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RESOLUTION NO. 2955

RESOLUTION OF THE CITY OF GARY, INDIANA, REDEVELOPMENT COMMISSION APPROVING AN AMENDMENT TO THE CITY OF GARY SMALL FARMS URBAN RENEWAL PROJECT AREA AND URBAN RENEWAL PLAN AND CREATING A NEW ALLOCATION AREA

2007
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WHEREAS, the City of Gary, Indiana, Redevelopment Commission (the "Commission") has previously adopted a resolution, and amended such resolution as provided below (collectively, the "Authorizing Resolution") designating an area located within the boundaries of the City of Gary, Indiana (the "City") as the Small Farms Urban Renewal Project Area, as described at Exhibit A attached hereto and incorporated herein (the "Area") and approved an Urban Renewal Plan dated as of March 3, 1969, as amended on August 1, 1974, and as further amended on June 16, 1976, and as further amended as provided below (collectively, the "Plan"), all pursuant to IC 36-7-14 (the "Act"); and

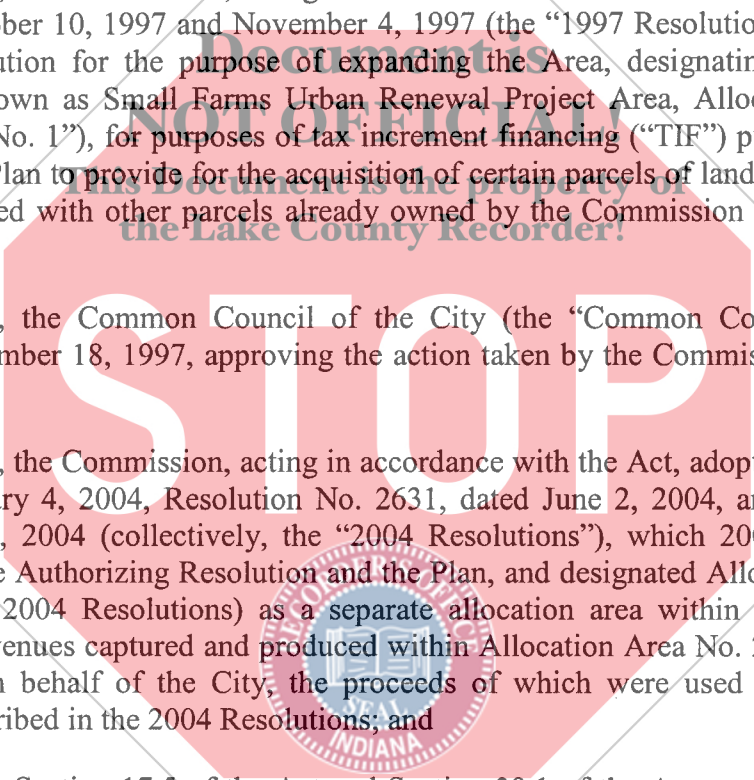
WHEREAS, the Commission, acting in accordance with Section 17.5 of the Act, adopted resolutions on October 10, 1997 and November 4, 1997 (the "1997 Resolutions") amending the Authorizing Resolution for the purpose of expanding the Area, designating the Area as an allocation area, known as Small Farms Urban Renewal Project Area, Allocation Area No. 1 ("Allocation Area No. 1"), for purposes of tax increment financing ("TIF") pursuant to the Act, and amending the Plan to provide for the acquisition of certain parcels of land located within the Area to be combined with other parcels already owned by the Commission for the purpose of redevelopment; and

WHEREAS, the Common Council of the City (the "Common Council") adopted a resolution on November 18, 1997, approving the action taken by the Commission to amend the Plan; and

WHEREAS, the Commission, acting in accordance with the Act, adopted Resolution No. 2583, dated February 4, 2004, Resolution No. 2631, dated June 2, 2004, and Resolution No. 2653, dated July 7, 2004 (collectively, the "2004 Resolutions"), which 2004 Resolutions (i) further amended the Authorizing Resolution and the Plan, and designated Allocation Area No. 2 (as defined in the 2004 Resolutions) as a separate allocation area within the Area, and (ii) pledged the TIF revenues captured and produced within Allocation Area No. 2 to the repayment of bonds issued on behalf of the City, the proceeds of which were used to finance certain projects, all as described in the 2004 Resolutions; and

WHEREAS, Section 17.5 of the Act and Section 39.1 of the Act provide the means for approving amendments to the Authorizing Resolution and to the Plan; and

WHEREAS, there has been proposed to the Commission a project involving the construction by Rolling Plains Properties, LLC of an approximately 50,000 square foot facility to house the operations of Truck City of Gary, Inc. and related improvements (the "Project"), which Project would involve a capital investment of approximately \$5,000,000; and



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6/28/07

FILED

JUN 28 2007

PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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WHEREAS, pursuant to Section 39 of the Act, the Commission desires to amend the Authorizing Resolution to create a separate allocation area within the Area described at Exhibit B attached hereto and incorporated herein, to be designated "Small Farms Urban Renewal Project Area, Allocation Area No. 3" ("Allocation Area No. 3") for the purpose of capturing TIF revenues produced within Allocation Area No. 3 and to amend the Plan to include the Project, such amendment entitled "2007 Amendment to Urban Renewal Plan Small Farms Urban Renewal Area," as set forth at Exhibit C attached hereto and incorporated herein (the "Plan Amendment"); and

WHEREAS, the Commission has complied with the notice provisions of Section 17.5(a) of the Act; and

WHEREAS, at the hearing held by the Commission on June 20, 2007, at 4:00 p.m., at the offices of the City of Gary, Indiana, Department of Redevelopment, City Hall Annex, 839 Broadway, 2nd Floor, Gary, Indiana, the Commission heard all persons interested in the proceedings relating to the designation of Allocation Area No. 3 as a separate allocation area and the adoption of the Plan Amendment 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 hereby further amends the Authorizing Resolution and Plan by designating Allocation Area No. 3 as a separate allocation area for purposes of the allocation and distribution of property taxes under Section 39 of the Act. The base assessment date for the property in Allocation Area No. 3 shall be March 1, 2007. The allocation provisions of the Act shall, with respect to Allocation Area No. 3, expire on June 20, 2037.
2. The Commission hereby further amends the Plan to add the Plan Amendment.
3. The Commission finds that the further amendments to the Authorizing Resolution and Plan set forth in this Resolution through the designation of Allocation Area No. 3 as a separate allocation area for purposes of Section 39 of the Act and the adoption of the Plan Amendment are reasonable and appropriate when considered in relation to the Authorizing Resolution, the Plan and purposes of the Act.
4. The Commission finds that the Authorizing Resolution and Plan, with the proposed amendments described herein, conform to the comprehensive plan of the City.
5. The Secretary is hereby directed to file a certified copy of this Resolution and the Plan Amendment with the minutes of this meeting.
6. The Secretary is directed to record this Resolution pursuant to the requirement of I.C. 36-7-14-17.5(g).

Adopted at a meeting of the City of Gary, Indiana, Redevelopment Commission held on June 20, 2007, at the City Hall Annex, 839 Broadway, 2nd Floor, Gary, Indiana.

CITY OF GARY, INDIANA,
REDEVELOPMENT COMMISSION

By: *Geraldine B. Tousant*
President
Geraldine B. Tousant

ATTEST:

Namon Flournoy
Secretary , Acting
Namon Flournoy



Exhibit A

Beginning at a point formed by the intersection of the centerline of Pierce Street and the centerline of Nineteenth Place; thence westerly along the centerline of Nineteenth Place to the centerline of Grant Street; thence southerly along said line to the centerline of Twenty-first Avenue; thence westerly along said line to the centerline of Whitcomb Street; thence southerly along said line to the centerline of Twenty-third Avenue; thence westerly along said line to the centerline of Clark Street; thence southerly along said line to the centerline of Twenty-fifth Avenue; thence easterly along said line to the centerline of Chase Street; thence southerly along said line and continuing along the original centerline, which is forty feet west of the east right-of-way line to Chase Street to the north right-of-way line of the Tri-State Highway; thence easterly, northeasterly and northerly along said right-of-way line to the centerline of Twenty-fifth Avenue; thence easterly along said line to the centerline of Grant Street; thence northerly along said line to the centerline of Twenty-second Avenue; thence easterly along said line to the centerline of Lincoln Street; thence northerly along said line to the centerline of Twenty-first Avenue; thence easterly along said line to the centerline of Pierce Street; thence northerly along said line, if extended, to the centerline of Nineteenth Place, which is the point of beginning.



Exhibit B

Part of Government Lot 3 of the 1872 Government "Subdivision of Morass Lands": also Lots 1 through 5 inclusive, Lots 45 through 58 inclusive, and parts of Lots 59 and Lots 93 through 96 inclusive, all in the Taft Street Plat, as per plat thereof recorded in Plat Book 26, Page 51 in the Office of the Recorder of Lake County, Indiana: also Lots 31 through 42 inclusive and parts of Lot 30 and Lots 1 through 13 inclusive in Block 13. Lots 1 through 12 inclusive; Lots 31 through 42 inclusive, and parts of Lots 13 and 30 in Block 14, Lots 1 through 4 inclusive in Block 15, and parts of Lots 1 through 5 inclusive in Block 16, all in Ridgemoor Real Estate Co.'s 2nd Addition to Gary (hereafter "Ridgemoor"), as per plat thereof recorded in Plat Book 12, Page 26 in the Office of the Recorder of Lake County, Indiana: also parts of certain unimproved rights-of-way adjacent to and between the above mentioned lots; all in the Southwest Quarter of Section 17, Township 36 North, Range 8 West of the Second Principal Meridian, Lake County, Indiana, being further described as follows: Commencing at the northwest corner at said Southwest Quarter, being also the northwest corner of Government Lot 4 of said Section 17, thence South 89 degrees 44 minutes 20 seconds East (assumed bearing) 1570.99 feet along the north line of said Southwest Quarter thence South 00 degrees 39 minutes 30 seconds East 42.51 feet (passing into said Ridgemoor) to the south right-of-way of 25th Avenue, which point being the Point of Beginning of this description, thence South 89 degrees 44 minutes 20 seconds East 1069.06 feet along said south right-of-way (passing out of said Ridgemoor) to the northern prolongation of the centerline of Taft Street as depicted on the Taft Street Plat mentioned above being also the east line of lands depicted in Survey Book 7, Page 38 in the Office of the Recorder of said county, thence South 00 degrees 39 minutes 30 seconds East 838.05 feet along said extended centerline and centerline (passing into said Taft Street Plat) to the eastern prolongation of the south line of Lot 5 of said Taft Street Plat, thence North 89 degrees 43 minutes 16 seconds West 330.41 feet along said prolonged south line and south line is the southwest corner of said Lot 5 of said Taft Street Plat; thence South 00 degrees 39 minutes 34 seconds East 225.00 feet along the east lines of Lots 47, 46 and 45 to the southeast corner of said Lot 45 of said Taft Street Plat; thence North 89 degrees 43 minutes 16 seconds West 300.36 along the south line of Lot 45 to the southwest corner thereof, thence South 00 degrees 39 minutes 34 seconds East 92.26 feet along the east right-of-way of unimproved Ellsworth Street (as per the above mentioned Taft Street Plat) to the north right-of-way of Interstate 80/94, thence North 89 degrees 39 minutes 00 seconds West 360.36 feet along said north right-of-way to the east line of Lot 92 in said Taft Street Plat; thence North 00 degrees 39 minutes 35 seconds West 16.81 feet along the east line of said Lot 92 to the northeast corner thereof; thence North 89 degrees 43 minutes 16 seconds West 77.95 feet along the north line of Lot 92 in said Taft Street Plat; thence North 00 degrees 39 minutes 30 seconds West 1137.72 feet (passing into said Ridgemoor) to the Point of Beginning and containing 25.271 acres more or less.

Exhibit C

2007 Amendment to Urban Renewal Plan
Small Farms Urban Renewal Area
Gary, Indiana



Adopted by the City of Gary, Indiana,
Redevelopment Commission
on _____, 2007

**2007 Amendment to Urban Renewal Plan
Small Farms Urban Renewal Area**

INTRODUCTION

The City of Gary, Indiana, Redevelopment Commission (“Commission”) has previously approved, on March 3, 1969, the Urban Renewal Plan Small Farms Urban Renewal Area (the “Urban Renewal Plan”), and has previously amended the Urban Renewal Plan (the Urban Renewal Plan, as amended, the “Plan”). The area subject to the Plan, the Small Farms Urban Renewal Project Area (the “Area”), is described more fully on Exhibit A attached hereto and incorporated herein. The Commission has previously designated the entire Area as an allocation area, known as “Small Farms Urban Renewal Project Area, Allocation Area No. 1” (“Allocation Area No. 1”), and has previously created an additional allocation area from within the Area, as a new and separate allocation area known as “Allocation Area No. 2” (“Allocation Area No. 2”). By Resolution this day of the Commission, an additional and separate allocation area is being created from within the Area, as described on Exhibit B attached hereto and incorporated herein, to be designated “Small Farms Urban Renewal Project Area, Allocation Area No. 3” (“Allocation Area No. 3”), for purposes of collecting tax increment finance (“TIF”) revenues generated from within Allocation Area No. 3, including such TIF revenues as are generated by the Project (as defined below).

DESCRIPTION OF PROJECT

The project to be located in Allocation Area No. 3 (the “Project”) consists of the following:

Rolling Plains Properties, LLC intends to construct a building consisting of approximately 50,000 square feet located on approximately 25 acres at 25th Avenue and Taft Street in the City of Gary, Indiana (the “City”) which will be leased to Truck City of Gary, Inc. (“Truck City”). Truck City has been in operation in the City for 61 years and serves the transportation logistics industry by providing Freightliner, Sterling and Western Star truck and parts sales and services from its current location at 7360 W. Chicago Avenue, Gary, Indiana. The new dealership building will include a high tech repair and a training facility, utilized to train mechanics and other service personnel. The facility will be two stories with a split-faced block and aluminum sided exterior. The business currently employs several northwest Indiana residents and will continue to use its best efforts to hire and retain employees residing in the area and in the City. The cost of construction of the facility is expected to be approximately \$5,000,000. The interior of the building will contain a large truck service area, parts storage & sales, office space, employee and visitor lounges and training rooms. The training program to be implemented by Truck City is expected to be implemented in cooperation with the City. The real estate for the Project was acquired as part of the eminent domain settlement arrangement with the Gary/Chicago International Airport Authority. The Project will constitute a revitalization of an economically underdeveloped area and will benefit the City and the surrounding community as a result of the operation and the aesthetically prominent appearance of the building.

FINDINGS AND CONCLUSION

The Project as described herein, is in accordance with the goals of the Commission in creating the Area and will further the objectives of the Plan.

The Plan is hereby further amended to incorporate and include the Project within the Plan, such Project to be located within Allocation Area No. 3 within the Area. To the extent that any provisions or restrictions of the Plan related to Land Use in existence prior to the date of the amendments set forth herein are inconsistent with the Project, such provisions and restrictions are hereby waived by the Commission with regard to the Project, provided that the Project, as constructed, is in compliance with applicable building and zoning ordinances, rules and regulations of the City.

The foregoing amendments are reasonable and appropriate when considered in relation to the Plan and the purposes of Indiana Code 36-7-14. The Plan, with the amendments, conforms to the comprehensive plan for the City.



EXHIBIT A

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Legend

- Allocation Area No 1 Gary Small Farms
- Allocation Area No 2 County Market
- Allocation Area No 3 Gary Truck City
- SFURA IND R67
- STREET_CENTERLINE

The City of Gary, Gary Sanitary District, Gary Storm Water Management District or the State of Indiana may not be held liable for any loss or injury resulting from reliance upon the information herein.

**SMALL FARMS URBAN RENEWAL AREA
ALLOCATION AREAS**



4

CITY OF GARY, DEPARTMENT OF REDEVELOPMENT
SMALL FARMS URBAN RENEWAL AREA
ALLOCATION AREAS
DATE: JUNE 5, 2007
SCALE: 1" = 800'
SHEET: 01
REV: 0

PREPARER'S AFFIRMATION STATEMENT

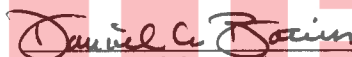
This form has been signed by the preparer of a document and recorded with each document in accordance with House Enrollment Act (HEA) 1114 - Redact Legislation.

A Declaration, County Form 170, was designed for the purpose of making the affirmation and was no longer required to be filed as of March 24, 2006. However, HEA 1114 requires an affirmation statement be included on the instrument. Whether or not the affirmation statement is required, it is unlawful for anyone under Indiana Code 36-2-7.5-2 to submit to the county recorder for recording or filing a document that contains the social security number of an individual, unless that social security number is required by law.

The law does not provide where the affirmation statement is to be located, however, the State Board of Accounts recommends¹ that the affirmation statement be located near (either before or after) the Preparer's statement and that maps, plats and surveys typically would be required to contain the affirmation statement.

Now therefore, **This Document is the property of the Lake County Recorder!**

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."


Signature of the Declarant

Daniel A. Botich
Printed Name of the Declarant

Associate
Cender & Company L.L.C.
8585 Broadway, Suite 777
Merrillville, IN 46410

June 28, 2007

Date

¹ State Board of Accounts (State of Indiana) Memorandum dated June 22, 2006 by Bruce A. Hartman, C.P.A. and State Examiner.