

Passed 5/13/19 by a Vote of 6-1 Cotton Voted No

**RESOLUTION NO. 10-2019**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA RESCINDING RESOLUTION 17-2015 WHICH GRANTED A REAL PROPERTY TAX ABATEMENT TO HOLLADAY PROPERTIES AS WELL AS CONDITIONALLY RELEASING HOLLADAY PROPERTIES FROM THE REDEVELOPMENT AGREEMENT AND AGREEMENT REGARDING TAX ABATEMENT**

**WHEREAS**, on or about **May 14, 2015**, the Valparaiso City Council (“City”) approved Resolution 17-2015, which granted a 10-year tax abatement to Holladay Properties (“Holladay”);

**WHEREAS**, on or about **May 14, 2015**, the City and Holladay entered into a *Redevelopment Agreement and Agreement Regarding Tax Abatement* (“Agreement”). As part of the Agreement, Holladay committed to building a 50,000 square foot multi-tenant flex facility on or before **August 31, 2016**;

**WHEREAS**, on **March 19, 2019**, a Notice of Default was issued to Holladay Properties concerning the Agreement;

**WHEREAS**, on **May 9, 2019**, the Valparaiso Redevelopment Commission approved a *Memorandum of Understanding* with Holladay and Franciscan Alliance that addressed the Default and the manner to cure. Among other things, Holladay will transfer the land at 3400 Mariposa Drive (Parcel Number 64-10-20-376-002.000-029) to Franciscan Alliance and the Valparaiso Redevelopment Commission will receive \$575,536 as part of the transfer;

**WHEREAS**, should the Valparaiso Redevelopment Commission receive a fully executed *Memorandum of Understanding* and the funds identified above, it will release Holladay from the Agreement;

**WHEREAS**, based on the receipt of a fully executed *Memorandum of Understanding* and the funds identified above being received by the Valparaiso Redevelopment Commission, the City will release Holladay from the Agreement

**WHEREAS**, based on the **March 19, 2019** Notice of Default and acknowledgment by Holladay that it will not meet the requirements for the tax abatement, the City will rescind the tax abatement granted to Holladay under Resolution 17-2015.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Real Property Tax Abatement granted under Resolution 17-2015 is rescinded. A copy of this Resolution shall be sufficient notice for the Porter County Auditor to remove the Real Property Tax Abatement from **3400 Mariposa Drive** (Parcel Number 64-10-20-376-002.000-029). Should the Porter County Auditor, or any other County official need additional documentation to remove the Tax Abatement, the Mayor of Valparaiso is authorized to execute and provide such documentation.
2. Holladay is released from the Agreement upon: i) the *Memorandum of Understanding* between the Valparaiso Redevelopment Commission, Holladay and Franciscan Alliance being fully executed and, ii) the Valparaiso Redevelopment Commission receiving funds in the amount of \$575,536 on or before **July 1, 2019**.
3. If any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.
4. This Resolution shall be in full force and effect from and after its passage and adoption by the City and upon the signature of the Mayor.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
VALPARAISO, INDIANA,**

by a vote of \_\_\_\_\_ “Ayes” and \_\_\_\_\_ “Nays” of those Council members present  
on this day, **May 13, 2019**.

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Jon Costas  
Mayor

**ATTEST:**

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Sharon Swihart, Clerk-Treasurer