

GINA PIMENTEL
RECORDER
STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA,
REDEVELOPMENT COMMISSION

RESOLUTION NO. RDC 2022-08

FILED

NOV 22 2022

JOHN E. PETALAS
LAKE COUNTY AUDITOR

A RESOLUTION OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION CONFIRMING A DECLARATORY RESOLUTION AND THE APPROVAL OF AN ECONOMIC DEVELOPMENT PLAN FOR THE ROUTE 41 SOUTH ECONOMIC DEVELOPMENT AREA, AND ALL MATTERS RELATED THERETO

WHEREAS, the Town of Cedar Lake, Lake County, Indiana, Redevelopment Commission (the "Commission"), as the governing body of the Town of Cedar Lake Department of Redevelopment (the "Department") and the Town of Cedar Lake Redevelopment District (the "District"), pursuant to the provisions of I.C. § 36-7-14, as amended (the "Act"), has thoroughly studied that area of the Town of Cedar Lake of Lake County, Indiana (the "Town"), as described on Exhibit A and depicted on Exhibit B to the Declaratory Resolution (as defined below) and designated as the "Route 41 South Economic Development Area" (the "Economic Development Area"); and;

WHEREAS, pursuant to Sections 15 through 17.5 of the Act, the Commission, on October 17, 2022, adopted Resolution No. 2022-06-RDC, entitled "A Resolution of the Town of Cedar Lake, Lake County, Indiana, Redevelopment Commission Declaring an Area in the Town of Cedar Lake, Lake County, Indiana, as an Economic Development Area, Approving an Economic Development Plan for Said Area, and All Matters Related Thereto," a copy of which is attached hereto as Exhibit A (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution designates and declares the Economic Development Area to be an economic development area under the Act, designates the entire Economic Development Area as an allocation area pursuant to the Act, and adopts an economic development plan for the Economic Development Area (the "Plan"); and

WHEREAS, the Town of Cedar Lake, Lake County, Indiana, Plan Commission (the "Plan Commission") did, on October 17, 2022, adopt its Resolution No. 2022-2 determining that the Declaratory Resolution and the Plan conform to the Plan of Development for the Town, approving the Declaratory Resolution and the Plan, and did designate such Resolution as the Written Order of the Plan Commission approving the Declaratory Resolution and the Plan as required by the Act (the "Plan Commission Order"); and

WHEREAS, pursuant to Section 16 of the Act, the Town Council, on October 17, 2022, adopted a Resolution which approved the Declaratory Resolution, the Plan and the Plan Commission Order; and

WHEREAS, pursuant to Section 17 of the Act, the Commission caused to be published a Notice of Public Hearing with respect to the Declaratory Resolution and the Plan and filed a copy

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of said Notice in the Offices of all Departments, Bodies or Officers of the Town having to do with Town planning, variances from zoning ordinances, land use or the issuance of building permits, and provided all additional notices and a tax impact statement to the overlapping taxing units as required by applicable law; and

WHEREAS, at the hearing (the "Public Hearing") held by the Commission on November 21, 2022, the Commission heard all persons interested in the proceedings and considered any written remonstrances that were filed and all evidence presented; and

WHEREAS, the Commission now seeks to take final action determining the public utility and benefit of the Plan and confirming the Declaratory Resolution, in accordance with Section 17 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION, AS FOLLOWS:

SECTION ONE. After considering the evidence presented at the Public Hearing, the Commission hereby confirms the findings and determinations, designations and approving and adopting actions contained in the Declaratory Resolution.

SECTION TWO. The Commission hereby finds and determines that it will be of public utility and benefit to proceed with the Plan, and the Plan is hereby approved in all respects.

SECTION THREE. The Declaratory Resolution is hereby confirmed.

SECTION FOUR. This Resolution constitutes final action, pursuant to Section 17(d) of the Act, by the Commission determining the public utility and benefit of the proposed projects and confirming the Declaratory Resolution pertaining to the Plan.

SECTION FIVE. The Secretary of the Commission is directed to record the final action taken by the Commission pursuant to the requirements of Sections 17(d) of the Act.

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ALL OF WHICH IS PASSED AND RESOLVED BY THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION, THIS 21st DAY OF NOVEMBER, 2022.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION



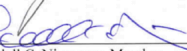
Nathan D. Vis, President



Eric Burnham, Vice-President



Doug Spencer, Secretary



Randell C. Niemeyer, Member



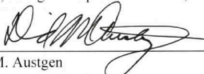
James Hunley, Member

ATTEST



Jennifer N. Sandberg

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law and this document was prepared by David M. Austgen, Austgen Kuiper Jasaitis P.C., 130 North Main Street, Crown Point, Indiana 46307.



David M. Austgen
3895-45

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EXHIBIT A

DECLARATORY RESOLUTION

(See attached)

Property of Lake County Recorder

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EXHIBIT A

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION

RESOLUTION NO. 2022-06-RDC

A RESOLUTION OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION DECLARING AN AREA IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA AS AN ECONOMIC DEVELOPMENT AREA, APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town of Cedar Lake, Lake County, Indiana, Redevelopment Commission (the "Commission"), as the governing body of the Town of Cedar Lake Department of Redevelopment (the "Department") and the Town of Cedar Lake Redevelopment District (the "District"), pursuant to the provisions of I.C. § 36-7-14, as amended (the "Act"), has thoroughly studied that area of the Town of Cedar Lake of Lake County, Indiana (the "Town"), as described on Exhibit A attached hereto and depicted on Exhibit B attached hereto, and hereinafter designated as the "Route 41 South Economic Development Area" (the "Economic Development Area"); and;

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an Economic Development Plan (the "Plan") for the Economic Development Area, hereinafter entitled "Route 41 South Economic Development Area Economic Development Plan," a copy of which is attached hereto as Exhibit C; and

WHEREAS, the Commission has caused to be prepared maps and plats depicting the boundaries of the Economic Development Area, the location of various parcels of property, streets, alleys, and other features affecting the replatting, replanning, rezoning, or redevelopment of the Economic Development Area, and the parts of the Economic Development Area that are to be devoted to public ways, sewerage, and other public purposes under the Plan; and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the development projects as set forth in the Plan; and

WHEREAS, the Plan and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, Section 39 of the Act permits the creation of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of "Economic Development Areas," and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal

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area may be exercised in an Economic Development Area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission, being duly informed and advised, deems it advisable to apply the provisions of said Sections 39, 41, and 43 of the Act to the Plan and financing of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION, AS FOLLOWS:

SECTION ONE: The Recitals set forth above are incorporated herein and are approved as if set forth herein.

SECTION TWO: The Plan for the Economic Development Area promotes significant opportunities for the gainful employment of the citizens of the Town, attracts major new business enterprises to the Town, may result in the retention or expansion of significant business enterprises existing in the Town, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the Town and the State of Indiana (the "State"), and serving to protect and increase property values in the Town and the State.

SECTION THREE: The Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of the lack of local public improvements or other similar conditions, including without limitation the costs of the projects contemplated by the Plan and the necessity for requiring the proper use of land so as to best serve the interests of the Town and its citizens.

SECTION FOUR: The public health and welfare will be benefited by accomplishment of the Plan for the Economic Development Area.

SECTION FIVE: The accomplishment of the Plan for the Economic Development Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

SECTION SIX: The Plan for the Economic Development Area conforms to other development and redevelopment plans for the Town.

SECTION SEVEN: The Plan is reasonable and appropriate when considered in relation to this Resolution and the purposes of the Act.

SECTION EIGHT: In support of the findings and determinations set forth in SECTIONS ONE through SEVEN above, the Commission hereby adopts the specific findings set forth in the Plan.

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SECTION NINE: The Plan does not contemplate the acquisition of property as a part of the economic development strategy, and the Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Economic Development Area. If the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

SECTION TEN: The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

SECTION ELEVEN: The Plan is hereby in all respects approved. The Secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting. The Economic Development Area is hereby designated as an "Economic Development Area" under Section 41 of the Act.

SECTION TWELVE: The entire Economic Development Area is hereby designated as an "Allocation Area" pursuant to Section 39 of the Act, to be known hereinafter as the "Route 41 South Economic Development Area Allocation Area" (the "Allocation Area") for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided by said Section, with the related allocation fund to be known as the "Route 41 South Economic Development Area Allocation Fund." The base assessment date for the Allocation Area shall be January 1, 2022. The Commission hereby specifically finds and determines, based upon its review of the proposed Economic Development Area and its reasonable expectations relating to expected growth of assessed value in the Economic Development Area following the completion of local public improvements as set forth in the Plan, that the adoption of the allocation provision as provided herein will result in new property taxes in the Economic Development Area that would not have been generated but for the adoption of the allocation provision. Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the District and when collected paid into an allocation fund for said allocation area that may be used by the District to do one (1) or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. This allocation provision shall expire twenty-five (25) years from the date of issuance of debt secured by the allocated property taxes. The Officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Lake County Auditor in connection with the creation of the allocation area.

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SECTION THIRTEEN: Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

SECTION FOURTEEN: The Officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Lake County Auditor in connection with the creation of the Allocation Area.

SECTION FIFTEEN: The provisions of this Resolution shall be subject in all respects to the Act, and any amendments thereto.

SECTION SIXTEEN: Any Member of the Commission is hereby authorized to take such actions as are necessary to implement the purposes of this Resolution, and any such action taken prior to the date hereof is hereby ratified and approved.

SECTION SEVENTEEN: This Resolution, together with any supporting data and together with the Plan, shall be submitted to the Town Plan Commission (the "Plan Commission") and the Town Council of the Town (the "Town Council") as provided in the Act, and if approved by the Plan Commission and the Town Council shall be submitted to a public hearing and remonstrance as provided in the Act, after public notice all as required by the Act.

SECTION EIGHTEEN: This Resolution shall take effect, and be in full force and effect, immediately upon its passage and approval by the Commission in conformance with applicable law.

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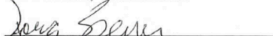
ALL OF WHICH IS PASSED AND RESOLVED BY THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION THIS 17th DAY OF OCTOBER, 2022.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REDEVELOPMENT COMMISSION

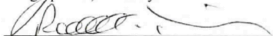


Nathan D. Vis, President

Eric Burnham, Vice-President



Doug Spencer, Secretary

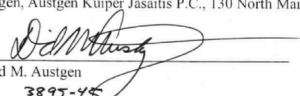


Randell C. Niemeyer, Member



James Hunley, Member

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law and this document was prepared by David M. Austgen, Austgen Kuiper Jasaitis P.C., 130 North Main Street, Crown Point, Indiana 46307.



David M. Austgen

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EXHIBIT A

DESCRIPTION OF THE ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA, EXCEPTING THE NORTHWEST CORNER, SAID EXCEPTION DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 883.17 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST; THENCE EAST 939.18 FEET; THENCE NORTH 444 FEET; THENCE WEST 939.18 FEET; THENCE SOUTH 444 FEET TO THE POINT OF BEGINNING: AND

THAT PART OF THE EAST ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ LYING EASTLY OF THE RIGHT OF WAY OF THE NEW YORK CENTRAL RAILROAD OF SECTION 33 TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2ND P.M. IN LAKE COUNTY, INDIANA, CONTINUING 8.04 ACRES, MORE OR LESS AS RECORDED IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; AND

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA LYING WESTERLY OF THE INDIANA HARBOR BELT RAILROAD (FORMERLY NEW YORK CENTRAL RAILROAD) EXCEPTING THEREFROM THE SOUTH 250 FEET OF THE WEST 210 FEET; ALSO EXCEPTING A PARCEL OF LAND DESCRIBED TO THOMAS M. KRETZ AND TONY D. KRETZ IN DOCUMENT NUMBER 2017-055775, RECORDED ON AUGUST 21, 2017 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID KRETZ PARCEL DESCRIPTION APPEARS IN SAID DOCUMENT AS FOLLOWS: PART OF PARCEL PIN: 45-15-28-376-002.000-013 CONVEYED TO TRICIA KRETZ ON JULY 6, 2017, (HEREINAFTER "PARCEL 376-002"); COMMENCING AT THE SOUTHWEST CORNER OF PARCEL PIN: 45-15-28-376-003.000-013 CONVEYED TO TRICIA KRETZ ON JUNE 22, 2017, (HEREINAFTER "PARCEL 376-003"); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, THIRTY FEET (30') TO THE POINT OF BEGINNING IN THE EYELET OF A CIRCULAR DRIVE; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, TWENTY FEET (20') TO A POINT; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, THIRTY FEET (30') TO A POINT; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, FORTY FEET (40') TO A POINT; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, FORTY FEET (40') TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, THIRTY FEET (30') TO A POINT; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST TO THE POINT OF BEGINNING, IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, CONTAINING APPROXIMATELY 2,000 SQUARE FEET, PARCEL LESS EXCEPTIONS CONTAINING 46.28 ACRES MORE OR LESS; AND

THAT PORTION OF WEST 101ST AVENUE NECESSARY TO CONNECT THE AREAS DESCRIBED ABOVE.

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EXHIBIT B

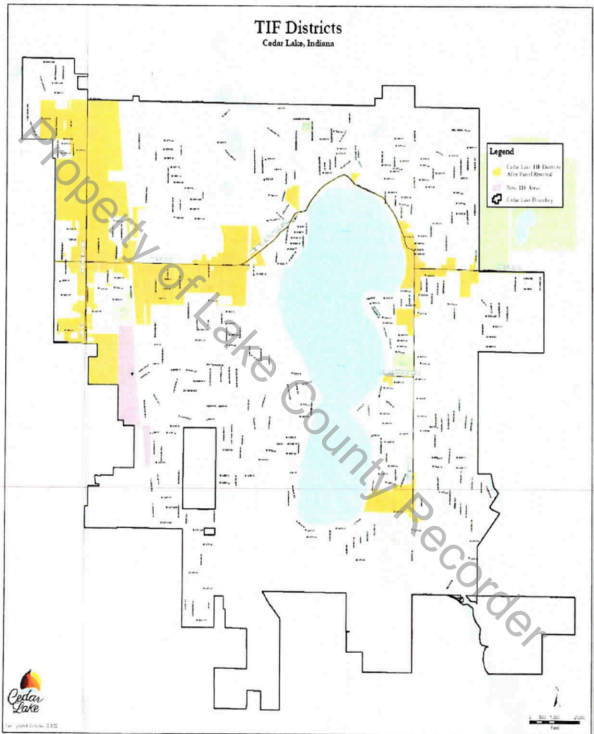
MAP OF THE AREA

Map:

SEE ATTACHED

Property of Lake County Recorder

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EXHIBIT C

ECONOMIC DEVELOPMENT PLAN

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA REDEVELOPMENT COMMISSION

ROUTE 41 SOUTH ECONOMIC DEVELOPMENT AREA ECONOMIC DEVELOPMENT PLAN

Purpose and Introduction

The Town of Cedar Lake, Lake County, Indiana, Redevelopment Commission (the "Commission"), the governing body of the Town of Cedar Lake Department of Redevelopment and the Redevelopment District (the "District") of the Town of Cedar Lake, Lake County, Indiana (the "Town"), proposes to designate and declare an Economic Development Area within the Town to be known as the "Route 41 South Economic Development Area" (the "Area"). This document is the plan for the Area (the "Plan"), provided that this Plan may be amended in the future as provided by the provisions of I.C. § 36-7-14, as amended from time to time (the "Act"), and in this Plan.

Pursuant to Sections 15, 16 and 41 of the Act, the Plan must be approved by the Commission, the Plan Commission of the Town, and the Town Council of the Town. As part of this approval process, the Commission will hold a public hearing on the Plan as required under Section 17 of the Act, before confirming (or modifying and confirming) the designation of the Area and the approval of the Plan.

The Commission also proposes that pursuant to the provisions of Section 39 of the Act, the Area shall constitute a tax increment financing "Allocation Area" for purposes of the Act. Such Allocation Area shall be designated as the "Route 41 South Economic Development Area Allocation Area" (hereinafter referred to as the "Allocation Area") for purposes of distribution and allocation of taxes on real property, and depreciable personal property of designated taxpayers, in the Allocation Area.

Plan and Project Objectives

The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the Town; increase the economic well-being of the Town and the State of Indiana; and serve to protect and increase property values in the Town and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the Town, attract major new business enterprises to the Town, retain and expand existing significant business enterprises in the Town, provide for local public improvements in the Area, retain permanent jobs, and increase the property tax base.

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Description of Area

A list of the parcels within the Area and a map of the Area are attached to this Plan as Exhibit A and Exhibit B hereto.

Project Description

The project consists generally of the acquisition, construction, installation and equipping of various infrastructure improvements in or serving the Allocation Area (collectively, the "Project").

Acquisition List

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire interests in real property in the future, it shall follow procedures set forth in Section 19 of the Act. The Commission may not exercise the power of eminent domain in an economic development area.

Estimate of the Cost of Acquisition

Because the Commission does not intend to acquire property for the Project, the Commission will not incur any costs of acquisition.

Disposal of Property

The Redevelopment Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 22 of the Act.

Statutory Findings

The Plan for the Area meets the following required findings under Section 41(b) of the Act:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the Town, attracts major new business enterprises to the Town, retains or expands a significant business enterprise existing in the Town, or meets other purposes of Sections 2.5, 41 and 43 of the Act.

Implementing the Plan and constructing the Project will create economic development, job growth, and will increase the tax base of the Town.

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- The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

The use of tax increment financing from the Allocation Area is necessary to construct the various elements of the Project.

- The public health and welfare will be benefited by accomplishment of the Plan for the Area.

Implementing the Plan and constructing the Project will create economic development, job growth, and will increase the tax base of the Town.

- The accomplishment of the Plan for the Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.

As noted above, the Project will bring new jobs to the Town and will increase the tax base of the Town. The Plan will improve the diversity of the economic base of the Town and spur development in the Area.

- The Plan for the Area conforms to other development and redevelopment plans for the Town.

The Plan conforms to the goals of the other development and redevelopment plans for the Town in that it is designed to enhance the economic well-being of the Town and its citizens.

Amendment of the Plan

This Plan may be amended by following the procedures described in Section 17.5 of the Act.

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EXHIBIT A

LIST OF PARCELS

PARCEL NO. 45-15-28-376-002.000-014

PARCEL NO. 45-15-28-176-005.000-014

PARCEL NO. 45-15-33-126-005.000-014

Property of Lake County Recorder

EXHIBIT B

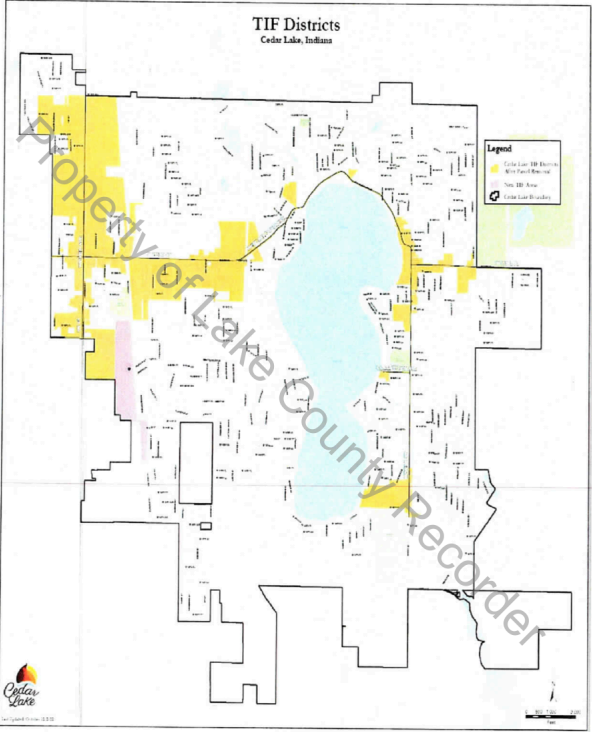
MAP OF THE AREA

Map:

SEE ATTACHED

Property of Lake County Recorder

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