

2007 052818

2007 JUN 20 10:12:47

**RESOLUTION NO: 2954**

**RESOLUTION OF THE CITY OF GARY, INDIANA,  
REDEVELOPMENT COMMISSION REGARDING AN AMENDMENT TO THE  
CONSOLIDATED DECLARATORY RESOLUTION TO AMEND THE  
REDEVELOPMENT PLAN FOR THE MIDTOWN URBAN RENEWAL AREA**

**WHEREAS**, the City of Gary, Indiana ("City") Redevelopment Commission (the "Commission"), the governing body of the Department of Redevelopment of the City and the Redevelopment District ("District") of the City, exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code ("I.C.") 36-7-14, as amended from time to time, (the "Act");

**WHEREAS**, the Commission previously established certain areas in the City declared as blighted within the meaning of the Act as Urban Renewal Plan for the Midtown-West No. 1 Urban Renewal Area Project No. IND. R-62 and the Midtown West Project II Urban Renewal Plan (collectively, the "Original Plan" and the "Original Area") dated as of June 12, 1967 (Resolution No. 290) and February 15, 1972 (Resolution No. 473), respectively;

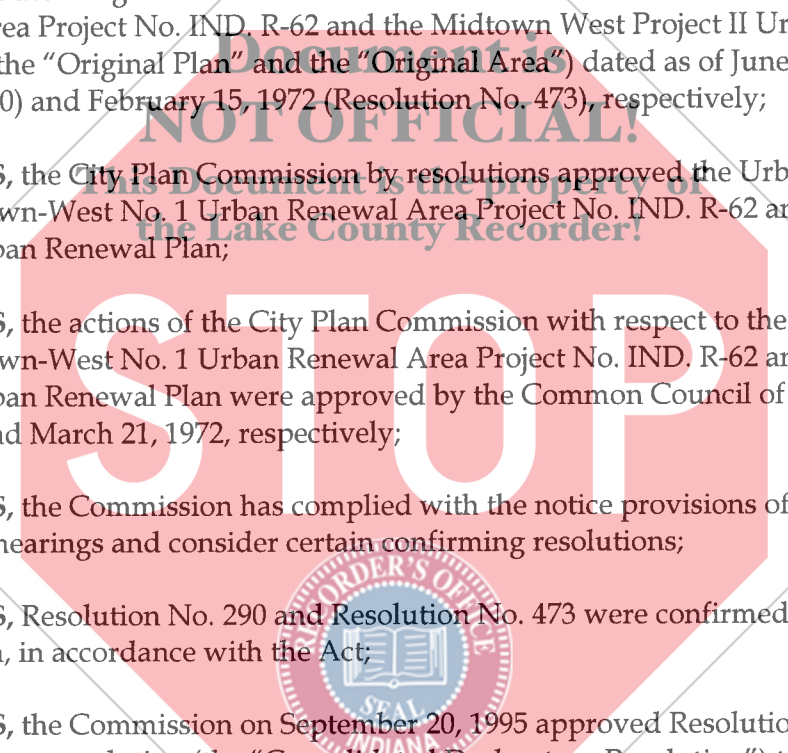
**WHEREAS**, the City Plan Commission by resolutions approved the Urban Renewal Plan for the Midtown-West No. 1 Urban Renewal Area Project No. IND. R-62 and the Midtown West Project II Urban Renewal Plan;

**WHEREAS**, the actions of the City Plan Commission with respect to the Urban Renewal Plan for the Midtown-West No. 1 Urban Renewal Area Project No. IND. R-62 and the Midtown West Project II Urban Renewal Plan were approved by the Common Council of the City on August 28, 1967 and March 21, 1972, respectively;

**WHEREAS**, the Commission has complied with the notice provisions of the Act in order to conduct public hearings and consider certain confirming resolutions;

**WHEREAS**, Resolution No. 290 and Resolution No. 473 were confirmed by resolutions of the Commission, in accordance with the Act;

**WHEREAS**, the Commission on September 20, 1995 approved Resolution No. 1836, an amending declaratory resolution (the "Consolidated Declaratory Resolution") to: (i) enlarge the boundaries of the Original Area to include an additional redevelopment area (the "Additional Area"); (ii) consolidate the Original Area and the Additional Area (collectively, the "Consolidated Redevelopment Area" or the "Consolidated Area"); (iii) approve a redevelopment plan prepared for the Consolidated Area entitled "Redevelopment Plan for the Consolidated Redevelopment Area" (the "First Amendment," collectively with the Original Plan, the "Plan"); and (iv) declare two areas within the Consolidated Area to be allocation areas for the purpose of utilizing tax increment financing;



40129  
16976

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

**WHEREAS**, the action of the City Plan Commission with respect to the Consolidated Declaratory Resolution was approved by the City Common Council with the adoption of Resolution No. 95-37 on October 17, 1995;

**WHEREAS**, the Commission has complied with the notice provisions of the Act in order to conduct public hearings and consider certain confirming resolutions;

**WHEREAS**, the Commission confirmed Resolution No. 1836 with the adoption of Resolution 1845 on November 15, 1995;

**WHEREAS**, the Commission further amended the Plan on June 21, 2000 in order to (i) expand the Consolidated Area to include additional areas (the "Expansion Area") within the boundaries of the Consolidated Area; (ii) restate the Plan to include the following: the Expansion Area, the description of projects within the Expansion Area, and certain real property for acquisition by the Commission to implement the Plan for the Expansion Area (the "Second Amendment," which shall hereinafter be included in references to the Plan) and (iii) designate the Expansion Area as an allocation area for the purpose of tax increment financing.

**WHEREAS**, the Commission now desires to take further action to amend the Consolidated Declaratory Resolution to amend and restate the Plan (the "Third Amendment") to include public and private real property improvements proposed for the "Gary City Center Project" (the "Project") as a part the Plan and its implementation;

**WHEREAS**, there was presented to the Commission for its consideration and approval a copy of said Third Amendment to the Plan which consists of 9 pages with attachments in total, as attached and made a part of this resolution as Exhibit A and titled Third Amendment to the Redevelopment Plan for the Midtown Urban Renewal Area;

**WHEREAS**, the Act, more specifically Section 17.5, provides the means for approving amendments to the Plan;

**WHEREAS**, the Commission has complied with the notice provisions of the Act to amend the Plan for said Third Amendment;

**WHEREAS**, at the hearing held by the Commission on June 20, 2007, at 4:00 p.m., at the office of the Commission located at 839 Broadway, 2nd Floor, Gary, Indiana, the Commission heard all persons interested in the proceedings relating to the Third Amendment to the Plan 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 Third Amendment is not required to show evidence or make findings that were required for the approval of the Original Plan or the First Amendment.
2. The Commission finds that the Third Amendment is reasonable and appropriate when considered in relation to the Original Plan and the First Amendment and the purposes of the Act.
3. The Commission finds that the Third Amendment when considered in relation to the proposed Project and the Original Plan and the First Amendment conforms to the comprehensive plan of the City.
4. The Commission finds that the Third Amendment does not amend the Plan in a way that changes the following: (i) the proposed land use of the land in the Consolidated Area or (ii) the requirements for rehabilitation, building requirements, proposed zoning, maximum densities, or similar requirements.
5. The Commission finds that the Third Amendment amends the Plan in a way that changes parts of the Consolidated Area this is devoted to public ways, levees, sewerage, parks, playgrounds, or the other public purposes and has given notice to affected neighborhood associations in accordance with the Act (I.C. 36-7-14-17.5(d)).
6. The Commission finds that the Third Amendment does not enlarge the Consolidated Area or add one (1) or more parcels to the list of parcels to be acquired.
7. The Plan is further amended to include the Third Amendment as attached hereto, and is hereby in all respects approved. The Plan, as amended, shall hereafter be deemed to include the Third Amendment.
8. The Secretary of the Commission is hereby directed to record this resolution pursuant to the requirements of the Act, more specifically Section 17.5(g).
9. All other findings, determinations and conclusions in Resolution No. 290, Resolution No. 473, Resolution No. 1836, Resolution No. 2151 and Resolution No. 2326, all as amended from time to time, shall remain as stated therein, except as otherwise provided herein.
10. This Resolution does not affect any rights or liabilities accrued, penalties incurred, offenses committed, or (except as otherwise provided herein) proceedings begun before the effective date of this Resolution.
11. This Resolution shall be in full force and effect after its approval and adoption by the Commission.

**HEREBY ADOPTED AND APPROVED** at a meeting of the City of Gary, Indiana, Redevelopment Commission held on June 20, 2007, at the Offices of the Department of Redevelopment located at 839 Broadway, Second Floor, Gary, Indiana 46402.

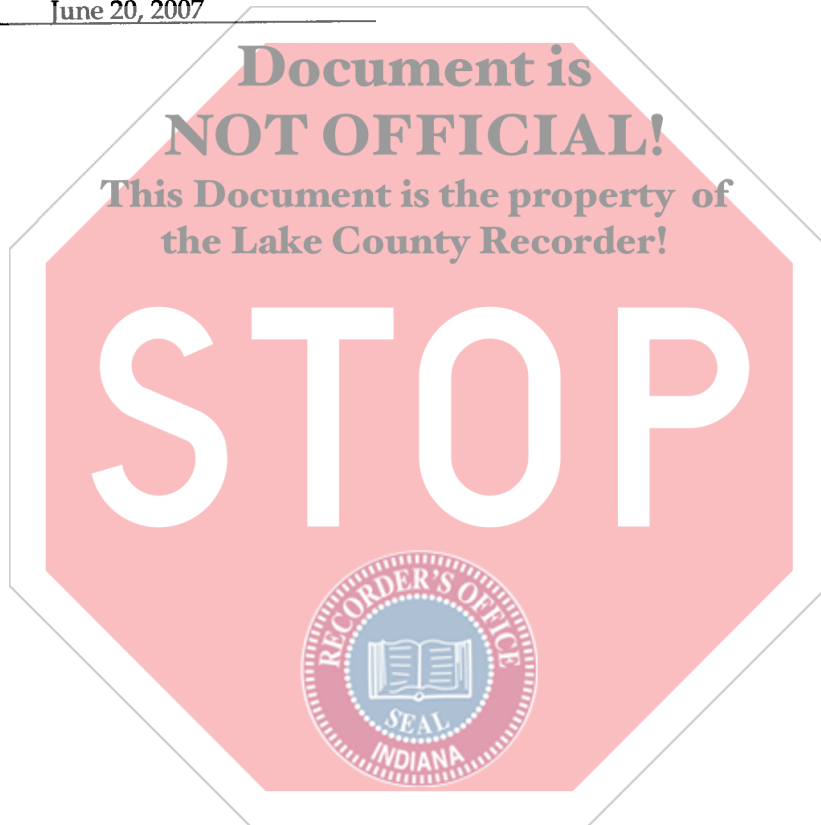
**CITY OF GARY, INDIANA,  
REDEVELOPMENT COMMISSION**

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

**ATTEST:**

*Namon Flournoy*  
Namon Flournoy, Acting Secretary

DATE: June 20, 2007



**Exhibit A**

**Third Amendment  
To the**

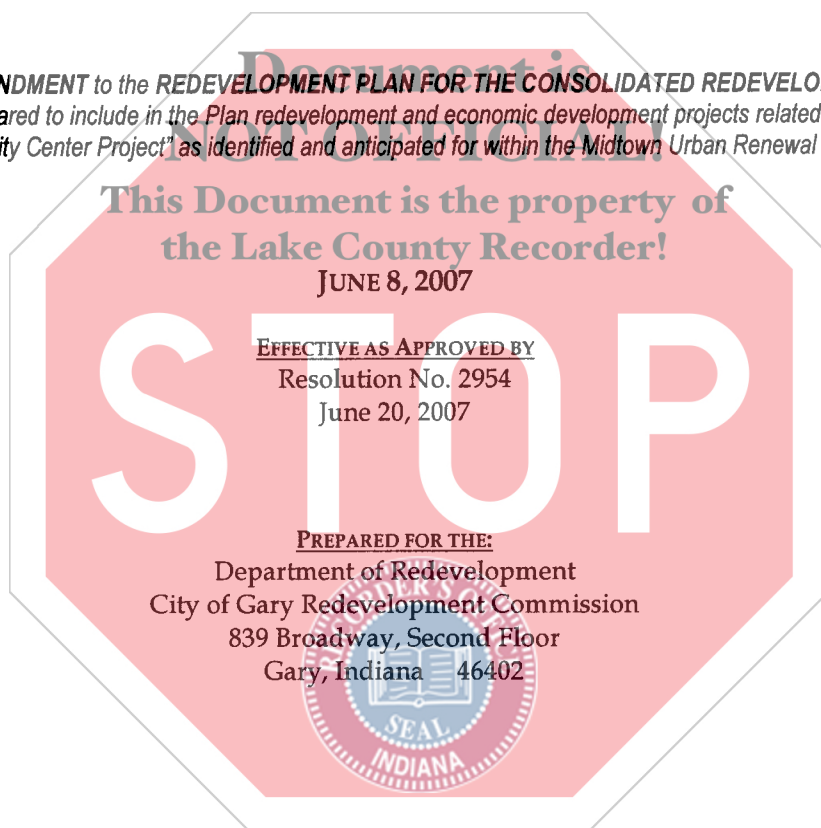
**Redevelopment Plan for the Midtown Urban Renewal Area**



GARY REDEVELOPMENT COMMISSION  
CITY OF GARY, INDIANA

**THIRD AMENDMENT  
TO THE  
REDEVELOPMENT PLAN FOR THE  
MIDTOWN URBAN RENEWAL AREA**

*This **THIRD AMENDMENT** to the **REDEVELOPMENT PLAN FOR THE CONSOLIDATED REDEVELOPMENT AREA** was prepared to include in the Plan redevelopment and economic development projects related to the "Gary City Center Project" as identified and anticipated for within the Midtown Urban Renewal Area.*



PREPARED BY:

**Cender & Company**  
L.L.C.

8585 Broadway, Suite 777 • Merrillville, IN 46410  
Phone: 219•736•1800 Fax: 219•736•8465

GARY REDEVELOPMENT COMMISSION  
CITY OF GARY, INDIANA

Third Amendment to the  
Redevelopment Plan for the Midtown Urban Renewal Area

PREFACE

---

*This Preface to the Third Amendment to the Redevelopment Plan for the Midtown Urban Renewal Area is a historical overview of the plan leading to this Third Amendment in order to provide a brief synopsis of the Commission's actions to amend or restate the plan since its approval in 1967.*

**Original Plan**

Urban Renewal Plan for the Midtown-West No. 1 Urban Renewal Area Project No. IND. R-62 (Resolution No. 290, June 12, 1967) and the Midtown West Project II Urban Renewal Plan (Resolution No. 473, February 15, 1972) are collectively known as the "Original Plan" and the "Original Area." Between 1972 and 1982 several minor amendments to the Original Plan occurred to provide for land acquisition issues.

**First Amendment**

The Original Plan was amended by Resolution No. 1836, the "Consolidated Declaratory Resolution" as approved on September 20, 1995 (the "First Amendment" collectively with the Original Plan, known as the "Plan") to (i) enlarge the Original Area for an "Additional Area;" (ii) consolidate the Original Area and the Additional Area; (iii) approve the "Redevelopment Plan for the Consolidated Redevelopment Area" or the "Consolidated Area;" and (iv) declare two areas in the Consolidated Area as allocation areas for the purpose of tax increment financing, more specifically Allocation Area No. 1 (commonly known as the "Madison Avenue Allocation Area") and Allocation Area No. 2 (commonly known as the "Consolidated Area Allocation Area").

**Second Amendment**

The Plan was further amended (the "Second Amendment") by Resolution No. 2151 approved on June 21, 2000 to (i) enlarge the Consolidated Area for additional areas (the "Expansion Areas"); (ii) restate and amend the Plan for the Expansion Areas, certain identified projects and land acquisition; and (iii) designate the Expansion Areas as an allocation area (and more specifically included in Allocation Area No. 2) for the purpose of tax increment financing.

*For a more comprehensive history and detail of Commission actions, it is recommended that a review of the original (or copies) of establishing documents be conducted at the Offices of the Gary Redevelopment Commission.*



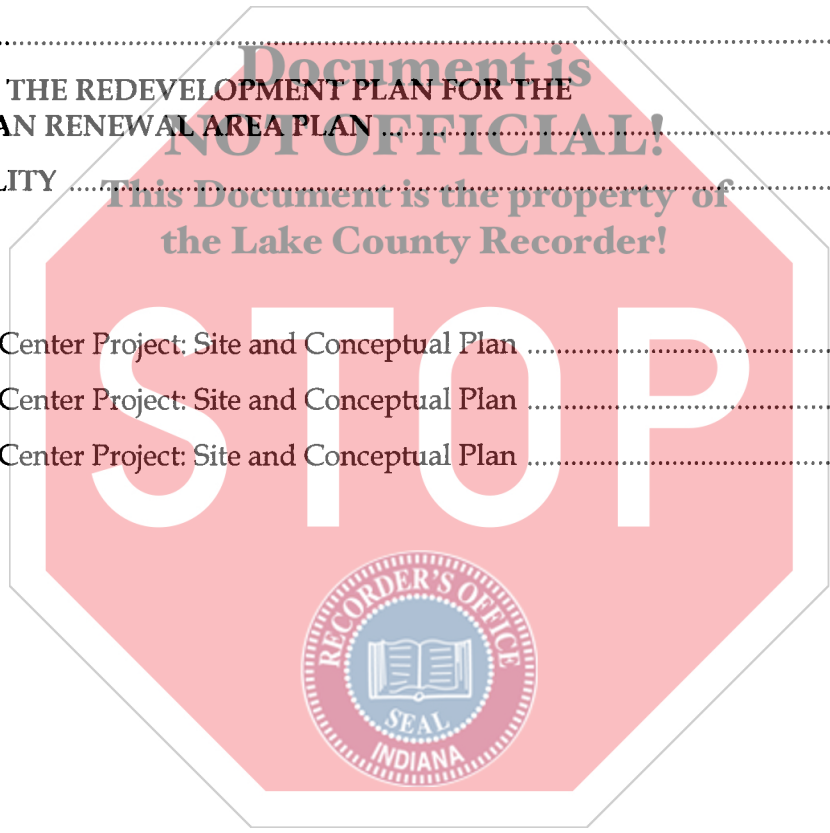
GARY REDEVELOPMENT COMMISSION  
CITY OF GARY, INDIANA

Third Amendment to the  
Redevelopment Plan for the Midtown Urban Renewal Area

TABLE OF CONTENTS

---

PREFACE .....	i
 <b><u>THIRD AMENDMENT TO THE PLAN</u></b>	
INTRODUCTION .....	1
DEFINITIONS .....	1
AMENDMENTS .....	1
Gary City Center Project .....	1
FINDING OF COMPLIANCE WITH OFFICIAL PLANS .....	2
RATIFICATION .....	2
RECORDING .....	2
AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE MIDTOWN URBAN RENEWAL AREA PLAN .....	2
PUBLIC AVAILABILITY .....	3
 <b><u>FIGURES</u></b>	
<b>Figure 1.1:</b> Gary City Center Project: Site and Conceptual Plan .....	4
<b>Figure 1.2:</b> Gary City Center Project: Site and Conceptual Plan .....	5
<b>Figure 1.3:</b> Gary City Center Project: Site and Conceptual Plan .....	6





GARY REDEVELOPMENT COMMISSION  
CITY OF GARY, INDIANA

Third Amendment to the  
Redevelopment Plan for the Midtown Urban Renewal Area

INTRODUCTION

The Gary Redevelopment Commission (the "Commission") has prepared this amendment to the *Redevelopment Plan for the Midtown Urban Renewal Area* (the "Plan") to include in the Plan redevelopment and economic development projects related to the "Gary City Center Project" (the "Project") as identified and anticipated for within the Midtown Urban Renewal Area. This amendment to the Plan (the "Third Amendment") has been prepared in accordance with I.C. 36-7-14 (the "Act"), more specifically Section 17.5, for approval by the Commission upon a public hearing and adoption of a resolution thereby.

This Third Amendment upon approval by the Commission and its filing, together with the Original Plan, the First Amendment and the Second Amendment, hereafter shall be known as the "Plan."

DEFINITIONS

Capitalized terms used but not otherwise defined in this Third Amendment shall have the respective meanings accorded such terms in the respective Original Plan, First Amendment and Second Amendment.

AMENDMENTS

The Plan shall, upon the effective date, be amended as follows:

Project Description

Gary City Center Project

The Project anticipated to be implemented and completed between 2007 and 2011 will consist of the following public and private real property improvements:

- The acquisition, rehabilitation and renovation and improvement of the existing vacant Sheraton Hotel into a senior housing and condominium project including two floors approximately 30,000 square of office/ retail development.
- Construction of a public atrium including a plaza and fountain between the existing vacant Sheraton Hotel and Gary City Hall as a public common area.
- Reconfiguration and rehabilitation of the existing 4-story 300 stall parking garage facility adjacent to the vacant Sheraton Hotel.
- Development of a new hotel of approximately 125 rooms south of the 5<sup>th</sup> Avenue on Broadway, across from the existing vacant Sheraton Hotel.
- Development of new restaurant.
- Development of approximately 50,000 square feet of retail facilities to include commercial related residential development (approximately 30 to 40 upper level residential town home development) and associated parking facilities.

See Figures 1.1, 1.2 and 1.3 for a site development and conceptual plans of the Project.

<sup>1</sup> This Amendment shall become effective upon the date and at the time (the "Effective Date") at which the Commission approves and adopts a resolution authorizing this Third Amendment.



## FINDING OF COMPLIANCE WITH OFFICIAL PLANS

During the preparation of Third Amendment, the Commission has taken measures to include the City Planner in the planning process and has reviewed the Third Amendment for conformity with the City's Official Comprehensive Plan and other official planning and development policy documents.

In accordance with the Act, more specifically Section 17.5(c) subsections (1) and (2), the Commission makes the following findings that this Third Amendment as an amendment to the Plan is:

- Reasonable and appropriate when considered in relation to the original resolution or original plan, including subsequent amendments thereto and the purposes of the Act.
- Conforms to the Gary Comprehensive Plan, as amended from time to time.

## RATIFICATION

The Commission ratifies and confirms its respective obligations under the Original Plan as amended hereby and the effectiveness of the Original Plan as amended hereby, as well as actions previously taken with respect to activities contemplated by this Third Amendment. After the Effective Date, all references to the Original Plan, the First Amendment, the Second Amendment and the Third Amendment hereafter shall be known as the "Plan."

Except as expressly amended by this Third Amendment on the Effective Date, the Plan shall continue in full force and effect in accordance with its terms.

## RECORDING

After considering the evidence presented before the Commission as it relates to this Third Amendment to the Plan and upon public input at a hearing, the Commission may take final action by resolution determining the public utility and benefit of the proposed redevelopment and economic development project, and modifying the declaratory resolution(s) that designated and established the Plan.

The final action taken by the Commission shall be recorded and is final and conclusive<sup>2</sup>.

### Office of the Lake County Recorder

The final action taken by the Commission shall be recorded (date and record number stamped "Document on File") with the Office of the Lake County Recorder.

## AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE MIDTOWN URBAN RENEWAL AREA PLAN

The Plan may be modified at any time by resolution of the Commission. Modifications, amendments or supplements to the Plan must be carried out in accordance with the Act, specifically Section 17.5 as it pertains to the planning, replanning, develop and redevelopment of redevelopment project areas.

---

<sup>2</sup> The action taken by the Commission is final and conclusive, except that an appeal may be taken in the manner described in IC 36-7-14-18 titled Appeals.



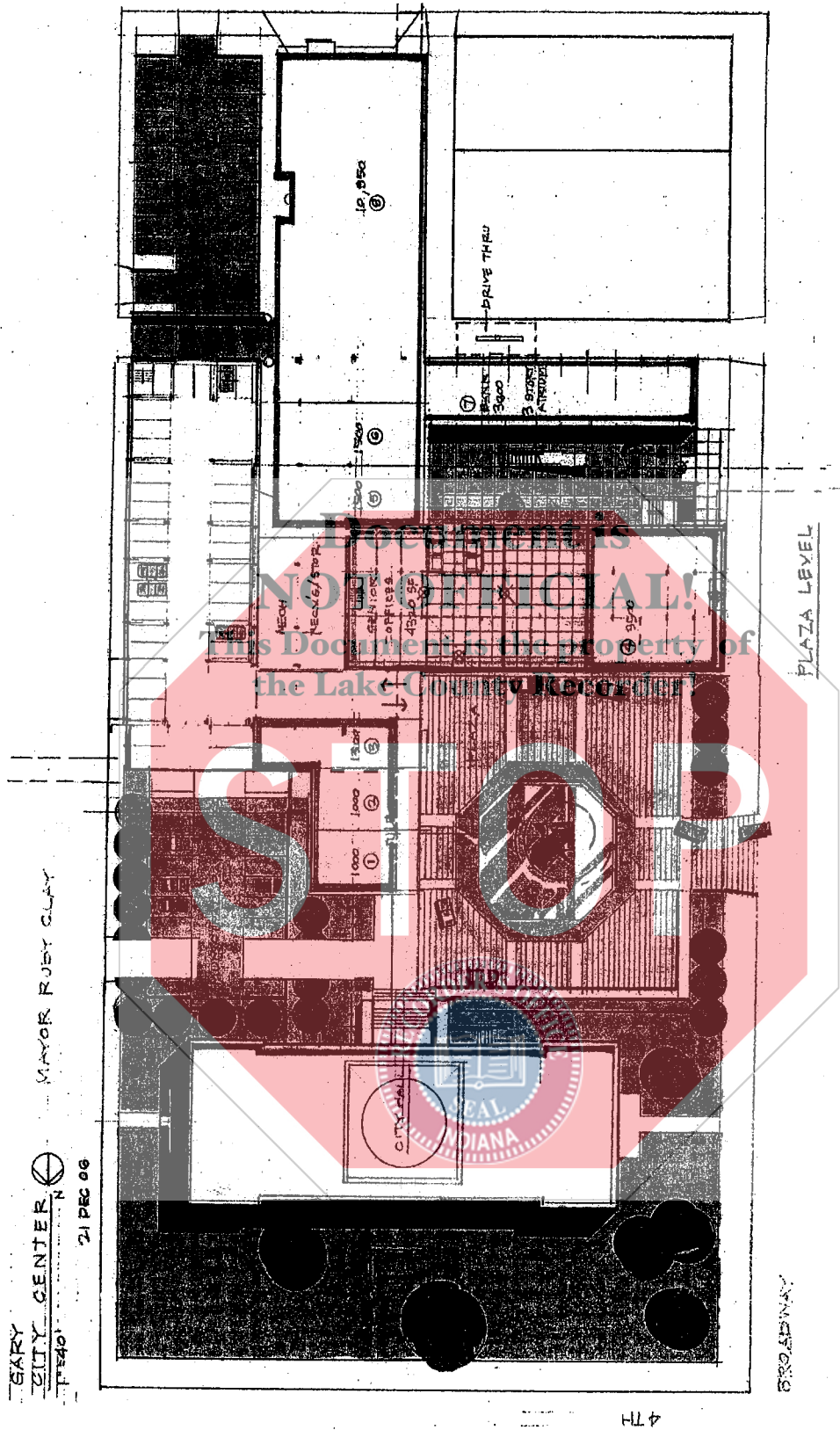
**PUBLIC AVAILABILITY**

Upon adoption by the Commission and proper filing as an official redevelopment planning document for the Gary Redevelopment Commission and the City of Gary, copies of this Third Amendment to the Plan may be made available to the public for review or purchase upon written request to the Office of the Redevelopment Commission located at 839 Broadway-Second Floor, Gary, Indiana, 46402 during the regular business hours (8:30 a.m. and 4:30 p.m. - Monday through Friday, except holidays).

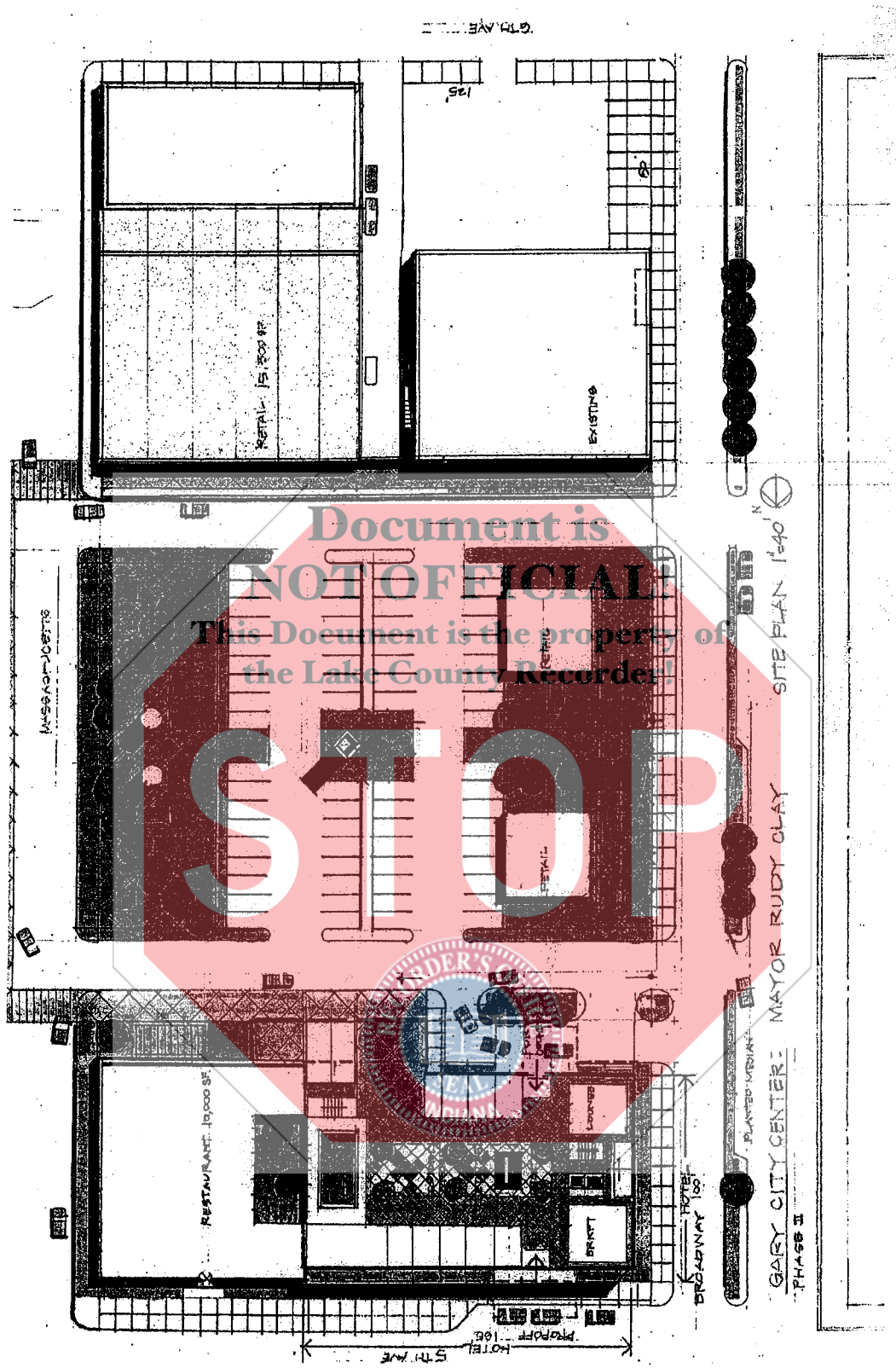
In addition, the Commission directs the Executive Director to cause the document to be made available in a portable document format ("PDF") electronically for public review on the City's website for the Gary Department of Redevelopment.



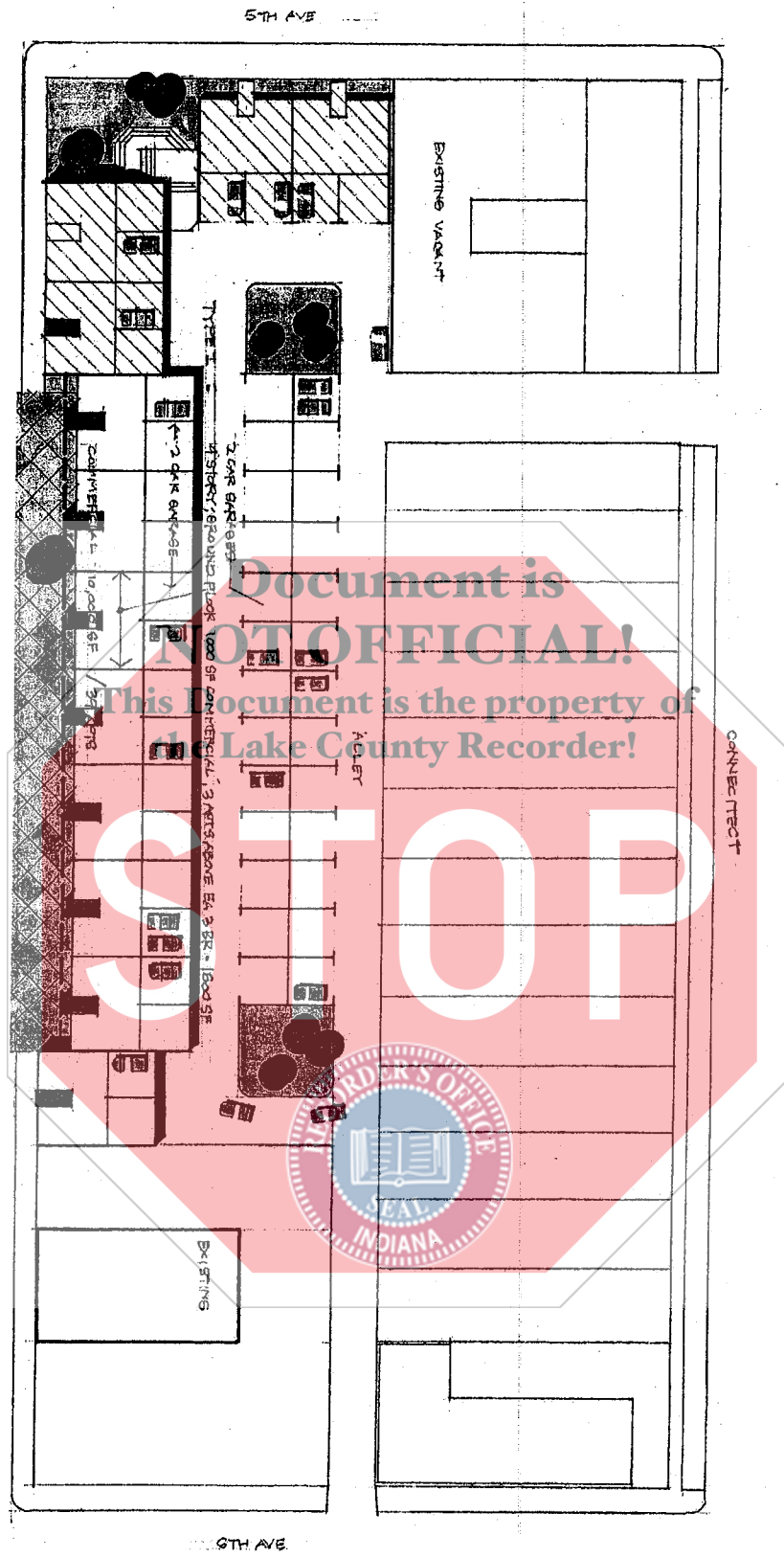
**Figure 1.1**  
Gary City Center Project: Site and Conceptual Plan



**Figure 1.2**  
**Gary City Center Project: Site and Conceptual Plan**



**Figure 1.3**  
Gary City Center Project: Site and Conceptual Plan



## 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 recommends<sup>1</sup> 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."**

  
*Daniel A. Botich*  
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

---

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