

2017 047682

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MICHAEL B. BROWN
RECORDER

5

Participant Counterpart

Effective Date. This agreement shall be effective under Section 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.



CITY OF HAMMOND, INDIANA
By and through its Common Council and Mayor as authorized by and subject to the contingencies in Resolution No. 17R-28 passed by the Hammond Common Council on July 17, 2017, which Resolution is attached to this Participant Counterpart as Exhibit A.

By: *[Signature]*
Thomas M. McDermott, Jr., Mayor

ATTEST:
[Signature]
Robert J. Golec, Hammond City Clerk

Participant Execution Date: _____

AMOUNT \$ 25-
CASH _____ CHARGE _____
CHECK # 326
OVERAGE _____
COPY _____
NON-COM _____
CLERK Rn

17R-28

SPONSOR: Pedro "Pete" Torres
2nd District Councilman

RESOLUTION NO. R28

**A Resolution Supporting the South Shore West Lake Extension
With Hammond LIT F/K/A CEDIT Funds**

WHEREAS, the proposed South Shore West Lake Extension project (the Project) to be undertaken by the Northwest Indiana Regional Development Authority (RDA) pursuant to I.C. 36-7.5-4.5 currently includes a Hammond Gateway Station and Rail Yard Maintenance Facility, which would revitalize an older and less commercially successful section of the City of Hammond; and

WHEREAS, the Indiana General Assembly within I.C. 36-7.5-4.5 directed the RDA to establish transit development districts for investment within the Project, which will be beneficial to the citizens of Hammond;

WHEREAS, the county economic development tax (CEDT) was previously imposed under I.C. 6-3.5-7; and

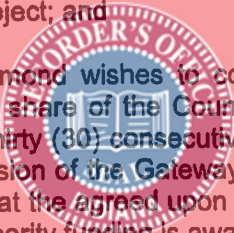
WHEREAS, IC 6-3.5-7 has been repealed effective January 1, 2017 and replaced with IC 6-3.6 ("LIT Statute") and the City of Hammond is a recipient of a distributive share of revenues ("LIT") under the LIT Statute, and its distributive share is now designated as the City of Hammond's portion of the distributive share of Lake County's (County) economic development portion of LIT;

WHEREAS, under the RDA's current statutory scheme, the City of Hammond will contribute \$105 million dollars over the coming thirty years, which will assist in the funding of the South Shore West Lake Extension project; and

WHEREAS, the City of Hammond wishes to contribute 15% annually of the City of Hammond's portion of its distributive share of the County's economic development portion of LIT (LIT Revenues), for a period of thirty (30) consecutive years, to the Project, subject to and explicitly contingent upon 1) the inclusion of the Gateway Station in Hammond; 2) the inclusion of the Rail Yard Maintenance Facility at the agreed upon location in Hammond; and 3) that shall commence when Federal Transit Authority funding is awarded for the Project; and

WHEREAS, Hammond's contribution will be the largest contribution of any City or Town in Lake County;

NOW THEREFORE BE IT RESOLVED, the Hammond City Council and its Mayor, hereby declare and commit thirty (30) consecutive annual payments of Fifteen Percent (15%) of its LIT Revenues funds towards the cost of the Project. The actual amount of each year's contribution will be based upon the prior calendar year's gross LIT revenues received by the City. This commitment is subject to and explicitly contingent upon 1) the inclusion of the Gateway Station in Hammond; 2) the inclusion of the Rail Yard Maintenance Facility at the agreed upon location in Hammond and shall commence upon the award of Federal Transit Authority funding for the Project. Additionally, the Mayor is authorized and agrees to sign any and all documents in furtherance of and consistent with this Resolution, including but not limited to that certain document entitled "Interlocal Cooperation Agreement between and among



**A Resolution Supporting the South Shore West Lake Extension
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several Lake County governmental entities with the purposes of providing resources toward the extension and improvement of commuter rail services provided by the Northern Indiana Commuter Transportation District."

NOW THEREFORE BE IT RESOLVED, if any section, paragraph, clause or provision of this Resolution shall be ruled by any court of competent jurisdiction to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed.

RESOLVED this 24th day of July, 2017

ATTEST: Robert J. Golec
ROBERT J. GOLEC, City Clerk

Janel Venocz, President
Hammond Common Council

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor said City for approval on the 25th day of July, 2017.

Robert J. Golec
ROBERT J. GOLEC, City Clerk

The foregoing Resolution No. R28 consisting of two (2) typewritten pages, including this page, approved by the Mayor on the 25th day of July, 2017.

Thomas M. Mc Dermott, Jr.
THOMAS M. MCDERMOTT, JR., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 24th day of July, 2017.

Robert J. Golec
ROBERT J. GOLEC, City Clerk

Letter of Designation from the Municipal Executive Hammond, Indiana

July __, 2017

Hon. John E. Petalas, Auditor
Hon. Peggy Holinga Katona, Treasurer
County of Lake
2293 N. Main Street
Crown Point, Indiana 46307

Re: Letter Designating Lake County as Enhanced Entity under the Terms of the Interlocal Cooperation Agreement for Westlake Corridor Extension as the Recipient of a Percentage of the Municipality's Distribution of County Economic Development Income Tax and Authorizing and Instructing the Proper Officer of Lake County to Transfer the Stated Percentage of the Distribution to the Commuter Rail and Extension Fund, all pursuant to I.C. 6-3.5-7-15 (a)(2) and Section 5 (C)(1) of the Interlocal Agreement.

To the Auditor and Treasurer of Lake County:

I am writing in order to make the designation described in the caption above. Please let this letter serve to communicate and instruct the proper officer that a portion of City of Hammond's monthly distribution of the County's Economic Development LIT tax revenues *only* in the percentage adopted and identified in the *Exhibit of Pledged Revenues and Participating Entities which is to be governed by Resolution No. 17R-28* of the Hammond Common Council, accompanying the Interlocal Cooperation Agreement for Westlake Corridor Extension, be transferred to Lake County, as Enhanced Entity, for deposit to the credit of the Commuter Rail and Extension Fund, all pursuant to I.C. 6-3.5-7-15(a)(2). All amounts remaining after the transfer of the designated portion identified herein shall be distributed to this municipality as required under IC 6-3.5-7-16.5.

I acknowledge that I.C. 6-3.5-7-15(2)(1) provides: " *The executive of a county, city, or town may ... designate the county or a city or a town in the county as the recipient of all or a part of its share of the distribution.*" I further acknowledge that Section 5(C)(1) of the Westlake Interlocal Cooperation Agreement also supports funding the undertaking by either pledged contributions or designations. I further acknowledge that the Exhibit of Pledged Revenues and Participating Entities should now state that the City of Hammond " *agrees to and shall contribute no less than fifteen percent (15%) of its distributive share of the County's Economic Development portion of LIT (LIT revenues) ...* ", subject to the contingencies contained in Resolution No. 17R-28.

Finally, let this designation also serve as an allonge and amendment to any existing Capital Improvement Plan duly filed by the municipal executive and that this amendment shall be for a term set forth in Section 1 of the Interlocal Cooperation Agreement for the Westlake Corridor Extension, unless acted upon by the municipal executive, provided any subsequent action does not create the

impairment, prohibited by I.C. 6-3.5-7-12.7, I.C. 6-3.5-7-12.7 and Section 8(B) and (C) of the Interlocal Cooperation Agreement for the Westlake Corridor Extension. I ask that the Lake County Auditor cause this to be filed with the existing Capital Improvement Plan of the Municipality.

With my signature I am formally adopting this designation.

MAYOR CITY OF HAMMOND
LAKE COUNTY, INDIANA

By:  7/27/17
Signature

Mayor, City of Hammond
Thomas M. McDermott, Jr.

Attest:

CITY CLERK
CITY OF HAMMOND, INDIANA

By: 
Robert J. Golec

Dated: 7/27/2017

