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RESOLUTION NO. CC - 2009 - 37

COMMON COUNCIL  
OF THE  
CITY OF WHITING, INDIANA

A RESOLUTION CONFIRMING THE AMENDING DECLARATORY RESOLUTION NO. CC-2009-33 THAT RE-DESIGNATED CERTAIN PARTS OF THE CITY OF WHITING AS DESCRIBED THEREIN TO BE RE-ESTABLISHED AS RESIDENTIALLY DISTRESSED AREAS FOR WHICH RESIDENTIAL ASSESSED VALUATION DEDUCTIONS (TAX ABATEMENT) MAY BE REQUESTED BY AN APPLICANT TO THE COMMON COUNCIL OF THE CITY OF WHITING AND THAT FURTHER EXTENDED THE LIMITATION PERIOD IMPOSED ON SAID ASSESSED VALUATION DEDUCTION PROGRAM

WHEREAS, the Whiting Common Council are duly elected representatives of the City of Whiting, Indiana (the "City"); and

WHEREAS, the Whiting Common Council desires further to encourage and foster residential development on vacant lands currently owned by the City of Whiting or the Whiting Redevelopment Commission within the City; and

WHEREAS, the Whiting Common Council desires to continue to attract residential development and redevelopment to the City in order to stimulate the development of single-family and multi-family dwellings; and

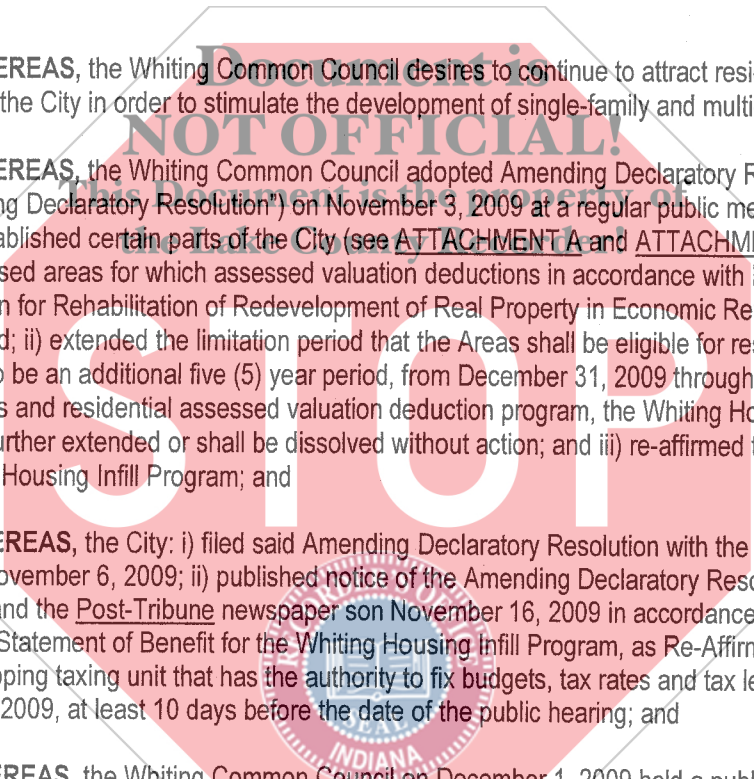
WHEREAS, the Whiting Common Council adopted Amending Declaratory Resolution No. CC-2009-33 (the "Amending Declaratory Resolution") on November 3, 2009 at a regular public meeting that i) re-designated and re-established certain parts of the City (see ATTACHMENT A and ATTACHMENT B, the "Areas") to be residentially distressed areas for which assessed valuation deductions in accordance with I.C. 6-1-1-12.4, et seq., entitled Deduction for Rehabilitation of Redevelopment of Real Property in Economic Revitalization Areas (the "Act") may be approved; ii) extended the limitation period that the Areas shall be eligible for residential assessed valuation deductions to be an additional five (5) year period, from December 31, 2009 through December 31, 2014, at which time the Areas and residential assessed valuation deduction program, the Whiting Housing Infill Program (the "WHIP") may be further extended or shall be dissolved without action; and iii) re-affirmed the Statement of Benefit for the Whiting Housing Infill Program; and

WHEREAS, the City: i) filed said Amending Declaratory Resolution with the Office of the Lake County Assessor on November 6, 2009; ii) published notice of the Amending Declaratory Resolution and a public hearing in The Times and the Post-Tribune newspaper on November 16, 2009 in accordance with I.C. 5-3-1; and iii) filed said notice and a Statement of Benefit for the Whiting Housing Infill Program, as Re-Affirmed dated November 2, 2009 with each overlapping taxing unit that has the authority to fix budgets, tax rates and tax levies under I.C. 6-1-1-17-5 by November 22, 2009, at least 10 days before the date of the public hearing; and

WHEREAS, the Whiting Common Council on December 1, 2009 held a public hearing to receive and hear all remonstrances and objections from interested persons as it related to the Amending Declaratory Resolution, the WHIP, and the Statement of Benefit for the Whiting Housing Infill Program, as Re-Affirmed; and

WHEREAS, the Whiting Common Council upon the closing of the public hearing considered all remonstrances and objections from interested persons and all evidence prior to considering a resolution confirming the Amending Declaratory Resolution.

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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
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CLERK

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city of  
Whiting  
CS

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Whiting, Indiana, that the Amending Declaratory Resolution is hereby confirmed in accordance with the Act.

**BE IT FURTHER RESOLVED** that the findings made in the Amending Declaratory Resolution and the Statement of Benefit for the Whiting Housing Infill Program, as Re-Affirmed, are confirmed.

**BE IT FURTHER RESOLVED** that the Whiting City Council confirms that the extended limitation period to be an additional five (5) year period, from December 31, 2009 through December 31, 2014, at which time the Areas and the WHIP may be further extended or shall be dissolved without action.

**BE IT FURTHER RESOLVED** that the Whiting City Council confirms the limits of the amount of deduction for new residential development that a property owner is entitled to receive consistent with I.C. 6-1.1-12.1-4.1(b), *et seq.*

**BE IT FURTHER RESOLVED** that the Whiting City Council empowers the Whiting Redevelopment Commission to review and make recommendations for approval of residential construction designs to the Whiting City Council to insure neighborhood architectural and building design compliance; however, said recommendations are not in lieu of building permit approval or issuance.

**BE IT FURTHER RESOLVED** that the Whiting City Council in accordance with Section 2(d) of the Act shall include the following conditions to a grant of a residentially distressed area assessed valuation deduction petition for approval: i) that an assessed valuation deduction will not be allowed unless the dwelling is constructed or rehabilitated to meet state and local building codes and standards for habitability, and ii) that the Whiting City Council shall require that the development, redevelopment and/or rehabilitation be completed in a reasonable period of time.

**BE IT FURTHER RESOLVED** that the Whiting City Council intends to continue its consideration and to make determinations on residential assessed valuation deductions (or tax abatements) for single-family, two-family and multi-family residential developments located within the Areas, as described in the Amending Declaratory Resolution; as owned by the Whiting Redevelopment Commission; as other privately owned vacant lots; or buildings destroyed by disaster for tax benefits as described in the Act, specifically including a five-year deduction from assessed value as provided by I.C. 6-1.1-12.1-4.1(b).

**BE IT FURTHER RESOLVED** that the Whiting City Council requests that the Clerk-Treasurer of the City of Whiting:

- i) File a copy of this confirming Resolution in the Office of the Lake County Assessor;
- ii) Record this confirming Resolution with the minutes of this meeting of the Whiting Common Council; and
- iii) Record this confirming Resolution with the Office of the Lake County Recorder.

**DULY PASSED AND ADOPTED** by the Common Council of the City of Whiting on December 1, 2009 by a vote of 7 yea(s) and 0 nay(s), and 0 abstention(s).

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SIGNATURE PAGE

  
JOSEPH M. STAHURA, Mayor


ATTEST:

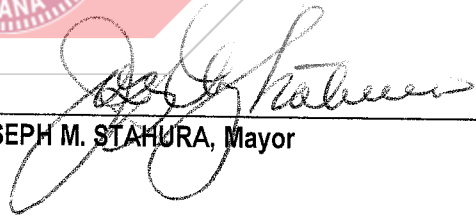
  
MARK S. ADAM, Clerk-Treasurer

Submitted to the Mayor this 1<sup>st</sup> day of December, 2009.

  
MARK S. ADAM, Clerk-Treasurer

Approved by me this 1<sup>st</sup> day of December, 2009.



  
JOSEPH M. STAHURA, Mayor

# ATTACHMENT A

## WHITING HOUSING INFILL PROGRAM'S MIDTOWN/SOUTHSIDE RESIDENTIALLY DISTRESSED AREA

COMMENCING AT A POINT OF INTERSECTION OF THE CENTERLINES OF WHITE OAK AVENUE AND THE 119<sup>TH</sup> STREET/FISCHRUPP AVENUE ALLEY (THE "POINT OF ORIGIN"), THE FOLLOWING DESCRIPTION IS THE BOUNDARIES OF THE MIDTOWN/SOUTHSIDE RESIDENTIALLY DISTRESSED AREA (THE "AREA"):

THENCE MEANDERING WESTERLY ALONG SAID 119<sup>TH</sup> STREET/FISCHRUPP AVENUE ALLEY CENTERLINE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CLARK STREET; THENCE SOUTH ALONG THE CENTERLINE OF CLARK STREET APPROXIMATELY 860 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE EASTERN ALLEY OF INDIANAPOLIS BOULEVARD EXTENDED WEST; THENCE MEANDERING EASTERLY ALONG THE INDIANAPOLIS BOULEVARD EASTERN ALLEY CENTERLINE APPROXIMATELY 175 FEET AND THENCE SOUTHERLY APPROXIMATELY 125 FEET AND THENCE EASTERLY APPROXIMATELY 140 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF DAVIDSON PLACE; THENCE SOUTHERLY ALONG THE CENTERLINE OF DAVIDSON PLACE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF 121ST STREET; THENCE EASTERLY ALONG THE CENTERLINE OF 121ST STREET APPROXIMATELY 100 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THE INDIANAPOLIS BOULEVARD EASTERN ALLEY; THENCE SOUTHEASTERLY ALONG THE INDIANAPOLIS BOULEVARD EASTERN ALLEY CENTERLINE APPROXIMATELY 660 FEET TO A POINT OF INTERSECTION WITH THE NEW YORK AVENUE CENTERLINE; THENCE NORTH ALONG THE NEW YORK AVENUE CENTERLINE APPROXIMATELY 40 FEET TO A POINT OF INTERSECTION WITH THE STEIBER STREET SOUTHERN ALLEY CENTERLINE; THENCE EASTERLY APPROXIMATELY 660 FEET ALONG THE STEIBER STREET SOUTHERN ALLEY CENTERLINE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WHITE OAK AVENUE; THENCE SOUTHERLY ALONG THE CENTERLINE OF WHITE OAK AVENUE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF 129<sup>TH</sup> STREET; THENCE EASTERLY ALONG THE 129<sup>TH</sup> STREET APPROXIMATELY 275 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SCHRAGE AVENUE; THENCE NORTHERLY ALONG THE CENTERLINE OF SCHRAGE AVENUE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF 125<sup>TH</sup> STREET; THENCE EASTERLY ALONG THE CENTERLINE OF 125<sup>TH</sup> STREET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THE EASTERN ALLEY OF SCHRAGE AVENUE; THENCE NORTHERLY APPROXIMATELY 480 FEET ALONG THE SCHRAGE AVENUE EASTERN ALLEY CENTERLINE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF INDIANAPOLIS BOULEVARD/SCHRAGE AVENUE SOUTHERN ALLEY; THENCE WESTERLY ALONG THE CENTERLINE OF INDIANAPOLIS BOULEVARD/SCHRAGE AVENUE SOUTHERN ALLEY APPROXIMATELY 169 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SCHRAGE AVENUE; THENCE NORTHERLY ALONG THE CENTERLINE OF SCHRAGE AVENUE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THE FISCHRUPP AVENUE; THENCE WESTERLY APPROXIMATELY 225 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WHITE OAK AVENUE; THENCE NORTHERLY ALONG THE CENTERLINE OF WHITE OAK AVENUE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THE 119<sup>TH</sup> STREET/FISCHRUPP AVENUE ALLEY, BEING THE POINT OF ORIGIN.

SAID AREA EXCLUDES THE NEW YORK AVENUE RESIDENTIALLY DISTRESSED AREA ESTABLISHED ON MAY 8, 2002 (RESOLUTION NO. CC-2002-07) AND IS COMPRISED OF APPROXIMATELY 0.86 ACRES OF LAND, MORE OR LESS.

SAID AREA ENCOMPASSES APPROXIMATELY 79.84 ACRES OF LAND, MORE OR LESS.



**ATTACHMENT A**  
(CONTINUED)

**WHITING HOUSING INFILL PROGRAM'S  
CENTER STREET RESIDENTIALLY DISTRESSED AREA**

COMMENCING AT A POINT OF INTERSECTION OF THE CENTERLINES OF 119TH STREET AND FRONT STREET (THE "POINT OF ORIGIN"), THE FOLLOWING DESCRIPTION IS THE BOUNDARIES OF THE CENTER STREET RESIDENTIALLY DISTRESSED AREA (THE "AREA"):

THENCE WESTERLY ALONG THE 119<sup>TH</sup> STREET CENTERLINE APPROXIMATELY 620 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CENTER STREET'S WESTERN ALLEY, AS EXTENDED SOUTHEASTERLY TO 119TH STREET; THENCE NORTHWESTERLY APPROXIMATELY 325 FEET TO A POINT OF INTERSECTION WITH THE EASTERN RIGHT-OF-WAY OF AN ABANDONNED RAILROAD PARCEL OF LAND (SAID RAILROAD PARCEL CONSISTING OF 1.065 ACRES); THENCE FOLLOWING A CURVE ALONG THE EASTERN RIGHT-OF-WAY OF THE ABANDONNED RAILROAD GENERALLY NORTHWESTERLY TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THE CENTER STREET'S NORTHWESTERN ALLEY, AS EXTENDED SOUTHWESTERLY; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF CENTER STREET'S NORTHWESTERN ALLEY, AS EXTENDED APPROXIMATELY 148 FEET TO A POINT OF INTERSECTION WITH CENTER STREET'S NORTHEASTERLY ALLEY NORTHEAST RIGHT- OF-WAY (ALSO BEING THE SOUTHWESTERLY RIGHT-OF-WAY OF A RAILROAD PARCEL [SAID RAILROAD PARCEL CONSISTING OF 5.44 ACRES]); THENCE SOUTHEASTERLY ALONG THE CENTER STREET'S NORTHEASTERLY ALLEY NORTHEAST RIGHT- OF-WAY APPROXIMATELY 1,000 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF FRONT STREET; THENCE SOUTHERLY ALONG TO A POINT OF INTERSECTION WITH THE CENTERLINE OF FRONT STREET APPROXIMATELY 90 FEET TO THE CENTERLINE OF 119TH STREET, BEING THE POINT OF ORIGIN.

SAID AREA ENCOMPASSES APPROXIMATELY 6.65 ACRES OF LAND, MORE OR LESS.

**TOTAL AREA OF THE WHITING INFILL HOUSING PROGRAM'S  
RESIDENTIALLY DISTRESSED AREAS AND ERA BALANCE**

<u>"WHIP" AREA</u>	<u>ACRES (1)</u>
MIDTOWN/SOUTHSIDE RESIDENTIALLY DISTRESSED AREA	79.84
CENTER STREET RESIDENTIALLY DISTRESSED AREA	<u>6.65</u>
<b>TOTAL "WHIP" AREA</b>	<b><u>86.49</u></b>

NOTE 1: ACREAGE IS APPROXIMATE, AS SCALED FROM THE CITY OF WHITING OFFICIAL ZONING MAP PROVIDED BY THE WHITING CLERK-TREASURER

<u>ALL RESIDENTIALLY DISTRESSED AREAS</u>	<u>ACRES (1)</u>
LAKEFRONT COMMONS RESIDENTIALLY DISTRESSED AREA	10.07
NEW YORK AVENUE RESIDENTIALLY DISTRESSED AREA	0.86
"WHIP" AREA	<u>86.49</u>
<b>TOTAL</b>	<b><u>97.42</u></b>
<b>ERA STATUTORY LIMIT (10% OF JURISDICTION)</b>	<b>110.00</b>
<b>BALANCE</b>	<b>12.58</b>

# ATTACHMENT B

Map of the Center Street and Midtown/Southside Residentially Distressed Areas

