

**VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA**

RESOLUTION NO. 2014-01

RESOLUTION OF THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION CONFIRMING AMENDED DECLARATORY RESOLUTION NO. 10-9-2013-01 THAT EXPANDED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA FOR CERTAIN EXPANSION AREAS, AMENDED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AS ADDENDUM #6 AND EXPANDED THE CONSOLIDATED VALPARAISO ALLOCATION AREA FOR THE ADDENDUM #6 EXPANSION AREAS

WHEREAS, the Valparaiso Redevelopment Commission (the "**Commission**") of the City of Valparaiso, Indiana (the "**City**"), the governing body of the Department of Redevelopment ("**Department**") of the City and the Redevelopment District of the City (the "**District**"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "**Act**"); and

WHEREAS, on December 8, 2004, following a public hearing, the Commission adopted Resolution No. 12-8-2004-1 (the "**Amended Declaratory Resolution**"), which (i) amended the declaratory resolutions for each of the redevelopment areas and economic development areas located within the District (collectively, the "**Prior Development Areas**"); (ii) expanded and consolidated certain of the Prior Development Areas; (iii) amended and consolidated certain allocation areas within the Prior Development Areas; and (iv) amended and consolidated certain development plans for the Prior Development Areas; and

WHEREAS, as a result of the Commission's December 8, 2004 actions pursuant to the Amended Declaratory Resolution, the District contained (i) one economic development area within the meaning of the Act known as the "**Consolidated Valparaiso Economic Development Area**" (the "**Consolidated Area**"), which is subject to a consolidated economic development plan known as the "**Consolidated Valparaiso Area Economic Development Plan**" (the "**Consolidated Plan**"), and a portion of such area which has been designated as an allocation area for purposes of Section 39 of the Act (the "**Consolidated Valparaiso Allocation Area**"); and (ii) one redevelopment area within the meaning of the Act known as the "**North Central Redevelopment Area**", which is subject to a redevelopment plan known as the "**North Central Redevelopment Plan**", and which has been designated as an allocation area for purposes of Section 39 of the Act (the "**North Central Allocation Area**"); and

WHEREAS, on February 9, 2005, following a public hearing, the Commission adopted Resolution 2-9-2005-1 further amending the Amended Declaratory Resolution and the Consolidate Plan to: (i) expand the Consolidated Valparaiso Allocation Area by the Expansion Allocation Area incorporated in ADDENDUM #1 to the Consolidated Plan ("**Addendum #1**"); and (ii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #1 (Resolution 2-9-2005-1 together with the previously approved Amended Declaratory Resolutions henceforth were to be known as the Amended Declaratory Resolution; and

WHEREAS, on October 11, 2007, following a public hearing, the Commission adopted Resolution 10-11-2007-1 further amending the Amended Declaratory Resolution and the Consolidated Plan to: (i) expand the Consolidated Area for the Expansion Areas identified in ADDENDUM #2 to the Consolidated Plan ("**Addendum #2**"); (ii) expand the Consolidated Valparaiso Allocation Area to include certain parcels located within the Expansion Allocation Areas; and (iii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #2 attached as EXHIBIT A to the Amended Declaratory Resolution (Resolution 10-11-2007-1 together with the previously approved Amended Declaratory Resolutions henceforth shall be known as the Amended Declaratory Resolution; and

WHEREAS, on February 21, 2008, following a public hearing, the Commission adopted Resolution 2-21-2008-1 further amending the Amended Declaratory Resolution and the Consolidated Plan to: (i) expand the Consolidated Area for the Expansion Areas identified in ADDENDUM #3 to the Consolidated Plan ("**Addendum #3**"); (ii) expand the Consolidated Valparaiso Allocation Area to include certain parcels located within the Expansion Allocation Area; and (iii) include within the Consolidated Plan certain additional projects and a list providing for the potential acquisition by the Commission of certain parcels of property, all as set forth in Addendum #3 attached as EXHIBIT A to Resolution 2-21-2008-1 (Resolution 2-21-2008-1 together with the previously approved Amended Declaratory Resolutions henceforth shall be known as the Amended Declaratory Resolution; and

WHEREAS, on March 3, 2008, a complaint was filed in the Porter County Circuit Court (64C01-0802-MI-2075) challenging the legality of Resolution 2-21-2008 and the actions of Valparaiso Redevelopment, and on March 31, 2008, an Order was entered by the Circuit Court upholding the Resolution 2-21-2008 in its entirety; however, the plaintiff appealed this decision of the Circuit Court to the Indiana Court of Appeals under case number 64A03-0805-CV-261 whereas on December 5, 2008 the parties agreed to a Settlement Agreement and Mutual Release for which the Court of Appeals issued and ordered a Joint Motion to Dismiss, closing all litigation in this matter; and

WHEREAS, on June 12, 2008, following a public hearing, the Commission adopted confirming Resolution 6-12-2008-02 further amending the Amended Declaratory Resolution and the Consolidated Plan that: (i) expanded the Consolidated Area for the expansion areas identified in ADDENDUM #4 to the Consolidated Plan ("**Addendum #4**"); (ii) amended the Consolidated Plan for said expansion of the Consolidated Area and including certain identified projects and estimated project costs in said expansion areas; and (iii) designated said expansion areas to the Consolidated Area as allocation areas (the "**Expansion Areas Allocation Areas**") to be included in the Consolidated Valparaiso Allocation Area, all in compliance with the Act, more specifically Sections 17.5 and Sections 2.5, 15, 16, 17, 39, 41 and 43; and

WHEREAS, on August 8, 2012, following a public hearing, the Commission adopted confirming Resolution 8-8-2012-01 further amending the Amended Declaratory Resolution and the Consolidated Plan that: (i) expanded the Consolidated Area for the expansion areas identified in ADDENDUM #5 to the Consolidated Plan ("**Addendum #5**"); (ii) amended the Consolidated Plan for said expansion of the Consolidated Area and including certain identified projects and estimated project costs in said expansion areas; and (iii) designated said expansion areas to the Consolidated Area as allocation areas (the "**Expansion Areas Allocation Areas**") to be included in the Consolidated Valparaiso Allocation Area, all in compliance with the Act, more specifically Sections 17.5 and Sections 2.5, 15, 16, 17, 39, 41 and 43; and

WHEREAS, the Commission caused to be prepared ADDENDUM #6 to the Consolidated Plan (the "**Addendum #6**"), consistent with the Act, such that the Commission utilized the procedures for the original establishment of Consolidated Plan as an economic development area for compliance with the approval procedures under Sections 15 through 17.5; and

WHEREAS, the Commission on October 9, 2013 after a presentation on Addendum #6 adopted and approved Resolution 10-9-2013-01 further amending the Amended Declaratory Resolution that: (i) expanded the Consolidated Area, said expansion areas being tangential to and physically connected to the Consolidated Area that benefit the public health and welfare of the District, promote significant opportunities for gainful employment of its citizens, provide opportunities to attract major new business enterprise, and retain or expand existing business enterprises in the Consolidated Area as expanded; (ii) amended the Consolidated Plan for said expansion of the Consolidated Area and including certain identified projects and estimated project costs in said expansion areas; and (iii) designated said expansion areas to the Consolidated Area as allocation areas (the "**Expansion Areas Allocation Areas**") to be included in the Consolidated Valparaiso Allocation Area, all in compliance with the Act, more specifically Sections 17.5 and Sections 2.5, 15, 16, 17, 39, 41 and 43; and

WHEREAS, pursuant to Section 16(a) of the Act, the Valparaiso Plan Commission (the "**Plan Commission**") on November 12, 2013 adopted, approved, ratified and confirmed RES 13-001 (as set forth in **EXHIBIT A** attached hereto and incorporated herein) constituting the written order, pursuant to a finding of fact as made a part of said resolution, approving Resolution 10-9-2013-01 as an amending Declaratory Resolution and Addendum #6 determining said conformity with the Official Comprehensive Plan for the City of Valparaiso;

WHEREAS, pursuant to Section 16(b) of the Act the Common Council as the legislative body of the City on November 25, 2013 adopted and approved Resolution No. 26-2013 (as set forth in **EXHIBIT B** attached hereto and incorporated herein) adopting, approving, ratifying and confirming the Commission's Resolution 10-9-2013-01, the Addendum #6, and the Plan Commission's RES 13-001 as a written order; and, pursuant to Section 41(c) Act the Common Council as the legislative body of the City approved the enlargement of the Consolidated Area as an economic development area; and

WHEREAS, pursuant to Section 17(a) of the Act, the Commission caused to be published in The Times on Friday, December 13, 2013 a Notice of Public Hearing with respect to the Commission's actions relative to confirming Resolution 10-9-2013-01 further amending the Amended Declaratory Resolution; and

WHEREAS, pursuant to Section 17(b) of the Act, the Commission caused to be filed on or before Saturday, January 4, 2014 a copy of said notice in the offices of all departments, bodies, or officers of the City having to do with City planning, variances from zoning ordinances, land use of the issuance of building permits; and

WHEREAS, pursuant to Section 17(c) of the Act, the Commission caused to be filed on or before Saturday, January 4, 2014 a copy of said notice and a statement disclosing the impact of the allocation area provisions of Resolution 10-9-2013-01 (the "**Consolidated Valparaiso Area Economic Development Plan: Addendum #6 to the Consolidated Area - Report on Economic and Tax Impact Analysis**") with each taxing unit that is wholly or partly located within the Expansion Areas Allocation Areas; and

WHEREAS, the Commission has no registered neighborhood associations and has identified that there are no existing neighborhood associations that are impacted by the actions of Resolution 10-9-2013-01 and Addendum #6 such that notice required by and pursuant to Section 17.5(a) and (b) of the Act was not filed; and

WHEREAS, pursuant to Section 17.5(b) of the Act, the Commission caused to be filed via first class mail on or before Saturday, January 4, 2014 a copy of said public notice as published in The Times with persons owning property that is in the proposed enlargement of the Consolidated Area pursuant to Resolution 10-9-2013-01; and

WHEREAS, the Commission: (i) during a regular meeting of the Commission held on December 11, 2013 opened the meeting to hear comments and remonstrances specific to Resolution No. 10-9-2013-01 and (ii) at a duly published public hearing held by the Commission on January 15, 2012 at 5:05 p.m. (CST) at Valparaiso City Hall Council Chambers heard all persons interested in the proceedings and considered written remonstrances and objections as filed with the Commission in a timely manner, if any; and

WHEREAS, the Commission now desires to take final action confirming Resolution 10-9-2013-01, including all subsequent approval process proceedings, in accordance with the Act, more specifically Sections 17.5 and Sections 2.5, 15, 16, 17, 39, 41 and 43; and

NOW, THEREFORE, BE IT RESOLVED by the City of Valparaiso Redevelopment Commission, as follows:

1. After considering the evidence presented at a regular meeting of the Commission on December 11, 2013 and at a hearing of the Commission during its regularly scheduled public meeting of January 15, 2014, the Commission hereby confirms the findings, determinations and designations adopted and approved as contained in the Resolution 10-9-2013-01 as an amending Declaratory Resolution.

2. The Commission further hereby finds and determines that it will be of public utility and benefit to proceed with the Addendum #6, as attached as EXHIBIT A to amending declaratory Resolution No. 10-9-2013-01, such that this resolution: (i) adopts and approves Resolution No. 10-9-2013-01 pursuant to the purposes for an economic development area under Sections 2.5, 41 and 43 of the Act; (ii) confirms the actions of the Plan Commission pursuant to its written order of approval and RES 13-001 under Section 16(a) of the Act; and (iii) confirms the actions of the Common Council of the City by Resolution No. 26-2013 under Section 16(b) of the Act approving the actions of the Plan Commission and approving the enlargement of the Consolidated Area as an economic development area pursuant to Section 41(c) of the Act.

3. This resolution as the confirming resolution (the "**Confirmatory Resolution**") constitutes final action by the Commission, pursuant to Section 17(d) of the Act confirming Resolution No. 10-9-2013-01 and all actions necessary to take final action as it pertains to the expansion of the Consolidated Area, Addendum #6 and the designation of the expansion area as the Expansion Areas Allocation Areas and to be included in the Consolidated Allocation Area.

4. The Commission hereby authorizes the payment of "supervisory expenses" defined as project management expenses related to redevelopment and/or economic development projects identified within the Consolidated Plan as amended through Addendum #6 and as also within the Consolidated Valparaiso Allocation Area that are paid to individuals retained to supervise said projects such that said supervisory expenses qualify as expenditures for which reimbursement may be made from the appropriate allocation fund of the Commission.

5. The Secretary of the Commission is directed to record this Confirmatory Resolution as it constitutes final action taken by the Commission pursuant to the requirements of Section 17(d) of the Act and is directed to file a copy of this Confirmatory Resolution with the minutes of the Commission's January 15, 2014 meeting.

6. The Secretary of the Commission is further directed to file this Confirmatory Resolution, as file and date stamped by the Office of the Recorder for Porter County, Indiana, with the Indiana Department of Local Government Finance as required notice pursuant to Indiana Administrative Code 50 IAC 8-2-2(a).

7. This Confirmatory Resolution shall be in full force and effect after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the City of Valparaiso Redevelopment Commission held on the 15th day of January 2014.

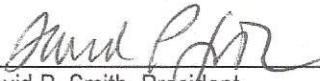
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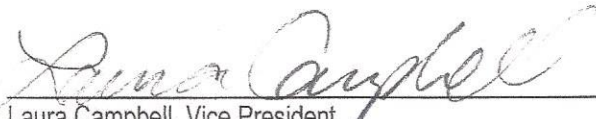
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CITY OF VALPARAISO, INDIANA
REDEVELOPMENT COMMISSION



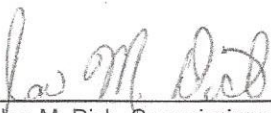
David P. Smith, President



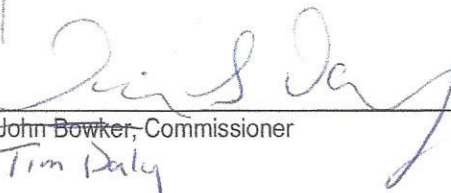
Laura Campbell, Vice President



Jon Diston, Secretary

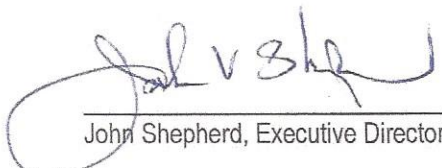


Jan M. Dick, Commissioner



John Bowker, Commissioner
Tim Daly

ATTEST:



John Shepherd, Executive Director