

STATE OF INDIANA
RESOLUTION NO. 2151

2000 044047

2000 JUN 22 AM 11:25

RESOLUTION OF THE CITY OF GARY, INDIANA,
REDEVELOPMENT COMMISSION REGARDING THE
AMENDMENT OF THE URBAN RENEWAL PLAN FOR AND THE
EXPANSION OF THE CITY OF GARY MIDTOWN URBAN RENEWAL AREA

WHEREAS, the City of Gary, Indiana, Redevelopment Commission (the "Commission"), governing body of the City of Gary, Indiana, Department of Redevelopment did, on June 12, 1967, adopt Resolution No. 290 (the "Number 1 Declaratory Resolution") declaring the Midtown West Number 1 Urban Renewal Area (the "Area Number 1") to be a blighted area within the meaning of I.C. 36-7-14 (the "Act") and approving an Urban Renewal Plan for the Area Number 1 (the "Number 1 Plan") pursuant to the Act; and

WHEREAS, the Number 1 Declaratory Resolution was approved by a resolution of the City Plan Commission of the City of Gary, Indiana (the "Plan Commission"); and

WHEREAS, the action of the Plan Commission with respect to Area Number 1 was approved by the Common Council of the City on August 28, 1967; and

WHEREAS, Resolution 290 was confirmed by the Commission; and

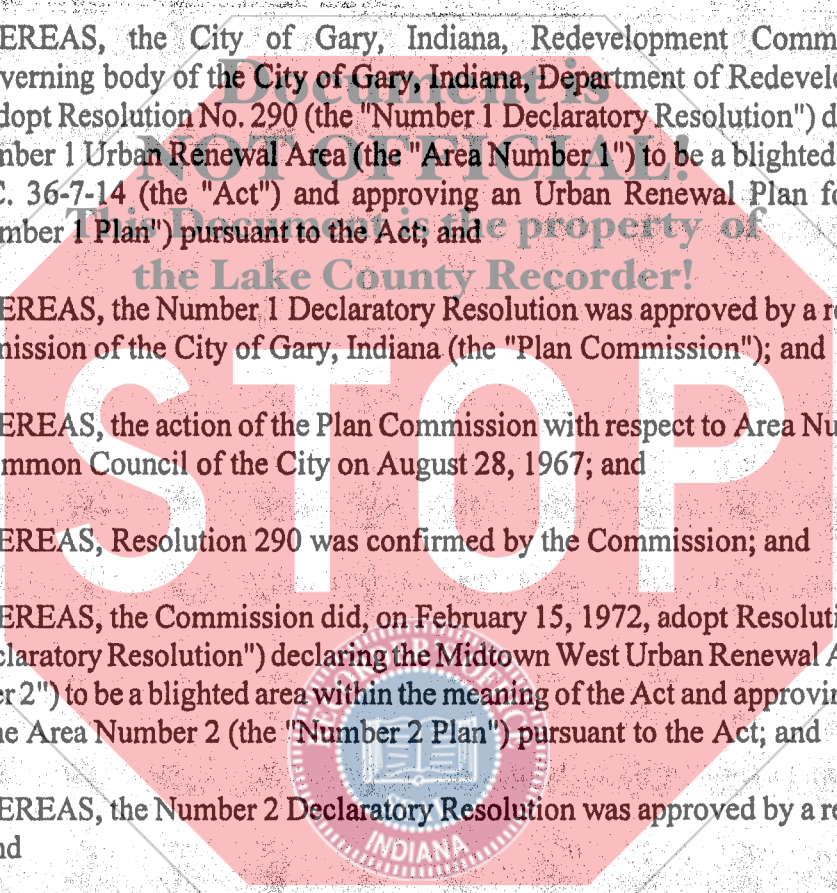
WHEREAS, the Commission did, on February 15, 1972, adopt Resolution No. 473 (the "Number 2 Declaratory Resolution") declaring the Midtown West Urban Renewal Area Project II (the "Area Number 2") to be a blighted area within the meaning of the Act and approving an Urban Renewal Plan for the Area Number 2 (the "Number 2 Plan") pursuant to the Act; and

WHEREAS, the Number 2 Declaratory Resolution was approved by a resolution of the Commission; and

WHEREAS, the action of the Plan Commission with respect to Area Number 2 was approved by the Common Council of the City on March 21, 1972; and

WHEREAS, Resolution 473 was confirmed by the Commission; and

WHEREAS, the Commission by Resolution No. 1836 (the "Consolidated Declaratory Resolution") consolidated and amended the Number 1 Plan and Number 2 Plan on November 15, 1995 (the Number 1 Plan and Number 2 Plan as consolidated and amended collectively referred to herein as the "Plan") by consolidating Area Number 1 and Area Number 2 (collectively the "Area") and enlarging the boundaries of the Area; and



2000
GRD
AS

WHEREAS, the Consolidated Declaratory Resolution was approved by a resolution of the Plan Commission adopted on October 11, 1995; and

WHEREAS, the action of the Plan Commission with respect to the Consolidated Declaratory Resolution was approved by the Common Council with the adoption of Resolution 95-37, adopted on October 17, 1995; and

WHEREAS, Resolution 1836 was confirmed by the Commissioner with the adoption of Resolution 1845, adopted on November 15, 1995.

WHEREAS, the Commission desires to amend the Plan in order to (i) declare certain areas within the City of Gary, Indiana (the "City") located within the City adjacent to the Area as a redevelopment area for the purpose of expanding the Area (the "Expansion Area"); (ii) to provide for the acquisition of certain property located in the Expansion Area; and (iii) include as part of the Plan additional projects to be completed in the Area and the Expansion Area (the "Amendment"); and

WHEREAS, the Commission desires to designate the Expansion Area as an allocation area for purposes of I.C. 36-7-14-39; and

WHEREAS, I.C. 36-7-14-17.5 provides the means for approving amendments to the Plan and I.C. 36-7-14-39.1 permits the designation of the Area as an allocation area for purposes of I.C. 36-7-14-39; and

WHEREAS, the Commission has complied with the notice provisions of I.C. 36-7-14-17.5(a), (d) and (e); and

WHEREAS, at the hearing held by the Commission on the 21st day of June, 2000, at 4:00 p.m., at the office of the Commission located at 100 West Fourth Avenue, 3rd Floor, Adam Benjamin Jr. Metro Center, Gary, Indiana, the Commission heard all persons interested in the proceedings relating to the Amendment of the Plan and the designation of the Area as an allocation area and received _____ written remonstrances and objections, if any, and such other evidence presented;

NOW THEREFORE, BE IT RESOLVED by the City of Gary, Indiana, Redevelopment Commission, governing body of the City of Gary, Indiana, Department of Redevelopment as follows:

1. The Commission finds that the Amendment and the designation of the Expansion Area as an allocation area are reasonable and appropriate when considered in relation to the Plan and purposes of I.C. 36-7-14.

2. The Commission finds that the Plan, with the proposed Amendment, and the designation of the Expansion Area as an allocation area, conform to the comprehensive plan of the City.

3. The Plan is amended to include the Second Amendment to the Amended and Consolidated Renewal Plan for the Midtown Urban Renewal Area as shown by the Amendment attached hereto, and is hereby in all respects approved.

4. The Commission hereby finds and determines that for purposes of the allocation provisions of Section 39 of the Act, the Expansion Area shall constitute an Allocation Area for purposes of the Act and this Resolution.

5. Such Allocation Area shall be designated as the "Midtown Urban Renewal Area, Allocation Area No. 3" ("Allocation Area No. 3").

6. Any property taxes levied on property in Allocation Area No. 3 in 2000 for collection in 2001, and thereafter, except as otherwise provided in Section 39 of the Act, by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in Allocation Area No. 3 shall be allocated and distributed as follows:

a. The proceeds of the taxes attributable to the lesser of: (i) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or (ii) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of these allocation provisions (as adjusted under Section 39(h) of the Act), which assessment date is March 1, 2000; and, to the extent not included in the above, the proceeds of taxes attributable to property that is assessed as residential property under the rules of the State Board of Tax Commissioners regardless of the assessment date for such residential property shall be allocated to, and when collected, paid into the funds of the respective taxing units;

b. Property tax proceeds in excess of those described in clause (a) shall be allocated to the Redevelopment District and, when collected, paid into an allocation fund for Allocation Area No. 3, such fund hereinafter created by this Resolution.

c. The proceeds distributed to the Redevelopment District pursuant to Paragraph 6(b) hereof, shall be deposited in an allocation fund designated "City of Gary, Department of Redevelopment, Midtown Urban Renewal Area, Allocation Area No. 3 Allocation Fund" (the "Allocation Fund"), and may be used only as provided for in the Act, and more particularly to (i) pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the Redevelopment District for the purpose of financing or refinancing the redevelopment of Allocation Area No. 3; (ii) establish, augment, or restore the debt service reserve for bonds payable solely or in part

from allocated tax proceeds in Allocation Area No. 3; (iii) pay the principal of and interest on bonds payable from allocated tax proceeds in Allocation Area No. 3 and from the special tax levied under Section 27 of the Act; (iv) pay the principal of and interest on bonds issued by the City to pay for local public improvements in or serving Allocation Area No. 3; (v) pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in Allocation Area No. 3; (vi) make payments on leases payable from allocated tax proceeds in Allocation Area No. 3 under Section 25.2 of the Act; (vii) reimburse the City for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in Section 25.1(a) of the Act) in or serving Allocation Area No. 3; (viii) reimburse the City for rentals paid by it for a building or parking facility in or serving Allocation Area No. 3 under any lease entered into under I.C. 36-1-10; (ix) pay all or a portion of a property tax replacement credit to taxpayers in Allocation Area No. 3 as determined by the Commission in accord with the provisions of the Act; (x) pay expenses incurred by the Commission for local public improvements that are in or serving Allocation Area No. 3; and (xi) reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located in the allocation area and on a parcel of real property that has been classified as industrial property under the rules of the state board of tax commissioners in accord with the provisions of the Act;

provided however, that if future uses of property tax proceeds allocated to the Allocation Fund are authorized or permitted by amendments to the Act, including I.C. 36-7-14-39, after the effective date of this Resolution, those uses shall also be authorized or permitted for property tax proceeds allocated to the Allocation Fund.

7. Except as provided in Section 39(g) of the Act, before July 15 of each year, the Commission shall do the following:

a. Determine the amount, if any, by which property taxes payable to the Allocation Fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in Paragraph 6(c) plus the amount necessary for the other purposes described in Paragraph 6(c).

b. Notify the County Auditor of the amount, if any, of the amount of excess property taxes that the Commission has determined may be paid to the respective taxing units in the manner prescribed in Paragraph 6(a). The Commission may not authorize the payment to the respective taxing units if to do so would endanger the interests of the holders of bonds described in Paragraph 6(c) or lessors under Section 25.3 of the Act.

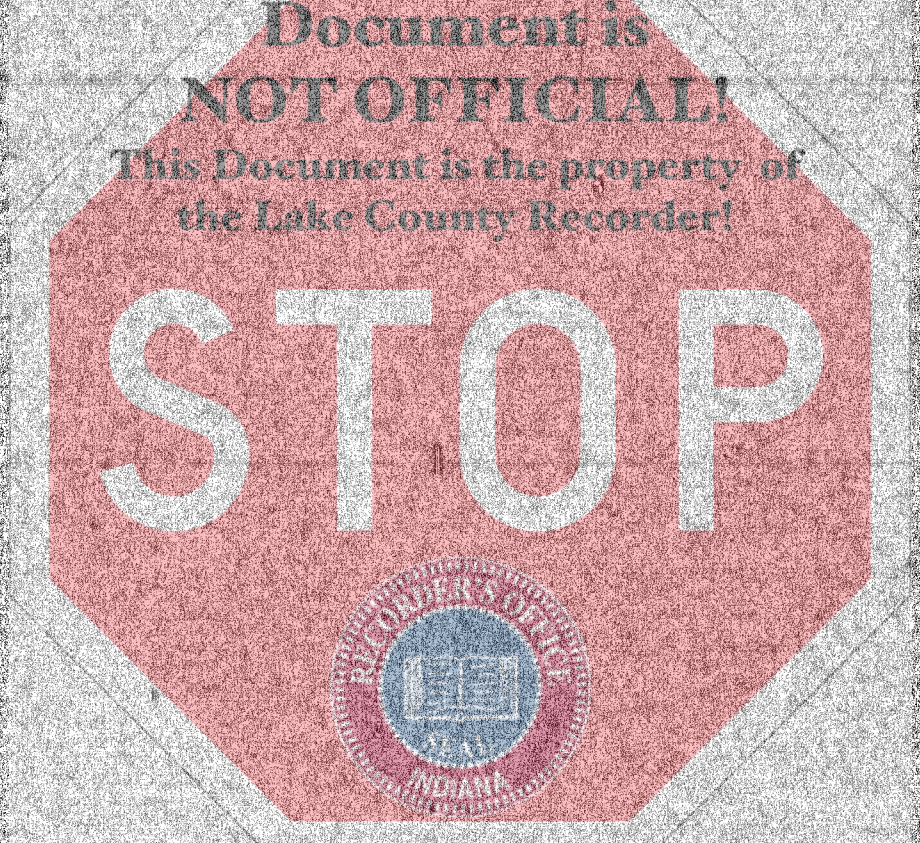
8. "Property Taxes" referred to herein shall mean taxes imposed under I.C. 6-1.1 on real property only.

9. The allocation provisions of Paragraph 6 hereof shall expire no later than December 31, 2030.

10. The Secretary is hereby directed to file a certified copy of the Plan, as amended, with the minutes of this meeting.

11. The Secretary is directed to record this resolution pursuant to the requirements of I.C. 36-7-14-17.5(g).

12. All other findings, determinations, and conclusions in Resolution No. 290 and 473, as amended, shall remain as stated therein.



Adopted at a meeting of the City of Gary, Indiana, Redevelopment Commission held on June 21, 2000, at the 100 West Fourth Avenue, 3rd Floor, Adam Benjamin Jr. Metro Center, Gary, Indiana.

CITY OF GARY, INDIANA,
REDEVELOPMENT COMMISSION

By: *Suzette Raggs*
Suzette Raggs, President

ATTEST:

Ruby L. Johnson
Ruby L. Johnson, Secretary

