

SPONSOR: 2ND DISTRICT Councilman Pete TorresRESOLUTION NO. 2023-R02

A RESOLUTION OF THE HAMMOND COMMON COUNCIL APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT AMONG THE CITY OF HAMMOND, INDIANA, THE CITY OF HAMMOND REDEVELOPMENT COMMISSION, AND LINZ ENTERPRISES, LLC REGARDING THE PROJECT AT 628 HOFFMAN STREET

WHEREAS, the City of Hammond, Indiana ("Hammond"), City of Hammond Redevelopment Commission (the "Commission"), and the governing body of the Hammond, Indiana Department of Redevelopment (the "Department"), pursuant to I.C. § 36-7-14-1, et seq. (the "Act"), approved and adopted a Development Agreement dated May 5, 2022 among the City of Hammond, Indiana, the City of Hammond Redevelopment Commission, and Linz Enterprises, LLC, which provided that Hammond and the Commission (collectively the "City Parties") would provide a financial incentive to be applied to the development costs for the project of the Developer, Linz Enterprises, LLC for a project located at 628 Hoffman Street; and

WHEREAS, the City Parties, pursuant to the Act, have conducted investigations and have thoroughly studied the project proposed by the Developer, Linz Enterprises, LLC; and

WHEREAS, because of delays in construction and other supply chain issues, Developer has sought an extension of various deadlines set forth in the Development Agreement dated May 5, 2022 and proposed the same in a First Amendment to Development Agreement; and

WHEREAS, the Commission and the Department are requesting the Hammond Common Council ratify and approve the First Amendment to Development Agreement; and

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

1. The First Amendment to Development Agreement among the City of Hammond, Indiana, the City of Hammond Redevelopment Commission, and the Developer, Linz Enterprises, LLC attached hereto as Exhibit "A", is hereby in all respects approved, ratified and confirmed.

2. This Resolution shall remain in full force and effect after its adoption by the Common Council and approval by the Mayor.

HAMMOND COMMON COUNCIL

By: Scott M. Rakos
Scott Rakos, President

ATTEST:
Robert J. Golec
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 28th day of March, 2023.

Robert J. Golec
Robert J. Golec, City Clerk

The foregoing Resolution No. RD2, consisting of two (2) typewritten pages including this page, was Approved by the Mayor on the 28th day of MARCH, 2023.

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

Passed by the Common Council on the 27th day of March, 2023, and Approved by the Mayor on the 28th day of MARCH, 2023.

Robert J. Golec
Robert J. Golec, City Clerk

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This First Amendment to Development Agreement (this "Amendment") is entered into by and between City of Hammond, an Indiana Municipal corporation as defined under IC 5-10-9-1 ("Hammond"), the City of Hammond Redevelopment Commission (the "Redevelopment Commission"), the governing body of the Hammond, Indiana Department of Redevelopment, and the Redevelopment District of the City of Hammond, Indiana (the "District") and Linz Enterprises LLC ("Developer") (collectively "Parties").

WITNESSETH:

- A. The Developer and Hammond, Redevelopment Commission, and District entered into a Development Agreement dated May 5, 2022 ("Development Agreement").
- B. Because of delays in construction and other issues, Developer seeks to extend several of the deadlines set forth in the Development Agreement.
- C. Capitalized terms in this Amendment shall have the same meaning as the capitalized terms in the Development Agreement.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants of the parties herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Redevelopment Commission, the District, Hammond and the Developer agree as follows:

- 1. Section 1.1, Construction of Project, of the Development Agreement is amended as follows:

The Developer shall commence or cause the commencement of construction of the Project no later than April 1, 2023, or earlier at Developer's discretion if weather permits (the

“Commencement Date”). The Developer will use its best efforts to substantially complete construction of the Project no later than November 1, 2024.


2. The Development Agreement, as amended hereby, is ratified and affirmed, and shall continue in full force and effect as set forth therein and amended hereby.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of March 7, 2023.

[signature pages follow this page]

SIGNATURE PAGE OF
CITY OF HAMMOND REDEVELOPMENT COMMISSION
TO
AMENDMENT


CITY OF HAMMOND
REDEVELOPMENT COMMISSION

By: 
Title: PRESIDENT

ATTEST:

By: 
Secretary

CITY OF HAMMOND

By: 
Title: President

SIGNATURE PAGE OF
LINZ ENTERPRISES LLC
TO
AMENDMENT

LINZ ENTERPRISES LLC

By: _____
Frederick Linz, its Manager