

## **RESOLUTION NO. 19-2004**

### **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, APPROVING THE EXPANSION OF THE CENTER ECONOMIC DEVELOPMENT AREA AND THE RE-CHARACTERIZATION OF THE FRANKLIN STREET REDEVELOPMENT AREA AS AN ECONOMIC DEVELOPMENT AREA**

WHEREAS, on February 6, 1995, the City of Valparaiso Redevelopment Commission (the "Commission") adopted its Resolution No. 1, 1995 (the "Original Southeast Declaratory Resolution"), as subsequently confirmed, following a public hearing, by the adoption of a Confirmatory Resolution (Resolution No. 2, 1995) on March 15, 1995, declaring an area within the City of Valparaiso, Indiana (the "City"), known as the "Southeast Economic Development Area" to be an economic development area (the "Original Southeast Area") within the meaning of Indiana Code 36-7-14, as amended from time to time (the "Act"), and designating the Original Southeast Area as an allocation area under Section 39 of the Act (the "Original Southeast Allocation Area"), and approving an economic development plan for the Original Southeast Area (the "Original Southeast Plan"); and

WHEREAS, on January 29, 1996, following a public hearing, the Commission adopted its Resolution No. 1, 1996, which amended the Original Southeast Area and the Original Southeast Allocation Area to include property that was unintentionally omitted from the legal description for such areas upon their establishment; and

WHEREAS, on January 10, 2000 and February 28, 2000, following a public hearing, the Commission adopted its Resolution No. 1, 2000 and Resolution No. 2, 2000, respectively, deleting a portion of the Original Southeast Allocation Area in Washington Township (the "Removed Allocation Area"), creating a second allocation area comprised solely of the Removed Allocation Area (the "Washington Township Allocation Area") (the first allocation area remaining after such deletion is located entirely in Center Township and shall be referred to as the "Amended Southeast Allocation Area"), and amending the Original Southeast Plan; and

WHEREAS, on April 11, 2001, following a public hearing, the Commission adopted its Resolution No. 1, 2001, amending the Original Southeast Declaratory Resolution (the Original Southeast Declaratory Resolution, as amended, shall hereinafter be referred to as the "Southeast Declaratory Resolution") to expand the Original Southeast Area (the Original Southeast Area, as expanded, shall hereinafter be referred to as the "Southeast Area") and the Amended Southeast Allocation Area (the Amended Southeast Allocation Area, as expanded, shall hereinafter be referred to as the "Southeast Allocation Area") and amending the Original Southeast Plan (the Original Southeast Plan, as amended, shall hereinafter be referred to as the "Southeast Plan"); and

WHEREAS, on February 12, 2003, the Commission adopted its Resolution No. 1, 2003 (the "North Central Declaratory Resolution"), as subsequently confirmed, following a public hearing, by the adoption of a Confirmatory Resolution (Resolution No. 2, 2003) on April 9, 2003, declaring an area within the City, known as the "North Central Redevelopment Area" to be blighted within the meaning of the Act and thereby constituting a redevelopment area for purposes thereof (the "North Central Area"), and designating the North Central Area as an allocation area for purposes of Section 39 of the Act (the "North Central Allocation Area"), and approving a redevelopment plan for the North Central Area that incorporates a factual report supporting the Commission's blight findings (the "North Central Plan"); and

WHEREAS, on June 18, 2003, following a public hearing, the Commission adopted its Resolution No. 4 (the "Consolidating Resolution"), which amended the Southeast Declaratory Resolution (as so amended, the "Amended Southeast Declaratory Resolution") and the North Central Declaratory Resolution (as so amended, the "Amended North Central Declaratory Resolution") to consolidate the Southeast Area and North Central Area into a single economic development area known as the "Center Economic Development Area" (the "Center Area") by setting forth additional statutory findings of economic development for the North Central Area; however, the Consolidating Resolution retained distinct allocation areas (Southeast Allocation Area, Washington Township Allocation Area and North Central Allocation Area) with their respective base assessment dates and ratified and confirmed the continued applicability of the

Southeast Plan and the North Central Plan and the findings contained therein to the respective portions of the Center Area (formerly, the Southeast Area and North Central Area); and

WHEREAS, on June 1, 1998, the Commission adopted its Resolution No. 1, 1998 as amended (the "Franklin Street Declaratory Resolution"), as subsequently confirmed, following a public hearing, by the adoption of a Confirmatory Resolution on July 14, 1998, declaring an area within the City, known as the "Franklin Street Redevelopment Area" to be blighted within the meaning of the Act and thereby constituting a redevelopment area for purposes thereof (the "Franklin Street Area"), and designating the Franklin Street Area as an allocation area under Section 39 of the Act (the "Franklin Street Allocation Area"), and approving a redevelopment plan for the Franklin Street Area (the "Franklin Street Plan") that incorporates a factual report supporting the Commission's blight findings; and

WHEREAS, the Amended Southeast Declaratory Resolution, the Amended North Central Declaratory Resolution, the Franklin Street Declaratory Resolution, the Southeast Plan, the North Central Plan and the Franklin Street Plan have been heretofore approved by the City of Valparaiso Plan Commission and the Common Council of the City (the "City Council") as required by Sections 16 and 41(c) of the Act; and

WHEREAS, on December 8, 2004, following a public hearing, the Commission adopted Resolution No. 12-8-2004-1, a copy of which is attached hereto (the "Commission Resolution"), determining, among other things, (i) to expand the Center Area by two (2) separate expansion areas (collectively, the "Expansion Areas"), the combined area of the Expansion Areas not exceeding twenty percent (20%) of the Center Area; and (ii) to re-characterize the Franklin Street Area as an economic development area within the meaning of Section 41 of the Act; and

WHEREAS, Section 41(c) of the Act requires that the legislative body of the City approve (i) the proposed enlargement of any boundary in an economic development area; and (ii) the determination that a geographic area is an economic development area; and

WHEREAS, the City Council, as the legislative body of the City, now desires to approve both (i) the expansion of the Center Area; and (ii) the re-characterization of the Franklin Street Area as an economic development area, as set forth in the Commission Resolution in order to permit the Commission to further proceed with the economic development of the newly-created Consolidated Valparaiso Economic Development Area;

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

1. The expansion of the Center Area as set forth in the Commission Resolution is hereby approved pursuant to Section 41(c) of the Act.
2. The re-characterization of the Franklin Street Area as an economic development area as set forth in the Commission Resolution is hereby approved pursuant to Section 41(c) of the Act.
3. This Resolution shall be in full force and effect from and after its passage by the City Council.

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PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana,  
this \_\_\_\_\_ day of December, 2004.

COMMON COUNCIL OF THE  
CITY OF VALPARAISO, INDIANA

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, on the \_\_\_\_\_ day of  
December, 2004, at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
Clerk-Treasurer

This Resolution approved and signed by me on the \_\_\_\_\_ day of December, 2004.

\_\_\_\_\_  
Mayor