich, President

ATTEST

  
\_\_\_\_\_  
Dawn Tomich, Secretary



**Thomas M. McDermott, Jr.**  
Mayor

DEPARTMENT OF PLANNING AND DEVELOPMENT  
**CITY OF HAMMOND**

BRIAN L. POLAND, AICP  
Director of City Planning

**RESOLUTION NO. 2021-01**

**RESOLUTION OF THE HAMMOND CITY PLAN COMMISSION  
APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION  
AND DEVELOPMENT PLAN FOR THE DOWNTOWN NO. 1 URBAN  
RENEWAL AREA**

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

WHEREAS, the Hammond Redevelopment Commission (the "Commission"), pursuant to Indiana Code 36-7-14, as amended (the "Act"), on January 19, 2021, adopted Amending Declaratory Resolution No. 4 (the "Resolution") approving certain amendments to the declaratory resolution and development plan for the Downtown No. 1 Urban Renewal Area (the "Plan Supplement"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Plan Supplement to the Plan Commission for approval pursuant to the provisions of Section 16 of the Act, which Resolution and Plan Supplement are attached hereto and made a part hereof; and

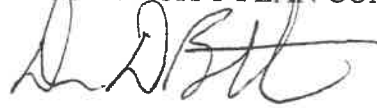
WHEREAS, the Plan Commission has reviewed the Resolution and the Plan Supplement and determined that they conform to the plan of development for the City, and now desires to approve the Resolution and the Plan Supplement.

NOW, THEREFORE, BE IT RESOLVED BY THE HAMMOND CITY PLAN COMMISSION, THAT:

1. Pursuant to Section 16 of the Act, the Plan Commission hereby finds and determines that the Resolution and the Plan Supplement conform to the plan of development for the City.
2. The Resolution and the Plan Supplement are hereby approved.
3. This Resolution hereby constitutes the written order of the Plan Commission approving the Resolution and the Plan Supplement pursuant to Section 16 of the Act.
4. The Secretary is hereby directed to file a copy of the Resolution and the Plan Supplement with the minutes of this meeting.

SO RESOLVED BY THE HAMMOND CITY PLAN COMMISSION this 19<sup>th</sup> day of January 19, 2021.

HAMMOND CITY PLAN COMMISSION



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Dean Button, President

ATTEST:

  
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Shannon Morris-Smith, Secretary

**CP 21-02****Resolution and Order Approving Amending Declaratory Resolution 01-2021 Approving an amendment to the Amending Declaratory Resolution 02-2008 to amend the Declaratory Resolution designating the Downtown No.1 Urban Renewal Area as an allocation area and Urban Renewal Plan for the Downtown No. 1 Urban Renewal Area also known as Amending Declaratory Resolution No. 4.****Background**

On January 19, 2021, the Hammond Redevelopment Commission approved and adopted Resolution 01-2021. The purpose of the resolution was to amend the declaratory resolution regarding the Downtown Hammond Allocation Area. Certain properties were removed from the allocation area and were established as its own allocation area. The new allocation area is called Sibley Allocation Area. The property of the Sibley Allocation area is located at the northeast corner of Hohman Avenue and Sibley Street.

The Downtown No. 1 Urban Renewal Area was originally created in 1972. The boundaries and Plan were modified in 1995.

**Analysis**

In accordance with the statute governing Redevelopment Areas, the Plan Commission is to review the proposed Amending Declaratory Resolution 01-2021 for conformity with the 1992 Comprehensive Plan. The Plan Commission had previously determined that the Urban Renewal Area plan was in conformity with the Comprehensive Plan. The act of creating an allocation area in and of itself has no effect on the land uses and would not affect the Plan Commission's previous determination.

The project for which the new allocation area is for a mixed-use commercial on the first floor and residential on the upper floors. With confirmation of a conditional use permit for the upper floor residential, this type of mixed use is compliant with the C-3 zoning district and is in keeping with the provisions of the Comprehensive Plan.

**STAFF RECOMMENDATION**

The staff recommends that the Plan Commission:

- 1) make a determination that Amending Declaratory Resolutions 01-2021 is in conformity with the 1992 Comprehensive Plan;
- 2) adopt this report as its Findings of Fact; and
- 3) adopt Plan Commission Resolution 2021-01.

- 4) determine that this report as its Findings of Fact and PC Resolutions 2021-01 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.