

ORDINANCE NO. 9-2019

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AMENDING ORDINANCE NO. 15-2017 (AMENDED) RELATING TO THE CREATION OF AN ECONOMIC IMPROVEMENT DISTRICT, AND REGARDING OTHER MATTERS RELATED THERETO

WHEREAS, on November 13, 2017, there was filed with the Common Council a First Amended Petition of Taxpayer (the "Original Petition") requesting that the City establish an economic improvement district (the "District") within the City of Valparaiso, Indiana; and

WHEREAS, the Original Petition was signed by at least a majority of the owners of real property within the proposed District, and also by the owners of real property constituting more than 50% of the assessed valuation in the proposed District; and

WHEREAS, the Clerk-Treasurer of the City caused to be published a notice of public hearing on the Original Petition and to be mailed a copy of such notice to each owner of real property within the proposed District in accordance with law; and

WHEREAS, the Common Council, on October 23, 2017, conducted a public hearing and heard all owners of real property in the proposed District who appeared and requested to be heard upon the questions of: (1) the sufficiency of the notice; (2) whether the proposed economic improvement projects are of public utility and benefit; (3) whether the formula to be used for the assessment of special benefits is appropriate; and (4) whether the District contains all, or more or less than all, of the property specially benefited by the proposed projects; and

WHEREAS, the Common Council, on November 13, 2017, adopted Ordinance No. 15-2017 (Amended) (the "Original Ordinance"), in which it found that the Original Petition met the requirements of Indiana Code 36-7-22, as amended, including in particular the requirements of Indiana Code 36-7-22-4, as amended, and Indiana Code 36-7-22-5, as amended, and approved the Original Petition; and

WHEREAS, the Common Council, in the Original Ordinance, created an Economic Improvement District, to be known as the "St. Paul Economic Improvement District," having the boundaries described in the Original Ordinance; and

WHEREAS, there has been filed with the Common Council on behalf of all of the owners of real property in the District an "Amendment to First Amended Petition of Taxpayers" (the "Amendment"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Amendment amends the Original Petition to provide for a modification of the formula for assessments as set forth in the Amendment;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Valparaiso, Indiana, as follows.

1. The Common Council hereby approves the Amendment and finds that the Original Petition, as modified by the Amendment, meets the requirements of Indiana Code 36-7-22, as amended, including in particular the requirements of Indiana Code 36-7-22-4, as amended, and

Indiana Code 36-7-22-5, as amended, and the Original Petition, as modified by the Amendment, is hereby ratified and approved. The Common Council hereby finds that the Amendment has been signed by all of the owners of real property within the proposed District.

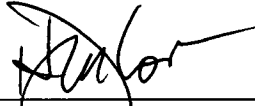
2. The owners (or their transferees) will be assessed as set forth in the Amendment. The benefit to each home or business owner from the improvements is expected to be greater than the amount of such assessment. The Common Council hereby finds that the formula to be used for determining the assessment of benefits is appropriate and fair.

3. The Common Council hereby confirms its appointment of the following persons as members of the Board of Directors of the District, at least two of whom own real property within the District as of the date hereof: **Robert Coolman; Mark Forszt; and Jim Jorgenson.**

4. The proper officers of the City are hereby authorized and directed to enter into an agreement, having such form and substance as they shall deem appropriate, with the Board of Directors of the District, relating to the application of revenues to be received by the District from the assessments to the payment of debt service on Economic Development Revenue Bonds proposed to be issued by the City to finance (or refinance) a portion of the costs of the Project.

5. This Ordinance shall be in full force and effect from and after its passage by the Common Council as required by law.

Passed and adopted by the Common Council of the City of Valparaiso, Porter County, Indiana, this 8th day of April, 2019.



Presiding Officer

ATTEST:




Sharon Swihart, Clerk-Treasurer

This Ordinance presented by me, the Clerk-Treasurer of the City of Valparaiso, Indiana to the Mayor for his approval this 8th day of April, 2019.



Sharon Swihart, Clerk-Treasurer

This Ordinance signed and approved by me, the Mayor of the City of Valparaiso, Indiana, this 8th day of April, 2019.



Jon Costas, Mayor

EXHIBIT A

(See attached copy of Amendment to First Amended Petition of Taxpayers)

Exhibit A

FIRST AMENDED PETITION OF TAXPAYER
FOR CREATION OF ECONOMIC IMPROVEMENT DISTRICT

TO: The Common Council of the City of Valparaiso, Indiana

The undersigned, owner of taxable real property situated in the City of Valparaiso, Indiana (the "City"), hereby petition the Common Council of the City of Valparaiso, Indiana (the "Common Council") to create an Economic Improvement District having the boundaries set forth in Exhibit A hereto (the "Economic Improvement District").

The name and address the owner and each parcel and owner of land within the proposed Economic Improvement District are as set forth in Exhibit B hereto, together with a description of the existing land use and zoning classification of each parcel.

A detailed description of the economic improvement projects to be carried out within the proposed Economic Improvement District, together with the estimated cost of such projects and the benefits to accrue to the property owners within the proposed Economic Improvement District, is set forth in Exhibit C hereto.

A plan for the application of assessment revenue to the cost of the economic improvement project within the Economic Improvement District is set forth in Exhibit D hereto.

A proposed formula for determining the percentage of the total benefit to be received by each parcel of real property within the Economic Improvement District is set forth in Exhibit E.

While anticipated to be shorter in duration, the number of years in which assessments will be levied is not to exceed twenty (20) years.

The members of the Board of Directors of the Economic Improvement District are proposed to be the following: Robert Coolman; Mark Forszt; and James Jorgensen.

We believe that a need exists for creation of the Economic Improvement District. We urge that such action be taken as promptly as possible under the Indiana Code, Title 36, Article 7, Chapter 22.

St. Paul – Valparaiso, LLC

November 13, 2017

By: 

Mark Forszt, Member

St. Paul – Valparaiso II, LLC

By: MA

Mark Forszt, Member

St. Paul – Valparaiso III, LLC

By: MA

Mark Forszt, Member

STATE OF Indiana,
COUNTY OF Porter) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mark Forszt, as Member of and the foregoing LLC's and acknowledged the execution of the foregoing Petition as his free and voluntary act as member of said LLC's. Signed and sealed this 13th day of November, 2017.

Julie A. Kozmarzki
Notary Public
Printed: Julie A Kozmarzki
My Commission Expires: 08-11-23
County of Residence: Porter

EXHIBIT A

DESCRIPTION OF BOUNDARIES OF PROPOSED ECONOMIC IMPROVEMENT DISTRICT

Commencing at a point 2 rods West and 4 rods South of the Northeast corner of Outlot 20 in the Original Survey of the Town, now City, of Valparaiso, Indiana; thence West 8 rods; thence South 4 rods; thence East 8 rods; thence North 4 rods to the place of beginning and also the east half of that vacated alley lying adjacent and westerly thereto. (Affects Lot 2)

And

A part of Outlot 20 of the Original Addition to Outlots to the Town, now City, of Valparaiso described as: Commencing at a point 8 rods South and 2 rods West of the Northeast corner of said Outlot 20, and running thence West 8 rods; thence South 4 rods; thence East 8 rods; thence North 4 rods to the place of beginning, now commonly called Lot 3 in Outlot 20 aforesaid and also the east half of that vacated alley lying adjacent and westerly thereto. (Affects Lot 3)

And

Commencing 8 rods North of the Southeast corner of Outlot 20, in the Town (now City) of Valparaiso; thence West 2 rods, then to commence and run West 8 rods; thence North 4 rods; thence East 8 rods; thence South 4 rods to the place of beginning, and also the east half of that vacated alley lying adjacent and westerly thereto. (Affects Lot 4)

And

All that parcel of land lying, being and situate between 2 certain tracts of land described as follows to wit: 1st: Commencing 2 rods West of the Southeast corner of Outlot No. 20 to the Town of Valparaiso; thence North 8 rods; thence West 8 rods; thence South 8 rods; thence East 8 rods to the place of beginning. 2nd: Commencing 1 rod East of the Southwest corner of said Outlot; thence North 8 rods; thence East 8 rods; thence South 8 rods; thence West 8 rods to the place of beginning (Affects Lots 5,6,7 & 8)

And

Commencing 8 rods North of the Southwest corner of Out Lot No. 20 in the Town (now City) of Valparaiso, Porter County, Indiana; thence East 1 rod, commencing here and running East 8 rods; thence North 4 rods; thence West 8 rods; and thence South 4 rods to place of beginning, making a Lot 4 X 8 rods in dimensions, in said City, Town & State, and also the west half of that vacated alley lying adjacent and easterly thereto. (Affects Lot 9)

And

A part of Out Lot 20 in the Original Addition of Out Lots to the Town, now City, of Valparaiso bounded as follows: Commencing 1 rod East and 4 rods South of the Northwest corner of said Out Lot 20 and running thence East 8 rods; thence South 8 rods; thence West 8 rods; thence North 8 rods to the point of commencement, now commonly known as Lots 10 and 11 in Out Lot 20 in Original Addition of Out lots to the Town, now City, of Valparaiso, and also the west half of that vacated alley lying adjacent and easterly thereto. (Affects Lots 10 & 11)

And

Lot 12 and the West 1/2 of the vacated alley lying immediately East of and adjacent to said lot, of Outlot 20 in the original Survey of the Town (now City) of Valparaiso, as per plat

thereof, recorded in Deed Record "A" page 621, in the Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM the West 5 rods thereof. (Affects E1/2 Lot 12)

And

A part of Out Lot 20 in the original Town (now City) of Valparaiso, described as: Commencing at a point 1 rod East of the Northwest corner of said Out Lot 20 and running thence East 4 rods; thence South 4 rods; thence West 4 rods; and thence North 4 rods to the place of beginning, now commonly known and called the West 1/2 of Lot 12 of Out Lot 20 of the Original Addition of Out Lots to the Town (now City) of Valparaiso.

(Affects W1/2 Lot 12)

ALL as per plat thereof, recorded in Deed Record "A" Page 621, in the Office of the Recorder of Porter County, Indiana.

EXHIBIT C

The economic improvement project to be carried out within the proposed Economic Improvement District consists of the project identified on this Exhibit C and related improvements throughout the proposed Economic Improvement District. The estimated cost of the project, including financing costs, are listed below. An Economic Improvement District Revenue Bonds/Note shall be issued to be repay from special assessments these costs. All of the property owners in the proposed District will benefit significantly from the improvements proposed to be financed.

Information regarding the Project:

- Each of the 4 buildings will be the same, but there are various unit sizes in each building.
 - 2 – 1150 sq. ft. 2 bdrm. "flats." 1 car detached garage.
 - 2 – 1150 sq. ft. 2 bdrm. "flats." 1 car attached garage.
 - 3 – 1284 sq. ft. 2 bdrm. "flats." 1 car attached garage
 - 3 – 1470 sq. ft. 3 bdrm. "flats." 1 car attached garage
 - 2 - 1660 sq. ft. 3 bdrm. "townhomes." 2 car attached garageTotal of 12 units in ea. building. Total of 48 units in the project.

- Estimated size and sale price per unit
 - 2 – 1150 sq. ft. 2 bdrm. "flats." \$245,000.00 ea.
 - 2 – 1150 sq. ft. 2 bdrm. "flats." \$255,000.00 ea.
 - 3 – 1284 sq. ft. 2 bdrm. "flats." \$265,000.00 ea.
 - 3 – 1470 sq. ft. 3 bdrm. "flats." \$310,000.00 ea.
 - 2 - 1660 sq. ft. 3 bdrm. "townhomes." \$350,000.00 ea.

- Estimated timeframe for the start of construction
 - Objective is to get the first building under roof prior to 12/31/17
 - For that to happen, construction would have to commence no later than Oct. 31st.

- Estimated timeframe for construction and occupancy for the 4 buildings/phases (best vs. worst case scenario if still to be determined)
 - Completion of all units estimated to be by 12/31/21

Information regarding infrastructure and other costs payable by and through the EID

- Estimated amounts for:
 - Demolition - \$130,000
 - Asbestos removal - 70,000.00
 - Retaining Walls, Removal and Replacement - \$50,000.00
 - Other site clean-up costs - \$20,000.00
 - Streets
 - Academy - \$100,000.00,

- **Campbell - \$70,000.00,**
 - **Sewer Reconstruction - \$25,000.00**
 - **Storm-water - \$50,000.00**
 - **Storm-water below grade - \$50,000.00**
 - **Façade Improvements - \$25,000.00/ building – total of \$100,000.00**
 - **Engineering - \$25,000.00**
 - **Coordination and Supervision - \$48,000.00**
 - **Accounting and Legal - \$30,000**
 - **Estimated timeframe for when funds needed for initial site work**
 - **Demolition has commenced – Asbestos Removal has been completed.**
 - **Funds available whenever**
 - **What infrastructure work will be funded by the City outside of this financing?**
 - **About 1/3 of the cost of the rebuild of Academy St.**
 - **Needed renovation of portions of Chicago St.**
 - **Possible reroute of sanitary sewer on Chestnut St.**
- Is this other infrastructure directly related to the project?
- **Yes**
- What will be the funding source for the other infrastructure costs?
- **Street Department Budgets**
 - **Utility Department Budgets**

Special assessment

- **How many years the special assessment be applied?**
Maximum per statute of 20 years although it is anticipated to be less than that and tie to the proposed tax abatement to fully refund the costs associated with the EID.

Timeline

- **Plan Commission meeting to present development plan - approval of P.U.D AND Primary Plat – Sept. 12th**
- **Timeframe for petition to establish district
City Council 1st hearing date – Sept. 18th**
- **Goal date for resolution/ordinance establishing district
City Council hearing date – Oct. 9th**

EXHIBIT D

The assessments will be applied to any or all or any portion of the following project costs, through a reimbursement mechanism whereby the owner of the Project will be reimbursed for costs through the payment of a promissory note or bond issued to the owner of the Project at the rate of prime rate of interest plus two percent:

Information regarding infrastructure and other costs payable by and through the EID

- **Estimated (subject to final/actual costs) amounts for:**
 - **Demolition - \$130,000**
 - **Asbestos removal - 70,000.00**
 - **Retaining Walls, Removal and Replacement - \$50,000.00**
 - **Other site clean-up costs - \$20,000.00**
 - **Streets**
 - **Academy - \$100,000.00,**
 - **Campbell - \$70,000.00,**
 - **Sewer Reconstruction - \$25,000.00**
 - **Storm-water - \$50,000.00**
 - **Storm-water below grade - \$50,000.00**
 - **UDO/PUD Exterior Architectural Compliance - \$25,000.00/ building – total of \$100,000.00**
 - **Engineering - \$25,000.00**
 - **Coordination and Supervision - \$48,000.00**
 - **Accounting and Legal - \$30,000**

EXHIBIT E

The owner (or its transferees) will be assessed each year in an aggregate amount corresponding to the aggregate value of any real property tax abatement (net of any applicable abatement fee) granted to the owner or its transferees in such year. Assessments will continue for as many years as the tax abatement remains in effect