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2008-016767

**VALPARAISO REDEVELOPMENT COMMISSION  
VALPARAISO, INDIANA**

STATE OF INDIANA  
PORTER COUNTY  
FILED FOR RECORD  
06/19/2008 02:43PM  
LINDA D. TRINKLER  
RECORDER

**RESOLUTION NO. 6-12-2008-02**

REC FEE: 193.00  
90pp

**RESOLUTION OF THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION CONFIRMING THE AMENDED DECLARATORY RESOLUTION THAT EXPANDED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA BY GREATER THAN TWENTY PERCENT OF ITS ORIGINAL AREA, AMENDED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN FOR THE ADDENDUM #4 AND DESIGNATED THE CONSOLIDATED VALPARAISO ALLOCATION AREA EXPANSION AREAS AS ALLOCATION AREAS AND EXPANDING THE CONSOLIDATED VALPARAISO ALLOCATION AREA, AS AMENDED**

**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 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 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 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

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**WHEREAS**, on February 21, 2008, following a public hearing, the Commission adopted 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 March 3, 2008, a complaint was filed in the Porter County Circuit Court (64C01-0802-MI-2075) challenging the legality of Resolution 2-21-2008 and the actions of the Commission, and on March 31, 2008, an Order was entered by the Circuit Court upholding Resolution 2-21-2008 in its entirety for which the matter is now pending before the Indiana Court of Appeals; and

**WHEREAS**, the Commission caused to be prepared ADDENDUM #4 to the Consolidated Plan (the "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**, on May 8, 2008 after a presentation on Addendum #4 the Commission adopted and approved Resolution 5-8-2008-01 further amending the Amended Declaratory Resolution for the purposes of: (i) expanding the Consolidated Area by greater than twenty percent (20%) of the original 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) amending the Consolidated Plan for said expansion of the Consolidated Area and including certain identified projects and estimated project costs in said expansion areas; and (iii) designating said expansion areas to the Consolidated Area as allocation areas (the "Expansion Areas Allocation Areas") to be included in the Consolidated Valparaiso Allocation Area, all in compliance with the Act, more specifically Sections 17.5(f) and Sections 2.5, 15, 39, 41 and 43; and

**WHEREAS**, the on May 13, 2008, the Valparaiso Plan Commission (the "Plan Commission") adopted, approved, ratified and confirmed RES 08-001 (as set forth in EXHIBIT B attached hereto and incorporated herein) constituting the written order, pursuant to a finding of fact as made a part of said resolution, approving Resolution 5-8-2008-01 as an amending Declaratory Resolution and Addendum #4 determining said conformity with the Official Comprehensive Plan for the City of Valparaiso dated April 2003;

**WHEREAS**, pursuant to Section 16 of the Act the Common Council as the legislative body of the City on May 19, 2008 adopted and approved Resolution No. 7-2008 (as set forth in EXHIBIT C attached hereto and incorporated herein) adopting, approving, ratifying and confirming the Commission's Resolution 5-8-2008-01, the Addendum #4, and the Plan Commission's RES 08-001 as a written order; and, pursuant to Section 41(c) Act the Common Council as the legislative body of the City approved the enlargement of the Consolidated Area as an economic development area; and

**WHEREAS**, pursuant to Section 17(a) of the Act, the Commission caused to be published in The Times on Friday, May 30, 2008 and Post-Tribune on Monday, June 2, 2008 a Notice of Public Hearing with respect to the Commission's actions of Resolution 5-8-2008-01 further amending the Amended Declaratory Resolution; and

**WHEREAS**, pursuant to Section 17(b) of the Act, the Commission caused to be filed on or before June 2, 2008 a copy of said notice in the offices of all departments, bodies, or officers of the City having to do with City planning, variances from zoning ordinances, land use of the issuance of building permits; and

**WHEREAS**, pursuant to Section 17(c) of the Act, the Commission caused to be filed on or before June 2, 2008 a copy of said notice and a statement disclosing the impact of the allocation area provisions of Resolution 5-8-2008-01 (the "Consolidated Valparaiso Area Economic Development Plan: Addendum #4 to the Consolidated Area - Report on Economic and Tax Impact Analysis") with each taxing unit that is wholly or partly located within the Expansion Areas Allocation Areas; and

**WHEREAS**, at a hearing held by the Commission on June 12, 2008 at 7:00 p.m. (CDT), the Commission heard all persons interested in the proceedings and considered written remonstrances and objections as filed with the Commission in a timely manner, if any; and

**WHEREAS**, the Commission desires to modify the allocation provisions of Resolution No. 5-8-2008-01 as adopted and approved on May 8, 2008 to provide for a limitation on the amount of "captured assessment" specific to the Addendum #4 "Expansion Areas Allocation Areas" – Expansion Area 6 such that the Commission shall notify the Porter County Auditor on or before July 15 of each calendar year; and

**WHEREAS**, the Commission now desires to take final action confirming Resolution 5-8-2008-01, including all subsequent approval process proceedings, in accordance with the Act, more specifically Sections 17.5(f) and Sections 2.5, 15, 39, 41 and 43.

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

1. After considering the evidence presented at a hearing of the Commission during its regularly scheduled public meeting of June 12, 2008, the Commission hereby confirms the findings, determinations and designations adopted and approved as contained in the Resolution 5-8-2008-01 as an amending Declaratory Resolution.

2. The Commission further hereby finds and determines that it will be of public utility and benefit to proceed with the Addendum #4, as attached as **EXHIBIT A**, hereto in the form: (i) adopted and approved by the Commission by Resolution 5-8-2008-01 pursuant to the purposes for the Economic Development Area under Sections 2.5, 41 and 43 of the Act; (ii) adopted, approved, ratified and confirmed by the Plan Commission pursuant to its written order of approval and RES 08-001 under Section 16(a) of the Act; and (iii) adopted by the Common Council of the City by Resolution No. 7-2008 under Section 16(b) of the Act approving the actions of the Plan Commission and under Section 41(c) approving the enlargement of the Consolidated Area as an economic development area.

3. The Commission shall not capture assessed valuation in excess of fifty percent (50%) of an assessment year's "growth" above the base assessment in the Addendum #4 "Expansion Areas Allocation Areas" – Expansion Area 6 (real property individual components) such that the "uncaptured assessment" may be released to overlapping taxing units by notification under Indiana Code 36-7-14-39(b)(3)(B).

4. This resolution as the confirming resolution (the "Confirmatory Resolution") constitutes final action by the Commission, pursuant to Section 17(d) of the Act confirming the Resolution 5-8-2008-01 and all actions necessary to take final action as it pertains to the expansion of the Consolidated Area, Addendum #4 and the designation of the expansion area as the Expansion Areas Allocation Areas and to be included in the Consolidated Allocation Area.

5. The Secretary of the Commission is directed to record this Confirmatory Resolution as it constitutes final action taken by the Commission pursuant to the requirements of Section 17(d) of the Act and is directed to file a copy of this Confirmatory Resolution with the minutes of the Commission's June 12, 2008 meeting.

6. This Confirmatory Resolution shall be in full force and effect after its adoption by the Commission.

**ADOPTED AND APPROVED** at a meeting of the City of Valparaiso Redevelopment Commission held on the 12<sup>th</sup> day of June 2008.

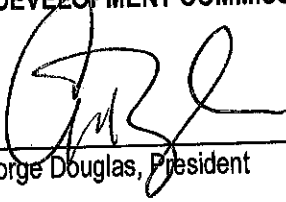
**SIGNATURE PAGE**

**VALPARAISO REDEVELOPMENT COMMISSION  
VALPARAISO, INDIANA**

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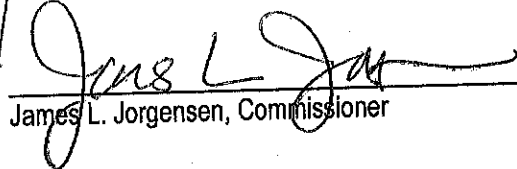
**CITY OF VALPARAISO, INDIANA  
REDEVELOPMENT COMMISSION**

  
\_\_\_\_\_  
George Douglas, President


  
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David Smith, Vice President

  
\_\_\_\_\_  
John Bowker, Secretary

  
\_\_\_\_\_  
Jan Dick, Commissioner

  
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James L. Jorgensen, Commissioner

**ATTEST:**

  
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Stu Summers, Executive Director