

**VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA**

RESOLUTION NO. 5-8-2008-01

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 AREA BY GREATER THAN TWENTY PERCENT OF ITS ORIGINAL AREA; TO AMEND SAID PLAN FOR ADDENDUM #4 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, the Commission now desires to take further action to amend the Amended Declaratory Resolution for the purposes of: (i) expanding the Consolidated Area by greater than twenty percent (20%) of 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 17.5(e); and

WHEREAS, the Commission caused to be prepared ADDENDUM #4 to the Consolidated Plan ("Addendum #4"), as set forth in EXHIBIT A attached hereto and incorporated herein as ADDENDUM #4 to the Consolidated Plan, consistent with the Act, more specifically Section 17.5(f) 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 #4 expansion areas (the "Expansion Areas") such that Addendum #4 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 #4; (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 #4; 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 #4 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 #4 to the Consolidated Plan" (the "Addendum #4"); and

WHEREAS, the Commission upon presentation reviewed and considered Addendum #4 and its supporting data for designation of the Expansion Areas as economic development areas consistent with Sections 17.5(f) 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, 41, and 43 of the Act to Addendum #4 as an expansion of the Consolidated Area by greater than twenty percent (20%) and to the financing of the Addendum #4.

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

1. Addendum #4 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 #4 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 #4.
3. The public health and welfare will be benefited by accomplishment of the Addendum #4.
4. The accomplishment of Addendum #4 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 #4 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 #4.
7. While Addendum #4 contemplates and documents the possibility of property acquisition as a part of the economic development strategy, Addendum #4 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 #4 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 #4 may be displaced by any project or program resulting from the implementation of Addendum #4, Addendum #4 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 #4 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 #4 (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 May 8, 2038, thirty (30) 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, 2008.

13. Addendum #4 is further hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of Addendum #4 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 #4, 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 #4 is approved by the Plan Commission and the City Council under Section 16 of the Act, Addendum #4 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 8th day of May 2008.

SIGNATURE PAGE

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VALPARAISO, INDIANA**

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ADOPTED AND APPROVED at a meeting of the City of Valparaiso Redevelopment Commission held on the 8th day of May 2008.

**CITY OF VALPARAISO
REDEVELOPMENT COMMISSION**

ABSENT

George Douglas, President

David Smith

David Smith, Vice President

John Bowker

John Bowker, Secretary

Jan Dick

Jan Dick, Commissioner

James L. Jorgensen

James L. Jorgensen, Commissioner

ATTEST:

Stu Summers

Stu Summers, Executive Director

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EXHIBIT A

CONSOLIDATED VALPARAISO AREA ECONOMIC DEVELOPMENT PLAN:
ADDENDUM #4 TO THE CONSOLIDATED PLAN

(Attached Hereto)