

RESOLUTION NO. 13, - 2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA DETERMINING AND APPROVING THE RESOLUTION AND WRITTEN ORDER OF THE VALPARAISO PLAN COMMISSION AS IT PERTAINS TO PLAN COMMISSION RESOLUTION RES12-001 APPROVING RESOLUTION NO. 06-13-2012-01 OF THE VALPARAISO REDEVELOPMENT COMMISSION AS AN AMENDING DECLARATORY RESOLUTION IN ORDER TO EXPAND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA, AMEND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AND TO EXPAND THE EXISTING DESIGNATED CONSOLIDATED VALPARAISO ALLOCATION AREA

WHEREAS, The City of Valparaiso, Indiana (the "City") Redevelopment Commission (the "Redevelopment Commission"), the governing body of the City's Department of Redevelopment (the "Department") within the jurisdiction of the Redevelopment District of the City (the "District"), pursuant to IC 36-7-14 *et seq.* (the "Act"), at a regularly scheduled meeting held on June 13, 2012 approved and adopted an Resolution No. 06-13-2012-01 (the "Amending Declaratory Resolution") that further amended prior resolutions that established and designated the Consolidated Valparaiso Economic Development Area (the "Area"), approved the Consolidated Valparaiso Economic Development Plan (the "Plan") and designated the Consolidated Valparaiso Allocation Area (the "Allocation Area") in order to expand said Area, to amend said Plan (as titled the Consolidated Valparaiso Area Economic Development Plan: Addendum #5 to the Consolidated Plan referred to herein as "Addendum #5") and to amend the allocation provisions of the Allocation Area, to be concurrent with the Area as expanded;

WHEREAS, The Amending Declaratory Resolution, together with supporting data were submitted to the Valparaiso Plan Commission (the "Plan Commission") in a timely manner in order for the Plan Commission to: (i) make a determination whether the Amending Declaratory Resolution and Addendum #5 conform to the plan of development for the City and (2) approve or disapprove the Amending Declaratory Resolution and Addendum #5, all pursuant to Section 16(a) of the Act;

WHEREAS, The Plan Commission, as the duly designated and acting official planning body of the City, at a regular meeting held on July 10, 2012 adopted and approved Resolution No. RES12-001 which constituted its Written Order determining and approving that the Redevelopment Commission's Declaratory Resolution and the Plan conform to the Official Comprehensive Plan of the City as the plan of development for the City, without Plan Commission amendments or modifications, all pursuant to Section 16(a) of the Act;

WHEREAS, The Recording Secretary of the Plan Commission as authorized and directed by the Plan Commission and as directed by Resolution No. RES12-001 submitted one (1) original signed Resolution No. RES12-001 and ten (10) copies of the said resolution to the Common Council of the City;

WHEREAS, The Common Council of the City upon receipt of the Plan Commission's Resolution No. RES12-001 and upon review is now desirous to: (i) make a determination on the Plan Commission's Resolution No. RES12-001 and its Written Order; and (ii) approve said resolution and Written Order, pursuant to Section 16(b) of the Act; and

WHEREAS, The determination that a geographic area within the City and the District is an economic development area must be approved by the Common Council of the City pursuant to Section 41(c) of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Valparaiso, Indiana, pursuant to the Act as follows:

1. The Plan Commission's Resolution No. RES12-001 and its Written Order attached hereto and made a part hereof, as adopted and approved on July 10, 2012 are in all respects approved, ratified and confirmed pursuant to Section 16(b) of the Act.
2. The Redevelopment Commission's determination related to Addendum #5 and its geographical area as adopted and approved in the Amending Declaratory Resolution is in all respects approved, ratified and confirmed pursuant to Section 41(c) of the Act.
3. The Clerk-Treasurer as the secretary to the Common Council is hereby authorized and directed to:
 - a. Submit one (1) original signed Resolution to the Redevelopment Commission for its permanent record files as it relates to the approval process of the Area, Addendum #5 and the expansion of the Allocation Area;
 - b. Submit one (1) original signed Resolution to the Plan Commission for its project file permanent record files as it relates to the approval process of the Plan Commission's Resolution No. RES12-001 and its Written Order as it relates to the approval process of the Area, Addendum #5 and the expansion of the Allocation Area; and
 - c. Retain two (2) original signed Resolutions for the Common Council permanent record and document files.

BE IT FURTHER RESOLVED that this Resolution shall have full force and effect from and after its passage by the Common Council of the City and approval by the Mayor.

SEE SIGNATURE PAGE

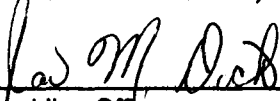
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RESOLUTION NO. 13 - 2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA DETERMINING AND APPROVING THE RESOLUTION AND WRITTEN ORDER OF THE VALPARAISO PLAN COMMISSION AS IT PERTAINS TO PLAN COMMISSION RESOLUTION RES12-001 APPROVING RESOLUTION NO. 06-13-2012-01 OF THE VALPARAISO REDEVELOPMENT COMMISSION AS AN AMENDING DECLARATORY RESOLUTION IN ORDER TO EXPAND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA, AMEND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AND TO EXPAND THE EXISTING DESIGNATED CONSOLIDATED VALPARAISO ALLOCATION AREA

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
by a vote of 6 "Ayes" and 0 "Nays" of those Council members present on this
day, July 23, 2012.

COMMON COUNCIL OF THE
CITY OF VALPARAISO, INDIANA



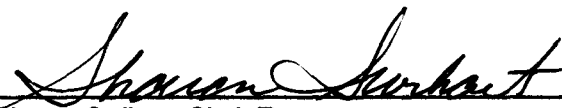
Presiding Officer

ATTEST:



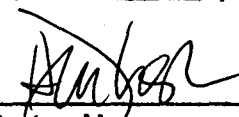
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana,
this day July 23, 2012 at 8:00 p.m.



Sharon Swihart, Clerk-Treasurer

This Resolution approved and signed by me this day
July 23, 2011 at 8:00 p.m.



Jon Costas, Mayor

**VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA**

RESOLUTION NO. 6-13-2012-01

RESOLUTION OF THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION FURTHER AMENDING THE AMENDED DECLARATORY RESOLUTIONS THAT ESTABLISHED AND DESIGNATED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA; APPROVED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AND DESIGNATED THE CONSOLIDATED VALPARAISO ALLOCATION AREA IN ORDER TO EXPAND SAID ECONOMIC DEVELOPMENT; TO AMEND SAID PLAN FOR ADDENDUM #5 AND TO EXPAND SAID ALLOCATION AREA

WHEREAS, the Valparaiso Redevelopment Commission (the "Commission") of the City of Valparaiso, Indiana (the "City"), the governing body of the Department of Redevelopment ("Department") of the City and the Redevelopment District of the City (the "District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, on December 8, 2004, following a public hearing, the Commission adopted its Resolution No. 12-8-2004-1 (the "Amended Declaratory Resolution"), which (i) amended the declaratory resolutions for each of the redevelopment areas and economic development areas located within the District (collectively, the "Prior Development Areas"); (ii) expanded and consolidated certain of the Prior Development Areas; (iii) amended and consolidated certain allocation areas within the Prior Development Areas; and (iv) amended and consolidated certain development plans for the Prior Development Areas; and

WHEREAS, as a result of the Commission's December 8, 2004 actions pursuant to the Amended Declaratory Resolution, the District contained (i) one economic development area within the meaning of the Act known as the "Consolidated Valparaiso Economic Development Area" (the "Consolidated Area"), which is subject to a consolidated economic development plan known as the "Consolidated Valparaiso Area Economic Development Plan" (the "Consolidated Plan"), and a portion of such area which has been designated as an allocation area for purposes of Section 39 of the Act (the "Consolidated Valparaiso Allocation Area"); and (ii) one redevelopment area within the meaning of the Act known as the "North Central Redevelopment Area", which is subject to a redevelopment plan known as the "North Central Redevelopment Plan", and which has been designated as an allocation area for purposes of Section 39 of the Act (the "North Central Allocation Area"); and

WHEREAS, on February 9, 2005, following a public hearing, the Commission adopted its Resolution 2-9-2005-1 further amending the Amended Declaratory Resolution and the Consolidate Plan to: (i) expand the Consolidated Valparaiso Allocation Area by the Expansion Allocation Area incorporated in ADDENDUM #1 to the Consolidated Plan ("Addendum #1"); and (ii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #1 (Resolution 2-9-2005-1 together with the previously approved Amended Declaratory Resolutions henceforth were to be known as the Amended Declaratory Resolution; and

WHEREAS, on October 11, 2007, following a public hearing, the Commission adopted its Resolution 10-11-2007-1 further amending the Amended Declaratory Resolution and the Consolidated Plan to: (i) expand the Consolidated Area for the Expansion Areas identified in ADDENDUM #2 to the Consolidated Plan ("Addendum #2"); (ii) expand the Consolidated Valparaiso Allocation Area to include certain parcels located within the Expansion Allocation Areas; and (iii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #2 attached as EXHIBIT A to the Amended Declaratory Resolution (Resolution 10-11-2007-1 together with the previously approved Amended Declaratory Resolutions henceforth shall be known as the Amended Declaratory Resolution; and

WHEREAS, on February 21, 2008, following a public hearing, the Commission adopted its Resolution 2-21-2008-1 further amending the Amended Declaratory Resolution and the Consolidated Plan to: (I) expand the Consolidated Area for the Expansion Areas identified in ADDENDUM #3 to the Consolidated Plan ("Addendum #3"); (ii) expand the Consolidated Valparaiso Allocation Area to include certain parcels located within the Expansion Allocation Area; and (iii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #3 attached as EXHIBIT A to Resolution 2-21-2008-1 (Resolution 2-21-2008-1 together with the previously approved Amended Declaratory Resolutions henceforth shall be known as the Amended Declaratory Resolution; and

WHEREAS, on May 8, 2008, following a public hearing, the Commission adopted its Resolution 5-8-2008-1 further amending the Amended Declaratory Resolution and the Consolidated Plan to: (i) expand the Consolidated Area for the Expansion Areas identified in ADDENDUM #4 to the Consolidated Plan ("Addendum #4"); (ii) expand the Consolidated Valparaiso Allocation Area to include certain parcels located within the Expansion Allocation Area; and (iii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #4 attached as EXHIBIT A to Resolution 5-8-2008-1 (Resolution 5-8-2008-1 together with the previously approved Amended Declaratory Resolutions henceforth shall be known as the Amended Declaratory Resolutions; and

WHEREAS, the Commission now desires to take further action to amend the Amended Declaratory Resolution for the purposes of: (i) expanding the Consolidated Area for certain areas identified in the District, said areas being tangential to and physically connected to the Consolidated Area that benefit the public health and welfare of the District, promote significant opportunities for gainful employment of its citizens, provide opportunities to attract major new business enterprise, and retain or expand existing business enterprises in the Consolidated Area as expanded; (ii) expanding the Consolidated Valparaiso Allocation Area to include certain parcels located within the said expansion areas to the Consolidated Area; and (iii) to amend the Consolidated Plan for said expansion of the Consolidated Area in compliance with the Act, more specifically Sections 15 through 17.5 and

WHEREAS, the Commission caused to be prepared ADDENDUM #5 to the Consolidated Plan ("Addendum #5"), as set forth in EXHIBIT A attached hereto and incorporated herein as ADDENDUM #5 to the Consolidated Plan, consistent with the Act, such that the Commission must use the procedures provided for the original establishment of economic development areas and must comply with the approval procedures under Sections 15 through 17; and

WHEREAS, the Commission has studied the Addendum #5 expansion areas (the "Expansion Areas") such that Addendum #5 has been prepared to: (i) show plats, maps and descriptions of the Expansion Areas boundaries; (ii) list various parcels of property proposed to be acquired and the owners thereof; (iii) provide an estimate and budget to implement the plan specific to Addendum #5; (iv) the location of various parcels of property, streets, alleys, and other features affecting the replatting, replanning, rezoning, or redevelopment of the Expansion Areas and the parts of the Expansion Areas that are to be devoted to public ways, sewerage and other public purposes; and (v) provide other planning elements necessary to implement Addendum #5; and

WHEREAS, the existing public infrastructure within the Expansion Areas is inadequate or requires additional investment for public capital improvement projects to service anticipated land-use demands and opportunities in or physically connected to the Expansion Areas; and

WHEREAS, the planning, replanning, development and redevelopment of economic development areas are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise because of: (i) the necessity for requiring the proper use of land so as to best serve the interests of Porter County, the District and the City, and its citizens; and (ii) the costs of projects and programs identified in Addendum #5 to implement the plan; and

WHEREAS, the planning, replanning, development and redevelopment of economic development areas under the Act, more specifically Section 2.5, are public uses and purposes for which public money may be spent and private property may be acquired to carry out the activities under the Act in an economic development area, albeit not through the use of the Commission's power of eminent domain as stated in Section 43(a)(7) of the Act; and

WHEREAS, there has been presented during this regular meeting of the Commission for consideration and approval an economic development plan for the Expansion Areas entitled the "Consolidated Valparaiso Area Economic Development Plan: Addendum #5 to the Consolidated Plan" (the "Addendum #5"); and

WHEREAS, the Commission upon presentation reviewed and considered Addendum #5 and its supporting data for designation of the Expansion Areas as economic development areas consistent with Sections 17.5 and Sections 2.5, 15, 41 and 43; and

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

WHEREAS, Sections 41 and 43 of the Act have been created to permit the establishment and the creation of "economic development areas" and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 39.1, 41, and 43 of the Act to Addendum #5 as an expansion of the Consolidated Area and to the financing of the Addendum #5.

NOW, THEREFORE, BE IT RESOLVED by the City of Valparaiso Redevelopment Commission, as follows:

1. Addendum #5 promotes significant opportunities for the gainful employment of its citizens, attracts major new business enterprises to the District and the City, may result in the retention or expansion of significant business enterprises existing in the boundaries of the District and the City, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well being of the City, Porter County and the State of Indiana and serving to protect and increase property values in the City, Porter County and the State of Indiana.
2. Addendum #5 cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act, more specifically Sections 2.5, 41 and 43, because of lack of local public improvements, including without limitation the cost of the projects and programs contemplated by Addendum #5.
3. The public health and welfare will be benefited by accomplishment of the Addendum #5.
4. The accomplishment of Addendum #5 will be a 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.
5. Addendum #5 conforms to other development and redevelopment plans for the City.
6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in Addendum #5.

7. While Addendum #5 contemplates and documents the possibility of property acquisition as a part of the economic development strategy, Addendum #5 does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Expansion Areas; however, if at such time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Consolidated Plan or Addendum #5 under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

8. While the Commission finds that residents of the Expansion Areas in Addendum #5 may be displaced by any project or program resulting from the implementation of Addendum #5, Addendum #5 does not at this time propose any displacement; however, if the Commission should displace residents, it finds that it may give appropriate consideration to transitional and permanent provisions for adequate relocation for said Expansion Area residents.

9. Addendum #5 Expansion Areas are hereby designated as economic development areas under Sections 41 and 17.5(f) of the Act.

10. The Amended Declaratory Resolution is hereby further amended to expand the Consolidated Valparaiso Allocation Area to include certain parcels located within the Expansion Areas identified in Addendum #5 (the "Expansion Areas Allocation Areas") pursuant to the allocation provisions of Section 39 of the Act for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided for by said section.

11. Any real property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Expansion Areas Allocation Areas shall be allocated and distributed as follows:

- (a) Except as otherwise provided for in Section 39 of the Act, 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 and when paid collected paid into the funds of the respective taxing units;
- (b) Except as otherwise provided for in Section 39 of the Act, property tax proceeds in excess of those described in the previous sentence shall be allocated to the District and when collected paid into the appropriate and respective allocation fund as previously designated for the Consolidated Valparaiso Allocation Area (the "Consolidated Valparaiso Area Allocation Area Fund") that may be used by the District to do one or more of the things specified in Section 39(b)(2) of the Act, as the same may be amended from time to time.
- (c) Said Consolidated Valparaiso Area Allocation Area Fund may not be used for operating expenses of the Commission, Except as otherwise provided for in the Act, before July 15 of each calendar year, the Commission shall take the actions set forth in Section 39(b)(3) of the Act.

11. The allocation provisions of Section 39 of the Act with respect to the Expansion Areas Allocation Areas shall expire on June 12, 2037, thirty (25) years after the effective date of this resolution.

12. The "Base Assessment Date" in accordance with the Indiana Administrative Code ("IAC"), more specifically 50 IAC 8-1-8, for real property in the Expansion Areas Allocation Areas (and as provided for in Section 39 of the Act) shall be March 1, 2012.

13. Addendum #5 is further hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of Addendum #5 with the minutes of this meeting.

14. The Commission hereby directs the Commission staff to make any and all required filings related to the adoption and approval of this resolution with the Office of the Porter County Recorder, the Office of the Porter County Auditor and the Indiana Department of Local Government Financing in accordance and compliance with the Act and the Indiana Administrative Code's Article 8 titled Tax Increment Financing.

15. The provisions of this resolution shall be subject in all respects to the Act and any amendments thereto.

16. The resolution, together with any supporting data and together with Addendum #5, shall be submitted to the City of Valparaiso Plan Commission (the "Plan Commission") and then subsequently to the City of Valparaiso Common Council (the "City Council") as the legislative body of the City as provided for in the Act; and, if Addendum #5 is approved by the Plan Commission and the City Council under Section 16 of the Act, Addendum #5 shall be further submitted to a Commission public hearing and remonstrance after all public notices are published and provided for in accordance and compliance with the Act under Section 17 prior to the Commission's final consideration and a confirmatory resolution.

ADOPTED AND APPROVED at a meeting of the City of Valparaiso Redevelopment Commission held on the 13th day of June 2012 .

**CITY OF VALPARAISO
REDEVELOPMENT COMMISSION**



Laura Campbell, President

Jon Diston, Vice President



David P. Smith, Secretary

6/11/2012

M. Dick, Commissioner

n Bowk , Commissioner

ATTEST:



Stu Summers, Executive Director

**VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA**

RESOLUTION NO, 6-13.2012-01

EXHIBIT A

**CONSOLIDATED VALPARAISO AREA ECONOMIC DEVELOPMENT PLAN:
ADDENDUM #5 TO THE CONSOLIDATED PLAN**

(Attached Hereto)

CITY OF VALPARAISO, INDIANA

CONSOLIDATED VALPARAISO AREA ECONOMIC DEVELOPMENT PLAN:

ADDENDUM #5 TO THE CONSOLIDATED PLAN

JUNE 13, 2012

PREPARED FOR THE:

Valparaiso Redevelopment Commission
166 West Lincolnway
Valparaiso, Indiana 46383

PREPARED BY:

Cender & Company
LLC

8585 Broadway, Suite 777 • Merrillville, IN 46410
Phone: 219•736•1800 Fax: 219•736•8465

Addendum #5 to the Consolidated Plan was prepared to (i) expand the Consolidated Valparaiso Area Economic Development Area; (ii) include in the Plan identified economic development projects and project costs anticipated within the expansion areas; and (iii) expand the Consolidated Valparaiso Allocation Area for the expansion areas.



CITY OF VALPARAISO, INDIANA

**Consolidated Valparaiso Area Economic Development Plan:
Addendum #5 to the Consolidated Plan**

TABLE O F CONTENTS

Addendum #5 to the Consolidated Plan

Introduction	1
Commission Authority	2
Statement of Purpose	3
Goals and Objectives	4
Economic Development Defined	7
General Description of the Expansion Areas	7
Land-Use Plan for the Expansion Areas	7
Planned Actions for the Expansion Areas	8
Statement on Statutory Findings – Economic Development Area	10
Budget for Addendum #5	11
Funding and Financing	11
Property Acquisition Authority and Acquisition List	12
Prohibited Use of Eminent Domain and Condemnation Authority	13
Procedure for Modification	13
Other State and Local Requirements	13
Applicability of Land-Use Objectives, Provisions and Requirements	13
Statement of Substantial Benefits of Addendum #5	13
Addendum #5 Conformity to Other Plans of the City	14
Recording the Document	14
Public Availability of the Document	15

APPENDICES

APPENDIX A	-	Expansion Area Boundary Descriptions and Map	A-1
APPENDIX B	-	Budget for Addendum #5	B-1
APPENDIX C	-	Property Acquisition List	C-1

**Consolidated Valparaiso Area Economic Development Plan:
ADDENDUM #5 to the Consolidated Plan**

INTRODUCTION

The Valparaiso Redevelopment Commission (the "Commission") has prepared this addendum to the Consolidated Valparaiso Area Economic Development Plan (the "Original Consolidated Plan"¹, Addendum #1, Addendum #2, Addendum #3 and Addendum #4 collectively known as the Consolidated Valparaiso Area Economic Development Plan or the "Consolidated Plan") as originally adopted and approved on December 8, 2004 (Resolution No. 12-8-2004-1²) and as amended on February 9, 2005 (Resolution No. 2-9-2005-1³); on October 11, 2007 (Resolution No. 10-11-2007-1⁴); on February 21, 2008 (Resolution No. 2-21-2008-1⁵) and on May 8, 2008 (Resolution No. 5-8-2008-01⁶) respectively.

This **ADDENDUM #5 to the Consolidated Plan** ("Addendum #5") amends the Consolidated Plan to: (i) expand the Consolidated Valparaiso Area Economic Development Area ("Consolidated Area") for identified expansion areas; (ii) include in the Consolidated Plan identified economic development projects ("Projects") and project costs anticipated; and (iii) expand the Consolidated Valparaiso Allocation Area ("Consolidated Allocation Area") for the identified expansion areas.

Addendum #5 was prepared in response to economic development and land redevelopment opportunities made available to or considered by the City and the Commission to implement its mission for the Redevelopment District to benefit the public health and welfare as it relates to improvements to:

- U.S. 30 corridor from Sturdy Road (tangential to the Consolidated Area on the east) to Hayes-Leonard Drive, a distance of 16,570 feet (or 2.14 miles), more or less;
- Washington Street from Monroe Street (tangential to the Consolidated Area on the north) to U.S. 30 on the south, a distance of 2,350 feet, more or less;
- State Route 2 from Monroe Street (tangential to the Consolidated Area on the north) to Clark Drive on the south, a distance of 2,500 feet, more or less;
- State Road 130 (Sturdy Road) from the Chapel Drive of Valparaiso (tangential to the Consolidated Area on the north) to U.S. 30 on the south, a distance of 1,170 feet, more or less;
- State Route 130 from Center Street (tangential to the Consolidated Area on the east) to the City of Valparaiso City Limits on the west (west of Emmetsburg Avenue), a distance of 2,400 feet, more or less.

Addendum #5 furthermore has been prepared in accordance with and in compliance with Indiana Code 36-7-14 titled Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions (the "Act") but more specifically Sections 17.5(f), 41 and 43 for the purpose of designating and establishing an economic development area and Section 39 (also including compliance with the Indiana Administrative Code 50 IAC 8-2-2) for the purpose of amending the **Consolidated Valparaiso Allocation Area** (the "Allocation Area") in order to utilize tax increment financing and tax increment from an allocation fund for qualified expenditures⁷.

¹ Consolidated Valparaiso Area Economic Development Plan. Valparaiso Redevelopment Commission. December 8, 2004.

² As filed and recorded with the Office of the Porter County Recorder on January 27, 2005 (Document No. 2005-002392).

³ Addendum #1 filed and recorded with the Office of the Porter County Recorder on April 4, 2005 (Document No. 2005-010945).

⁴ Addendum #2 filed and recorded with the Office of the Porter County Recorder on October 16, 2007 (Document No. 2007-031416).

⁵ Addendum #3 filed and recorded with the Office of the Porter County Recorder on February 28, 2008 (Document No. 2008-005453).

⁶ Addendum #4 filed and recorded with the Office of the Porter County Recorder on June 19, 2008 (Document No. 2008-016767).

⁷ Reference Indiana Code 36-7-14-39(b)(2) Version b effective July 1, 2005 and Indiana Administrative Code 50 IAC 8-2-13 titled Tax Increment; Use.

Addendum #5 amends the Consolidated Plan and has been prepared in accordance with the Act for approval by the Commission upon a public hearing and adoption of a confirming resolution thereby. Addendum #5 upon approval by the Commission and its appropriate filing and recording, together with the Original Consolidated Plan, Addendum #1, Addendum #2, Addendum #3 and Addendum #4, hereafter shall be known as the "Consolidated Plan."

This Addendum #5 has been prepared as a result of the Commission's continued efforts to:

- Promote significant opportunities for gainful employment of its citizens;
- Attract new major business to and retain or facilitate expansion of significant business enterprise existing in the City;
- Provide for community and economic development initiatives and programs for economic development and redevelopment; and
- Improve the public utility and benefit of the Redevelopment District and the quality of life for residents of the City overall through the implementation of this Plan for the Consolidated Area.

The process to approve this Addendum #5 will be conducted in compliance with the approval procedures set forth in the Act, more specifically Sections 15, 16 and 17 as indicated in Section 41(a).

COMMISSION AUTHORITY

The Common Council of the City of Valparaiso, Indiana (the "City") established the Valparaiso Redevelopment Commission (the "Commission") as the governing body of the Department of Redevelopment of the City (the "Department") and the Redevelopment District of Valparaiso (the "District") to exist and operate under the provisions of Indiana Code ("IC") 36-7-14 titled Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions (the "Act") *et seq.*, as amended from time to time. The Department and the Commission were established on November 22, 1993 (Ordinance No. 93-23) pursuant to the provisions of the Redevelopment of Cities and City Act of 1953 which has been codified in the Act and as ordained by the Common Council of the City.

The Commission, with the assistance of an executive director as Department staff, works closely elected officials of the City and with land-use planning and capital improvement project staff. This voluntary collaboration is designed to determine planning, replanning, redevelopment and economic development strategies for those areas identified as redevelopment project areas (more specifically: (i) redevelopment areas, (ii) economic development areas, or (iii) urban renewal areas) for the purposes of either (a) eliminating those conditions and factors which prevent normal use or development and occupancy or (b) achieve the Consolidated Plan by resorting to the powers allowed under Section 41 of the Act and Sections 2.5 and 43 of the Act because of the lack of local improvements, the existence of improvements or conditions that lower the value of land below that of nearby land, multiple ownership or other similar conditions⁸.

The Commission was established for the purposes of and the mission to:

- Redevelop areas needing redevelopment⁹;
- Develop economic areas for the benefit of public health, safety, morals and welfare;
- Increase the economic well-being of the Valparaiso community; and
- Protect and increase property values.

⁸ Reference Indiana Code 36-7-14-41(b)(2).

⁹ Previously referenced as "blighted areas" in the Act and as amended to mean "areas needing redevelopment".

This purpose empowers the Commission to: (i) identify "areas needing redevelopment" or economic development opportunity; (ii) prepare redevelopment and economic development plans, which shall be formulated through study of the District or a geographical area, (iii) prepare for the implementation of a plan; and (iv) interact with City administration, community development and planning personnel and economic development officials.

STATEMENT OF PURPOSE

The Commission recognizes that there are certain areas in the City for which economic development opportunities presented to the City and the Commission will stimulate economic development and leverage public capital investment with private investment that benefits the public health and welfare for an economic development area as measured by: (i) the attraction or retention of permanent jobs; (ii) an increase in the property tax base; (iii) the diversification of the City's economic base; or (iv) other similar public benefits¹⁰.

As a result, it is the responsibility of the Commission to protect the social and public welfare of the District and the City first and then Porter County and the State of Indiana and its residents whose lives are enhanced by Commission redevelopment and economic development projects and programs through its efforts related to job creation and business attraction and retention.

The Commission therefore finds that the planning, replanning, development and redevelopment through the implementation of Addendum #5 to the Consolidated Valparaiso Area for economic development purposes related to general business enterprise development as determined for each expansion area identified herein will promote significant employment opportunities and attract major new business(es) to the District. In addition, implementation of Addendum #5 is a public and governmental function that cannot be accomplished through the ordinary operations of private enterprise because of: (i) the necessity for requiring the proper use of the land so as to best serve the interests of the City and its citizens and (ii) the costs of the project¹¹.

The Commission further finds that the planning, replanning, development and redevelopment of the expansion areas identified herein is in compliance with the Act and is a public use and public purpose¹² for which public money may be spent and private property may be acquired¹³ for which appreciable benefits will be provided to the District, the City, Porter County and the State of Indiana, but not limited to, job creation and retention and increased municipal and state tax revenues.

As with other exercises in redevelopment planning, it is the purpose of the Commission to coordinate Addendum #5 with the intention to form a whole greater than the sum of its parts. To effectuate this Addendum #5, the City invokes its rights, powers, privileges, and immunities exercisable in each expansion area to the Consolidated Area to promote economic development in accordance with IC 36-7-14-43. Consistent with IC 36-7-13-41 titled Economic Development Area; Determination, the Commission determines that the geographic areas – the expansion areas – in the District are economic development areas if it finds that:

¹⁰ Reference Indiana Code 36-7-14-41(b)(4).

¹¹ Reference Indiana Code 36-7-14, more specifically Section 2.5(a).

¹² Promoting economic development is a traditional and long accepted governmental function, and there is no principled way of distinguishing it from the other public purposes, as recognized by the United States Supreme Court. See, e.g., *Berman*, 348 U. S., at 24.

¹³ Reference Indiana Code 36-7-14, more specifically Section 2.5(c); however, the Commission may not use its power of eminent domain under IC 36-7-14-20 to carry out [planning, replanning, development and redevelopment] activities under the Act in an economic development area per IC 36-7-14-43(a)(7).

- This Addendum #5 as the plan for certain expansion areas to the Consolidated Area as an economic development area:
 - Promotes significant opportunities for the gainful employment of its citizens;
 - Attracts a major new business enterprise to the District;
 - Retains or expands a significant business enterprise in the boundaries of the District; and
 - Meets the other purposes of Section 2.5, 41 and 43 of the Act;
- This Addendum #5 as the plan for certain expansion areas to the Consolidated Area as an economic development area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act, more specifically Sections 2.5, 41 and 43 because of:
 - The lack of local public improvements;
 - Existence of improvements or conditions that lower the value of the land below that of nearby land;
 - Multiple ownership of land; and
 - Other similar conditions;
- The public health and welfare will be benefited by accomplishment of this Addendum #5 as the plan for certain expansion areas to the Consolidated Area as an economic development area; and
- The accomplishment of this Addendum #5 as the plan for certain expansion areas to the Consolidated Area as an economic development area will be a 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.

This Addendum #5 as the plan for certain expansion areas to the Consolidated Area as an economic development area conforms to the other development and redevelopment plans for the District.

This Addendum #5 to the Consolidated Valparaiso Area has been prepared in compliance with the Act, Commission authority and its purposes.

GOALS AND OBJECTIVES

It is the goal of Addendum #5 to address the underutilization of land and the barriers to its economic development and redevelopment through public investment in the identified right-of-way corridors as expansion areas to the Consolidate Area. Planning requires a set of goals and objectives, identification of economic development opportunities, strategic land-use planning, and interaction between the Commission, the City's Plan Commission, City administrators and key policy makers.

Goals are long-term accomplishments the Commission desires to attain. Foremost, it is the goal of the Consolidated Plan and this Addendum #5 is to facilitate and encourage economic development and new private investment in developing local business to leverage public capital investment by the Commission or the City in the Consolidated Area as expanded under Addendum #5.

Additional goals identified as part of the Consolidated Plan and this Addendum #5 include:

- Creation of an environment within the Consolidated Area as expanded under Addendum #5 which will contribute to the health, safety and general welfare of the City and enhance the value of properties in and adjacent to the Consolidated Area as expanded under Addendum #5;
- Provision for community and economic development initiatives to stimulate not only economic development but redevelopment and private investment in the U.S. 30, State Route 130 and State Route 2 corridors of the Consolidated Area;
- Implementation of projects and/or programs developed to stimulate not only economic development but redevelopment and private investment adjacent to and along the in the U.S. 30, State Route 130 and State Route 2 corridors of the Consolidated Area;
- Improvement of the quality of life through the implementation of economic development and redevelopment opportunities presented to the City.
- Encouragement and facilitation of reinvestment in the Consolidated Area as expanded under Addendum #5 conducive to attracting quality private investment that sets the standard and the trend for healthy economic growth serving local, regional and transient consumers.
- Strengthen and enhance the economic base and diversity of the District and the City.

Objectives are specific and statements detailing how to achieve the Commission's goals for the Consolidated Area as expanded under Addendum #5. The following objectives have been established to guide the economic development, redevelopment and replanning of the Consolidated Area as expanded under Addendum #5.

- Attract major new business, retail, office, technology and related enterprise(s) to the Consolidated Area as expanded under Addendum #5, but more specifically the District and the City.
- Attract and promote permanent jobs and employment opportunities that are a public utility and benefit to the District, the City, Porter County and the State of Indiana.
- Stimulate increases in assessed valuation (property tax base) in the Area as a public utility and benefit to the City.
- Diversify the City's economic base as a public utility and benefit to the District, the City, Porter County and the State of Indiana.
- Encourage private investment in the Consolidated Area as expanded under Addendum #5 to the extent feasible under the Act and when within the goals and objectives of the Commission and the City for the District
- Act as a catalyst to eliminate any non-conforming land-uses; substandard, dilapidated and obsolete buildings and structures, including its causes and conditions or its influences.
- Stimulate a general pattern of land-use within the Consolidated Area as expanded under Addendum #5 that is an arrangement of complementary uses to increase efficiency or operation and economic relationships based upon form, land-use density and zoning implementation.

- Stimulate the assembly of land into developable parcels which are functionally adaptable with respect to shape and size for disposition, economic development and redevelopment in accordance with contemporary development needs and standards.
- Achieve economic development and redevelopment which is integrated both functionally and aesthetically with adjacent land-uses and developments that currently exist and that are intended to continue to exist in the Consolidated Area as expanded under Addendum #5 in order to benefit the City and the District.
- Encourage high standards of development architectural design, improving the aesthetic appearance and economic welfare of the Consolidated Area as expanded under Addendum #5 which may include the establishment of special design and development standards to ensure that new or expanded development complements the architecture, adjacent land-uses, building scale and size, and overall character of the area and the City including buffers for any existing adjacent residential development.
- Provide for the orderly physical and economic growth of the Consolidated Area as expanded under Addendum #5 through closely monitored economic development and redevelopment projects and programs.
- Provide a safe, efficient and attractive traffic circulation systems to the Consolidated Area as expanded under Addendum #5 which (i) are sensitive to adjacent land-use developments; (ii) minimize conflicts between different forms of traffic such as, but not limited to, pedestrians, bike paths, automobiles, transit, and service vehicles within the Consolidated Area as expanded under Addendum #5; and (iii) coordinate efficient ingress and egress, consistent with the construction of improvements to the U.S. 30, State Route 2 and State Route 130 corridor is expected to begin in 2013 under a \$20 million agreement between the City of Valparaiso and the Indiana Department of Transportation ("INDOT"). The agreement will allow INDOT design work to begin this year for construction from 2013 through 2014. In addition, the agreement calls for the City to take over control of State Route 130, maintaining the right-of-way from U.S. 30 to Howe Street at the western city boundary.
- Implementation of the Consolidated Plan and this Addendum #5 as a catalyst for future private investment and economic development not only in the Consolidated Area as expanded under Addendum #5 resulting in increased private investment in the District and the City from economic development and the creation of new employment opportunities for City, Porter County and State of Indiana residents.

These goals and objectives have been developed to guide the Commission, the City's Plan Commission, City administrators and key policy makers and developers in the economic development and redevelopment initiatives for the Consolidated Area as expanded under Addendum #5.

ECONOMIC DEVELOPMENT DEFINED

Economic development refers to a sustainable increase in living standards and implies increased per capita income, better education and health as well as environmental protection. In addition, economic development is the process of improving the quality of human life through increasing per capita income, reducing poverty, and enhancing individual economic opportunities. It is also sometimes broadly defined to include better education, improved health and nutrition, conservation of natural resources, a cleaner environment, and a richer cultural life that may include public capital investment to stimulate private investment.

Through its stated goals and objectives for the Consolidated Plan and this Addendum #5, the Commission is committed to the economic development of the Consolidated Area as expanded under Addendum #5.

The Commission has identified four (4) unique right-of-way corridors for expansion of the Consolidated Area for which ancillary economic development activities are anticipated, economic development projects and programs are planned, or prospective economic development prospects and opportunities identified or anticipated as a result of right-of-way improvements planned pursuant to the City's agreement with INDOT.

GENERAL DESCRIPTION OF THE EXPANSION AREAS

The inclusion of these expansion areas within the Consolidated Area will continue the Commission commitment to implement its mission for the Redevelopment District.

This Addendum #5 has been prepared to expand the Consolidated Area for the following right-of-way corridors within the District which are tangential to and physically connected to the Consolidated Area:

- U.S. 30 corridor from Sturdy Road (tangential to the Consolidated Area on the east) to Hayes-Leonard Drive, a distance of 16,570 feet (or 2.14 miles), more or less;
- Washington Street from Monroe Street (tangential to the Consolidated Area on the north) to U.S. 30 on the south, a distance of 2,350 feet, more or less;
- State Route 2 from Monroe Street (tangential to the Consolidated Area on the north) to Clark Drive on the south, a distance of 2,500 feet, more or less;
- State Road 130 (Sturdy Road) from the Chapel Drive of Valparaiso (tangential to the Consolidated Area on the north) to U.S. 30 on the south, a distance of 1,170 feet, more or less;
- State Route 130 from Center Street (tangential to the Consolidated Area on the east) to the City of Valparaiso City Limits on the west (west of Emmetsburg Avenue), a distance of 2,400 feet, more or less.

The Addendum #5 expansion areas as identified above are hereafter referred to as the "Expansion Areas."

The Expansion Areas consist only of the publicly dedicated right-of-way in the U.S. 30, State Route 2 and State Route 130 corridors, as described and mapped in APPENDIX A. The Commission intends the land use plan for the Expansion Areas to remain as a publicly dedicated right-of-way with all projects and programs for any right-of-way

LAND-USE PLAN FOR THE EXPANSION AREAS

improvements to be consistent with acceptable local and/or INDOT engineering standards and requirements.

permitted under the current Zoning Ordinance of the City of Valparaiso based upon economic and market conditions. Land-use activity types shall be located in appropriate and complementary areas of the Expansion Areas to provide for an efficient, attractive, convenient, and safe physical environment.

Planned Unit Development Supplement

Recognizing that there may be unique circumstances that affect how a parcel or multiple parcels may be developed, traditional zoning classifications may not provide the flexibility that may be required in providing future City needs. This flexibility may be necessary in order to adapt to the unusual topographical constraints, unusually shaped parcels of land, environmentally sensitive or natural areas, brownfield or contaminated land, new building methods, materials, etc., or the desire to secure the benefits of solar orientation, climate control or additional privacy.

Therefore, a development plan or planned unit development may be the most appropriate alternative to regulate and control land-use development within specific areas adjacent to the Expansion Areas to secure greater convenience to the public through improved methods planning to meet economic demand and in the best interest of efficient land-use of the City as it grows and matures. However, the final development plan for the Expansion Areas as approved by the Commission, the Plan Commission and the City will dictate and determine the appropriate land-uses, its development, regulation and standards.

Although the Addendum #5 does not present a specific land-use plan for real property adjacent to the Expansion Areas, there may be instances whereby development proposals to the Commission may not be in compliance with official plans for the City nor complement adjacent land-use activities. In such instances, proposals to the Commission and the City shall be considered on a case-by-case basis to insure procedural compliance and conformance with other official plans for the City.

PLANNED ACTIONS FOR THE EXPANSION AREAS

The Commission intends to initiate, apply, or utilize - individually or in combination - the following economic development and redevelopment actions in order to clear, redevelop, replan, rehabilitate and/or revitalize real property public right-of-way, its improvements, and structures in the Expansion Areas.

Economic development activities and investment proposed and planned for the Expansion Areas (including but not limited to site and infrastructure improvements, demolition, etc. as discussed later) are designed to meet the goals and objective of Addendum #5 as stated herein (reference *Goals and Objective of the Plan*).

This Addendum #5 is the City's opportunity through the Commission to improve certain high traffic and high average daily traffic volume corridors in order to (i) act as a catalyst for economic development adjacent to the Expansion Areas, (ii) to meet the anticipated market demands of land development and redevelopment, (iii) to take advantage of other economic development opportunities presented to the City, and (iv) to improve general appearance and the quality of life for residents of and travelers through northwest Indiana.

The following is a description of the economic development opportunities and parameters proposed for the Expansion Areas.

Economic Development and Redevelopment Activities for the Expansion Areas

The Commission intends to implement the following economic development projects and programs within the

Expansion Areas.

• Infrastructure and Site Improvements

The Commission and the City through an agreement with INDOT may assist and facilitate with the following infrastructure improvements, as necessary but not limited to, in the Expansion Areas in order to enhance its potential for attracting new significant business development opportunities and to retain existing business enterprise.

- Stormwater detention and conveyance systems.
- Sanitary sewer extensions, lift stations and connections.
- Water main extensions and fire loop to insure redundancy.
- Improvements along street corridors.
- Gateway and traffic signal improvements.
- Planning, engineering and construction of street and roadways.
- Construction and extension of pedestrian walkways and bicycle paths and its links to existing walkways and paths, including surface parking related to of pedestrian walkways and bicycle paths.
- Street lighting, including landscaping features in public areas.
- Monument, street and way finding signage.
- Utility Improvements (including telephone, cable, satellite and telecommunications, etc.).
- Demolition and land clearance.
- Surveying and recording.
- Environmental testing and environmental and wetland remediation.
- Additional site preparation work, as may be deemed necessary to the development of the Expansion Areas.

• Public/Private Partnerships

The Commission may utilize its limited Commission funds in a manner that will leverage significant new private investment in the Expansion Areas. All public/private partnerships created must leverage private investment that is consistent with the specific goals and objectives stated in Addendum #5.

Funds the Commission utilizes for site improvements must lead to development activities financed by the private sector. Outside funding may include conventional equity investment, long-term debt financing, or other "soft money" sources such as private foundations, state grants, or national programs designed to stimulate economic development or redevelopment activities in the Expansion Areas.

The Commission reserves the right to consider and implement the use of tax increment financing ("TIF") as an option for funding redevelopment activities in the Expansion Areas, assuming the Consolidated Valparaiso Allocation Area is expanded and is designated as an allocation area in accordance with the Act.

STATEMENT ON STATUTORY FINDINGS – ECONOMIC DEVELOPMENT AREA

In accordance with IC 36-7-14-2.5(a), the planning, replanning, development, and redevelopment of the Consolidated Area as expanded under Addendum #5 as economic development area is a public and governmental function that

- The necessity for requiring the proper use of the land so as to best serve the interests of the county and its citizens; and
- The costs of these projects.

In accordance with IC 36-7-14-2.5(b), the planning, replanning, development, and redevelopment of the Consolidated Area as expanded under Addendum #5 as an economic development area will:

- Benefit the public health, safety, morals, and welfare;
- Increase the economic well-being of the City and the state; and
- Serve to protect and increase property values in the unit and the state.

In accordance with IC 36-7-14-2.5(c), the planning, replanning, development, and redevelopment of the Consolidated Area as expanded under Addendum #5 and as economic development areas are public uses and purposes for which public money may be spent and private property may be acquired.

In accordance with IC 36-7-14-41(b), the Commission determines that the Consolidated Plan and this Addendum #5 is an economic development area based upon the following statutory findings that:

- Under Section 41(b)(1), the Consolidated Plan and this Addendum #5:
 - Promotes significant opportunities for the gainful employment of its citizens;
 - Attracts a major new business enterprise to the unit;
 - Retains or expands a significant business enterprise existing in the boundaries of the unit; or
 - Meets other purposes of Section 2.5 (as previously discussed) and 43;
- Under Section 41(b)(2), the Consolidated Plan and this Addendum #5 cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Section 2.5 (as previously discussed) and Section 43 because of:
 - Lack of local public improvements;
 - Existence of improvements or conditions that lower the value of the land below that of nearby land;
 - Multiple ownership of land; or
 - Other similar conditions;
- Under Section 41(b)(3), the public health and welfare will be benefited by accomplishment of the Consolidated Plan and this Addendum #5 as an economic development plan;

- Under Section 41(b)(4), the accomplishment of the Consolidated Plan and this Addendum #5 will be a public utility and benefit as measured by:
 - The attraction or retention of permanent jobs;
 - An increase in the property tax base;
 - Immixed diversity of the economic base; or

- Other similar public benefits; and
- Under Section 41(b)(5), the Consolidated Plan and this Addendum #5 conforms to other development and official plans of the City and the Commission.

A description of the economic development opportunities and projects for the Expansion Areas included in this Addendum #5 have been discussed and outlined in the section titled Planned Actions for the Expansion Areas, the counterpart to this section which quantifies the specifics of the economic development activities as proposed in order to meet statutory findings to designate the Expansion Areas as economic development areas.

BUDGET FOR ADDENDUM #5

The Commission prepared a budget as its fiscal policy and plan to implement this Addendum #5, specifically for projects and programs discussed in previous section. This budget presents the revenues and other sources of resources needed to meet anticipated expenditures for those projects and programs listed.

It is important to keep in mind that the budget presented herein is a dynamic fiscal plan and policy proposal for the accomplishment of projects and programs related to Addendum #5, including estimates of resources required, together with those sources of resources available. Revisions are anticipated to meet the demands and priorities of projects and programs initiated and implemented by the Commission over the ten-year period of the budget. City administrative policy, Commission priorities and market factors will all impact the budget. **APPENDIX B:** Budget for Addendum #5 details the Commissions fiscal plan to implement the Consolidated Plan and this Addendum #5.

This section describes several financing mechanisms for consideration with the City and the Commission to implement the Consolidated Plan and this Addendum #5. They are presented only as potential options and do not necessarily represent all options or a commitment to such financing.

- General Obligation Bonds.

General Obligation bond financing may be used for funding redevelopment and economic development projects undertaken for a valid public purpose. These bonds are obligations payable out of taxes levied and collected on all taxable property. However, the total debt carried may not exceed two percent of the net assessed valuation of the City and may be subject to the referendum requirements and controlled project provisions of HEA 1001 (2008), effective July 1, 2008.

- Tax Increment Financing Revenue Bonds.

FUNDING AND FINANCING

The establishment of an allocation area or separate unique allocation areas within the Consolidated Area as expanded under Addendum #5 provides for the temporary allocation of tax increment or increases in real property tax proceeds for redevelopment or economic development within the Allocation Area as expanded for the expansion area allocation areas and is a key element of Addendum #5.

Tax increment financing ("TIF") permits communities to use increased property tax revenue stimulated by redevelopment and economic development activities to pay for the costs incurred to initiate said activities. When an allocation area is established, real property assessments are "frozen" within the allocation area as the "base assessment" for the previous assessment date preceding the approval and adoption of a declaratory resolution or an amending declaratory resolution by the Commission. Counties, cities and towns may issue TIF revenue bonds to finance all or a portion of the redevelopment or economic development activities from anticipated tax increment generated by the new development and increases in assessed value above the base assessment of the allocation area. As private investment increases in an allocation area, the tax increment will be set aside to retire the debt service on the TIF revenue bonds issued to

may be dissolved and all taxing units enjoy the full benefits of increases in assessed valuation and lower property taxes.

The City and the Commission, through the adoption of Addendum #5 may consider the establishment of an allocation area or an expansion of the currently designated Consolidated Valparaiso Allocation Area, which may be coterminous with the boundaries of the Expansion Areas or may only be a part of the Expansion Areas as described herein.

PROPERTY ACQUISITION AUTHORITY AND ACQUISITION LIST

In accordance with IC 36-7-14-12.2, the Commission has the authority and power to:

PROHIBITED USE OF EMINENT DOMAIN AND CONDEMNATION AUTHORITY

1. Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of "areas needing redevelopment" located within the corporate boundaries of the City;
2. Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of "areas needing redevelopment" on the terms and conditions that the Commission considers best for the City and its inhabitants;
3. Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the City or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on;
4. Clear real property acquired for redevelopment purposes;
5. Repair and maintain structures acquired for redevelopment purposes; and
6. Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

The Commission may acquire real property through those procedures outlined in IC 36-7-14-19 and upon the approval and adoption of a list of real property and interests in real property to be acquired¹⁴.

The Commission has prepared a list of real property to be considered for acquisition. The list of real property and interests in real property to be acquired has been developed to clear real property for public capital project and infrastructure investment and/or remodel, rebuild, enlarge, or make structural improvements to buildings within the Area for economic development and public purpose to improve the overall quality of life for the City. The acquisition

¹⁴Reference: IC 36-7-14-19(b).

list which documents detailed data related to each parcel of real property is included in **APPENDIX C: Property Acquisition List**, which may be amended in accordance with the Act.

The Property Acquisition List, which may be amended from time to time, shall serve as a guide to focus economic development and community development initiatives over the next ten-year period and to act as catalyst to support private and public investment in the Consolidated Area as expanded under Addendum #5.

In adherence with I.C. 36-7-14-43(a)(7), the Commission **may not use its power of eminent domain** under I.C. 36-7-14-20 to carry out economic development and redevelopment activities in the Consolidated Area as expanded under Addendum #5 as designated as an economic development area under I.C. 36-7-14, Sections 15 through 17.5 and 41.

PROCEDURE FOR MODIFICATION

The Consolidated Plan and this Addendum #5 may be modified at any time by resolution of the Commission. Modifications, amendments or supplements to the Consolidated Plan and this Addendum #5, must be carried out in accordance with the Act.

OTHER STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform to State and local laws have been complied with during the preparation and development of this Addendum #5. Upon a confirmatory resolution and recording of this Addendum #5 in accordance with the Act, Addendum #5 constitutes an official land-use plan of the City as a supplement to and part of the Consolidated Plan.

Every effort will be made by the Commission to apply the land-use objectives, provisions and requirements stated herein to real property not to be acquired within the Consolidated Area as expanded under Addendum #5.

RECORDING THE DOCUMENT

STATEMENT OF SUBSTANTIAL BENEFITS OF ADDENDUM #5

The Commission, by virtue of developing and preparing this Addendum #5, substantiates that the elimination of those conditions and factors that prevent normal use and development in the Consolidated Area as expanded under Addendum #5 will benefit the District and the City in the following ways:

1. Stimulating local public improvement as a catalyst to private investment in the Consolidated Area as expanded under Addendum #5;
2. Increase the value of land and improvements in the Consolidated Area and land adjacent to the Consolidated Area as expanded under Addendum #5.
3. Diversify the economic base of the District and the City;
4. Increase economic development and private investment opportunities in the Consolidated Area

APPLICABILITY OF LAND-USE OBJECTIVES, PROVISIONS AND REQUIREMENTS

and land adjacent to the Consolidated Area as expanded under Addendum #5; and

5. The improvement in the quality of life for residents of the District and the City overall.

ADDENDUM #5 CONFORMITY TO OTHER PLANS OF THE CITY

As part of the development and preparation of this Addendum #5, the Consultant has reviewed the Comprehensive Plan for the City of Valparaiso, Indiana and the Zoning Ordinance to apply accepted land-use development policies and recommendations and land-use regulations and standards whenever necessary to insure its conformity and compliance.

The Comprehensive Plan includes extensive data, information and future land-use planning related to this Addendum #5. Overall, the Comprehensive Plan makes several land-use development and growth management recommendations for the Expansion Areas identified in Addendum #5, which are addressed to meet this compliance.

Office of the Porter County Recorder

In accordance with IC 36-7-14-17(d), after considering the evidence presented, the Commission shall take final action determining the public utility and benefit of this Addendum #5, confirming, modifying and confirming, or

rescinding the amending declaratory resolution.

The final action taken by the Commission shall be recorded with the Office of the Porter County Recorder and is final and conclusive.

The original date and record number stamped "Document on File" with the Office of the Porter County Recorder shall be filed with the Secretary of the Commission.

Office of the Porter County Auditor

If the amending Declaratory Resolution establishing an allocation area is confirmed upon a public hearing by adoption of a Confirmatory Resolution, the Commission shall file a copy of this Addendum #5, the Confirming Resolution and a list of real property key numbers within the Expansion Areas' Allocation Area as established with the Porter County Auditor.

Department of Local Government Finance

If the amending Declaratory Resolution establishing an allocation area is confirmed upon a public hearing by adoption of a Confirmatory Resolution, the Commission shall notify the Indiana Department of Local Government Finance as to the establishment of allocation areas within the Consolidated Area as expanded under Addendum #5.

Dissemination of the Document

The Commission, by adopting an amending Declaratory Resolution:

1. Declares that certain areas within the City of Valparaiso, Indiana, designated as the Consolidated Area as expanded under Addendum #5 are economic development areas within the meaning of Indiana Code 36-7-14; and
2. Approves this Addendum #5 to the Consolidated Plan.

Therefore, in accordance with IC 36-7-14-17(b), a copy of the notice of the hearing with respect to a confirmatory resolution will be filed in the offices of the City of Valparaiso's Redevelopment Commission, Plan Commission, Economic Development Commission, Board of Zoning Appeals, City Administration, Department of Public Works and Safety, Park Board, and Building Commissioner, and any other departments, bodies, or officers of the unit having to do with unit planning, variances from zoning ordinances, land-use, or the issuance of building permits.

These entities and its officers shall take notice of the pendency of the hearing and, until the Commission confirms, modifies and confirms, or rescinds the resolution, or the confirmation of the resolution is set aside on appeal, may not:

1. Authorize any construction on property or sewers in the Consolidated Area as expanded under Addendum #5 described in the amending Declaratory Resolution, including substantial modifications, rebuilding, conversion, enlargement, additions, and major structural improvements;
2. Take any action regarding the zoning or rezoning of property, or the opening, closing, or improvement of streets, alleys, or boulevards in the Consolidated Area as expanded under Addendum #5 described in the amending Declaratory Resolution.

IC 36-7-14-17(b) does not prohibit the granting of improvement (building) permits for ordinary maintenance or minor remodeling, or for changes necessary for the continued occupancy of buildings in the Consolidated Area as expanded under Addendum #5.

PUBLIC AVAILABILITY OF THE DOCUMENT

Upon adoption by the Commission of this Addendum #5 to the Consolidated Plan as an official economic

development and redevelopment planning policy for the City of Valparaiso, Indiana and the Valparaiso Redevelopment Commission, the City will have copies of this Addendum #5 available to the public for review and purchase upon request in the Office of the Redevelopment Commission located at 166 Lincolnway, Valparaiso, IN 46383.

For further information related to this Addendum #5 to the Consolidated Plan, the public may contact the following Commission representative during the regular business hours (8:30 a.m. and 4:30 p.m. - Monday through Friday, except holidays):

<u>Name of Representative</u>	<u>Telephone Number</u>
Stu Summers Executive Director, Valparaiso Redevelopment Commission	(219) 462-1161

The following is a general description of the Addendum #5 Expansion Areas. A map showing the Expansion Areas is shown below.

BOUNDARY DESCRIPTIONS

The Expansion Areas includes only the right-of-way of the following roadways identified herein.

Expansion Area No. 7 is an irregularly shaped parcel of land in Section 30, in Township 35 North, Range 5 West and Sections, 24, 25, 26 and 27 in Township 35, Range 6 West, all West of the Second Principal Meridian, said area is located in the City of Valparaiso, Center Township, Porter County, more particularly described as follows:

- U.S. Highway 30 (Morthland Drive) right-of-way from the existing Consolidated Valparaiso Allocation Area limits just east of Sturdy Road (S.R. 130) thence west to the western corporate limits of the City of Valparaiso at the centerline of Hayes-Leonard Road (C.R. 150W).
- Sturdy Road (S.R. 130) right-of-way from the existing Consolidated Valparaiso Allocation Area limits just north of Valparaiso University's Chapel Drive thence south to the north right-of-way line of U.S. Highway 30 (Morthland Drive).
- Washington Street right-of-way from the existing Consolidated Valparaiso Allocation Area limits along the north line of the alley running between Monroe and Brown Streets thence south to the north right-of-way line of U.S. Highway 30 (Morthland Drive).
- State Road 2 right-of-way from the south right-of-way line of U.S. Highway 30 (Morthland Drive) thence southwesterly to the centerline of Clark Drive.

Expansion Areas No. 8 is an irregularly shaped parcel of land in Section 23, Township 35, Range 6 West, West of the Second Principal Meridian, said area is located in the City of Valparaiso, Center Township, Porter County, more particularly described as follows:

- State Road 130 (Lincolnway) right-of-way from the existing Consolidated Valparaiso Allocation Area limits at the intersection State Road 130 (Lincolnway) and the western and northwestern right of way lines of Joliet Road and Center Street thence northwesterly to the western corporate limits of the City of Valparaiso just west of the Clifford Road.

See **MAP 1: Addendum #5 Expansion Areas.**

**CITY OF VALPARAISO, INDIANA
VALPARAISO REDEVELOPMENT COMMISSION**

**Consolidated Valparaiso Area Economic Development Plan:
Addendum #5 to the Consolidated Plan**

**APPENDIX B:
Budget for Addendum #5**

The Valparaiso Redevelopment Commission prepared a list of project and program recommendations including cost estimates for implementation in the Consolidated Area as expanded for Addendum #5 over the next ten-year period (2012 through 2022). The recommended projects and programs are developed to address those conditions and factors that prevent normal use and development of the Consolidated Area as expanded for Addendum #5 and to overcome its causes to improve the overall quality of life for the City. The projects and programs include public infrastructure improvements and community or economic development programs intended to be catalysts to support additional private and public investment adjacent to the Consolidated Area as expanded for Addendum #5.

Commission use of Consolidated Valparaiso Allocation Area funds resulting from annual tax increment distributions may include reimbursement for capital expenditures made by the City of Valparaiso for the purchase of, for example, public safety equipment, such as police cars and fire trucks, or other non-recurring capital expenditures, such as pathways, bike paths, sidewalk paths, municipal parking lot improvements or other one-time public works, public safety, public health or economic development projects that the Commission determines are either in, serve or are physically connected to the Consolidated Valparaiso Allocation Area and are in furtherance of its economic development purposes of Addendum #5.

Corridor Traffic Signals Retrofit

Utilize local Consolidated Valparaiso Allocation Area funds (i) to match grant funds from the Indiana Department of Transportation ("INDOT") and (ii) to implement Expansion Areas corridor traffic signal improvements to maximize vehicle movement and conflicts between vehicles and pedestrians. The project will convert existing analog signals to digital controllers. Electronic sensors will be installed to monitor traffic and weather conditions. Wireless interconnect with other signals will reduce traffic congestion and improve air quality. Traffic signalization will be equipped with emergency vehicle and transit bus override systems to minimize emergency response time for public safety vehicles and to maximize traffic flow efficiency for public transportation systems.

Project Budget: \$ 2,500,000

Corridor Landscaping Improvements

The Commission intends to continue its commitment to the City and to Valparaiso University by planting trees as well as installing other landscape improvements and aesthetic amenities, enabling the Commission to expand the City's commitment to be "green" and environmentally aware.

Project Budget: \$ 500,000

General Corridor Infrastructure Improvements

The Commission intends to continue its commitment of the City to improve its road and street infrastructure, including undertaking the following project activities related to capital public investment in the Expansion Areas and the right-of-way corridors:

Stormwater detention and conveyance systems; sanitary sewer extensions, lift stations and connections; water main extensions and fire loop to insure redundancy; gateway and traffic signal improvements; planning, engineering and construction of existing right-of-way, streets and roadways; construction and extension of pedestrian walkways and bicycle paths and its links to existing walkways and paths, including surface parking related to of pedestrian walkways and bicycle paths; street lighting, including landscaping features in public areas; monument, street and way finding signage; utility Improvements (including telephone, cable, satellite and telecommunications, etc.), surveying and recording; environmental testing and environmental and wetland remediation; additional site preparation work, as may be deemed necessary to the development of the Expansion Areas.

Project Budget: \$ 5,000,000

Marketing Program and Public Amenity Improvement Program

Upon availability of Consolidated Valparaiso Allocation Area funds, the Commission intends to provide for marketing, public art, recreation or other amenities and initiatives to maintain the social and economic vitality of City of Valparaiso along the Expansion Areas' corridors as a means to promote the City and northwest Indiana.

Project Budget: \$ 100,000

TOTAL PUBLIC INVESTMENT: PLAN BUDGET for Expansion Areas	\$ 8,100,000
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**CITY OF VALPARAISO, INDIANA
VALPARAISO REDEVELOPMENT COMMISSION**

**Consolidated Valparaiso Area Economic Development Plan:
Addendum #5 to the Consolidated Plan**

**APPENDIX C:
Property Acquisition List**

The Valparaiso Redevelopment Commission, in accordance with IC 36-7-14-12.2, has the authority and power to:

1. Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of "areas needing redevelopment" that are located within the corporate boundaries of the City;
2. Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of "areas needing redevelopment" on the terms and conditions that the Commission considers best for the City and its inhabitants;
3. Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the City or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on;
4. Clear real property acquired for redevelopment purposes;
5. Repair and maintain structures acquired for redevelopment purposes; and
6. Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

The Commission may acquire real property through those procedures outlined in IC 36-7-14-19 and upon the approval and adoption of a list of real property and interests to be acquired¹⁵. In adherence with I.C. 36-7-14-43(a)(7), the Commission may not use its power of eminent domain under I.C. 36-7-14-20 to carry out economic development and redevelopment activities in the Consolidated Area as expanded for Addendum #5 as designated as an economic development area under I.C. 36-7-14-41.

The Commission has prepared a list of real property to be considered for acquisition. The list of real property and interests in real property to be acquired has been developed to clear real property for public capital project and infrastructure investment and/or remodel, rebuild, enlarge, or make structural improvements to buildings within the Consolidated Area as expanded for Addendum #5 for economic development and public purpose to improve the overall quality of life for the City.

At this time, the Commission has not identified any real property for potential acquisition as a means of implementing this Addendum #5.

However, should the Commission find that additional acquisition of real property is necessary to reach the goals and objectives of this Addendum #5 or its implementation; the Commission may amend this Acquisition List in accordance with the Act to include property acquisition to this Property Acquisition List as provided below.

Addendum #5: Property Acquisition List				
Real Property Key Number	Property Address	Owner (Most Current)	(Acres) Land Area	Estimated Cost of Acquisition
				\$
TOTAL ESTIMATED COST				\$

¹⁵Reference: IC 36-7-14-19(b).



**CITY OF VALPARAISO, INDIANA
VALPARAISO REDEVELOPMENT COMMISSION**

**Consolidated Valparaiso Area Economic Development Plan:
Addendum #5 to the Consolidated Plan**

June 13, 2012

Prepared By:
Cender & **C**ompany
