

**PASSED 11-13-17 BY A 5-1 VOTE COTTON VOTING NO BOWKER ABSENT**

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

**RESOLUTION NO. 21-2017**

**REAL PROPERTY TAX ABATEMENT**

**CONFIRMATORY RESOLUTION FOR THE DESIGNATION  
OF AN ECONOMIC REVITALIZATION AREA**

WHEREAS, the City of Valparaiso, Indiana (the “City”) has been requested by St. Paul—Valparaiso, LLC (the “Applicant”) to find pursuant to IC 6-1.1-12.1-2 that an area (the “Area”) is an Economic Revitalization Area, which Area will contain the Project (as hereinafter defined); and

WHEREAS, the Common Council of the City (the “Council”) has prepared a simplified description of the Area or maps and plats that identify the Area, attached as Exhibit A; and

WHEREAS, the Area is located within the jurisdiction of the City for the purposes set forth in IC 6-1.1-12.1-2; and

WHEREAS, the Applicant intends to construct improvements on its property located in Center Township (the “Real Property”), consisting of the construction of four condominium buildings in the Area, as described in the Statements of Benefits (the “Statements of Benefits”) submitted by the Applicant to the Council (the “Project”); and

WHEREAS, the Council has reviewed the Statements of Benefits; and

WHEREAS, pursuant to IC 6-1.1-12.1-2, on October 9, 2017, the Council adopted a Resolution (the “Declaratory Resolution”), which designated the Area as an “economic revitalization area” pursuant the Act and approved real property tax deductions under IC 6-1.1-12.1-3 for redevelopment or rehabilitation in the Area for ten (10) years (on a per building basis, as described below); and

WHEREAS, in compliance with IC 6-1.1-12.1-2.5, the Council published notice (the “Notice”) describing the adoption and substance of the Declaratory Resolution and stating that, on the date hereof, the Council would hold a public hearing (the “Public Hearing”) at which it will receive and hear all remonstrances and objections from interested persons, with respect to the Declaratory Resolution; and

WHEREAS, in compliance with IC 6-1.1-12.1-2.5, the Council filed, with each taxing unit that has authority to levy property taxes in the Area, a copy of the Notice and the Statements of Benefits; and

WHEREAS, in compliance with IC 6-1.1-12.1-2.5, on the date hereof, the Council held the Public Hearing at which it received, heard and considered evidence concerning the Declaratory Resolution and any remonstrances or objections with respect to the Declaratory Resolution; and

WHEREAS, pursuant to IC 6-1.1-12.1-2.5, the Council desires to take final action confirming the Declaratory Resolution;

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

Section 1. The Council hereby finds that (i) the Area is within the City and (ii) the Area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented a normal development of property and use of property.

Section 2. The Area is hereby declared to be an “economic revitalization area” pursuant to IC 6-1.1-12.1. The period for real property tax deductions under IC 6-1.1-12.1-3 for redevelopment or rehabilitation in the Area shall be ten (10) years (on a per building basis, as described below).

Section 3. Based on the information in the Statements of Benefits describing the Project, the Council makes the following findings:

(a) That the estimate of the value of the redevelopment or rehabilitation of the Real Property is reasonable for projects of that nature.

(b) That the estimate of the number of individuals who will be employed or whose employment will be retained, if any, as a result of the proposed redevelopment or rehabilitation of the Real Property can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property.

(c) That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained, if any, can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property.

(d) That any individual opportunities for employment, both temporary and permanent, and any compensation to be paid to employees, along with the value of the construction of improvements as a result of the Project, create benefits of the type and quality anticipated by the Council within the Area and can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property.

(e) That the benefits described in the Statements of Benefits can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property.

(f) That the totality of benefits from the proposed redevelopment or rehabilitation of the Real Property is sufficient to justify a ten-year real property tax deduction period (on a per building basis, as described below).

Section 4. Based on the information in the Statements of Benefits and the foregoing findings, the Council, pursuant to IC 6-1.1-12.1, hereby approves and allows the Applicant real property tax deductions for ten (10) years as set forth in Section 5 below for the redevelopment located in the Area.

Section 5. With respect to the Real Property, the percentage of deductions for each of said ten (10) years shall be as follows (subject to the 15% abatement agreement with City, to which St. Paul LLC will be required to agree as a condition of receiving the abatements hereunder):

(a) With respect to first completed condominium building:

Year 1\*:100%  
Year 2 :100%  
Year 3 : 100%  
Year 4 : 100%  
Year 5 : 100%  
Year 6 : 100%  
Year 7 : 100%  
Year 8 : 100%  
Year 9 : 100%  
Year 10: 100%

\*Year 1 for purposes of the first completed condominium building shall be the first calendar year in which the first completed condominium building is fully assessable as of January 1 of such year, PAY the following calendar year; Year 2 shall be the calendar year immediately following Year 1, and so on.

(b) With respect to second completed condominium building:

Year 1\*:100%  
Year 2 :100%  
Year 3 : 100%  
Year 4 : 100%  
Year 5 : 100%  
Year 6 : 100%  
Year 7 : 100%  
Year 8 : 100%  
Year 9 : 100%  
Year 10: 100%

\*Year 1 for purposes of the second completed condominium building shall be the first calendar year in which the second completed condominium building is fully assessable as of January 1 of such year, PAY the following calendar year; Year 2 shall be the calendar year immediately following Year 1, and so on.

(c) With respect to third completed condominium building:

Year 1\*:100%  
Year 2 :100%  
Year 3 : 100%  
Year 4 : 100%  
Year 5 : 100%  
Year 6 : 100%  
Year 7 : 100%  
Year 8 : 100%  
Year 9 : 100%  
Year 10: 100%

\*Year 1 for purposes of the third completed condominium building shall be the first calendar year in which the third completed condominium building is fully assessable as of January 1 of such year, PAY the following calendar year; Year 2 shall be the calendar year immediately following Year 1, and so on.

(d) With respect to fourth completed condominium building:

Year 1\*:100%  
Year 2 :100%  
Year 3 : 100%  
Year 4 : 100%  
Year 5 : 100%  
Year 6 : 100%  
Year 7 : 100%  
Year 8 : 100%  
Year 9 : 100%  
Year 10: 100%

\*Year 1 for purposes of the fourth completed condominium building shall be the first calendar year in which the fourth completed condominium building is fully assessable as of January 1 of such year, PAY the following calendar year; Year 2 shall be the calendar year immediately following Year 1, and so on.

Section 6. The Council hereby confirms the Declaratory Resolution, and the actions set forth in this Resolution are final, except for the limited rights of appeal provided under IC 6-1.1-12.1-2.5.

Section 7. The Clerk-Treasurer is hereby authorized to make all filings necessary or desirable and to take all other necessary actions to carry out the purposes and intent of this Resolution and the deductions approved hereunder.

Section 8. This Resolution shall be in full force and effect from and after its adoption.

Passed and adopted by the Common Council of the City of Valparaiso, Porter County, Indiana, this 23rd day of October, 2017.

---

Presiding Officer

ATTEST:

---

Sharon Swihart, Clerk-Treasurer

This resolution presented by me, the Clerk-Treasurer of the City of Valparaiso, Indiana to the Mayor for his approval this \_\_\_ day of October, 2017.

---

Sharon Swihart, Clerk-Treasurer

This resolution signed and approved by me, the Mayor of the City of Valparaiso, Indiana, this \_\_\_\_\_ day of October, 2017.

---

Jon Costas, Mayor

**EXHIBIT A**

**Description and Map of the Area**

DMS 11011134v1