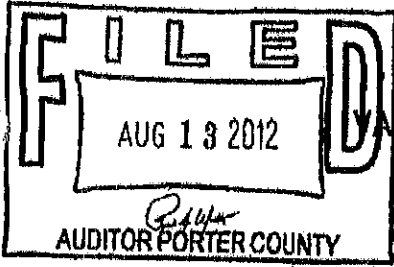


2012-019997

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
08/13/2012 09:53 AM
JON MILLER, RECORDER
REC FEE: 100.00
PAGES: 45



VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA

RESOLUTION NO. 8-08-2012-01

RESOLUTION OF THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION CONFIRMING AMENDED DECLARATORY RESOLUTION NO. 6-13-2012-01 THAT EXPANDED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA FOR CERTAIN EXPANSION AREAS, AMENDED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AS ADDENDUM #5 AND EXPANDING THE CONSOLIDATED VALPARAISO ALLOCATION AREA FOR THE ADDENDUM #5 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 Consolidated 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 matter is further pending before the Indiana Court of Appeals; 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, the Commission caused to be prepared ADDENDUM #5 to the Consolidated Plan (the "Addendum #5"), consistent with the Act, such that the Commission must use the procedures provided for the original establishment of economic development areas and must comply with the approval procedures under Sections 15 through 17.5; and

WHEREAS, the Commission on June 13, 2012 after a presentation on Addendum #5 adopted and approved Resolution 6-13-2012-01 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, the on July 10, 2012, the Valparaiso Plan Commission (the "Plan Commission") adopted, approved, ratified and confirmed RES 12-001 (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 6-13-2012-01 as an amending Declaratory Resolution and Addendum #5 determining said conformity with the Official Comprehensive Plan for the City of Valparaiso;

WHEREAS, pursuant to Section 16 of the Act the Common Council as the legislative body of the City on July 23, 2012 adopted and approved Resolution No. 13-2012 (as set forth in EXHIBIT B attached hereto and incorporated herein) adopting, approving, ratifying and confirming the Commission's Resolution 6-13-2012-01, the Addendum #5, and the Plan Commission's RES 12001 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, July 27, 2012 a Notice of Public Hearing with respect to the Commission's actions relative to confirming Resolution 6-13-2012-01 further amending the Amended Declaratory Resolution; and

WHEREAS, pursuant to Section 17(c) of the Act, the Commission caused to be filed on Friday, July 27, 2012 a copy of said notice and a statement disclosing the impact of the allocation area provisions of Resolution 6-13-2012-01 (the "Consolidated Valparaiso Area Economic Development Plan: Addendum #5 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, pursuant to Section 17(b) of the Act, the Commission caused to be filed on or before Monday, July 30, 2012 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, at a hearing held by the Commission on August 8, 2012 at 5:05 p.m. (CDT) at Valparaiso City Hall Council Chambers, the Commission 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 6-13-2012-01, 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 hearing of the Commission during its regularly scheduled public meeting of July 13, 2012, the Commission hereby confirms the findings, determinations and designations adopted and approved as contained in the Resolution 6-13-2012-01 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 #5, as attached as EXHIBIT A to amending declaratory Resolution No. 6-13-2012-01, such that this resolution: (i) adopts and approves Resolution 6-13-2012-01 pursuant to the purposes for the Economic Development Area under Sections 2.5, 41 and 43 of the Act; (ii) adopts, approves, ratifies and confirms the actions of the Plan Commission pursuant to its written order of approval and RES 12-001 under Section 16(a) of the Act; and (iii) adopts by the Common Council of the City by Resolution No. 13-2012 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. 6-13-2012-01 and all actions necessary to take final action as it pertains to the expansion of the Consolidated Area, Addendum #5 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 projects identified within the Consolidated Plan as amended through Addendum #5 and as also within the Consolidated Valparaiso Allocation Area that are paid to individuals retained to supervise said redevelopment 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 August 8, 2012 meeting.

6. 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 8th day of August 2012.

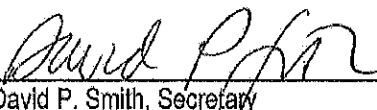
CITY OF VALPARAISO, INDIANA
REDEVELOPMENT COMMISSION



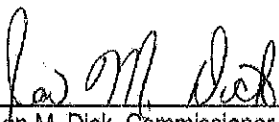
Laura Campbell, President



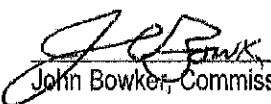
Jon Diston, Vice President



David P. Smith, Secretary



Jan M. Dick, Commissioner



John Bowker, Commissioner

ATTEST:



Stu Summers, Executive Director

VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA

RESOLUTION NO. 8-8-2012-01

EXHIBIT A

VALPARAISO PLAN COMMISSION
WRITTEN ORDER AND RESOLUTION NO. RES 12-001

(Attached Hereto)

**CITY OF VALPARAISO, INDIANA
VALPARAISO PLAN COMMISSION**

RES12-001

RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF VALPARAISO, INDIANA REGARDING THE VALPARAISO REDEVELOPMENT COMMISSION'S AMENDING DECLARATORY RESOLUTION NO. 06-13-2012-01 AS ADOPTED AND APPROVED ON JUNE 13, 2012 TITLED RESOLUTION OF THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION FURTHER AMENDING THE AMENDED DECLARATORY RESOLUTIONS THAT ESTABLISHED AND DESIGNATED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA; APPROVED THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AND DESIGNATED THE CONSOLIDATED VALPARAISO ALLOCATION AREA IN ORDER TO EXPAND SAID ECONOMIC DEVELOPMENT AREA; TO AMEND SAID PLAN FOR ADDENDUM #5 AND TO EXPAND SAID ALLOCATION AREA

WHEREAS, The Valparaiso Redevelopment Commission (the "Redevelopment Commission"), the governing body of the Valparaiso Redevelopment District and the Department of Redevelopment pursuant to Indiana Code ("IC") 36-7-14, *et seq.* (the "Act"), did on June 13, 2012 adopt and approve an Resolution No. 06-13-2012-01 as an amending declaratory resolution (the "Amending Declaratory Resolution") which further amended the declaratory and all prior amended declaratory resolutions that established and designated the Consolidated Valparaiso Economic Development Area, approved the Consolidated Valparaiso Economic Development Area, approved the Consolidated Valparaiso Economic Development Plan and designated the Consolidated Valparaiso Allocation Area in order to expand said economic development area, to amend said plan for Addendum #5 and to expand said allocation area;

WHEREAS, The Redevelopment Commission on June 14, 2012 in accordance with Section 16(a) of the Act submitted the Amending Declaratory Resolution and its supporting data to the Valparaiso Plan Commission (the "Plan Commission"), the body charged with the duty of developing a general plan for the City of Valparaiso (the "City");

WHEREAS, In accordance with Section 16(a) of the Act, the Plan Commission may determine whether the Amending Declaratory Resolution and Addendum #5 conform to the Official Comprehensive Plan for the City as dated April 2003;

WHEREAS, In accordance with Section 16 of the Act, the Plan Commission shall issue a Written Order approving or disapproving the Amending Declaratory Resolution and the Addendum #5 for conformity with the general plan for the City

NOW THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

Section 1. The Redevelopment Commission's Amending Declaratory Resolution is in all respects adopted, approved, ratified and confirmed by the Plan Commission.

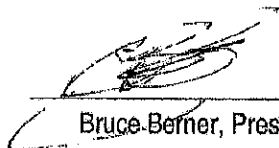


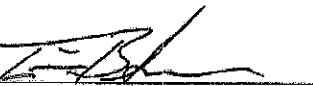
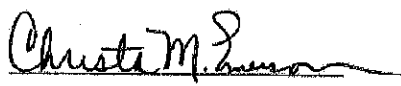
Section 2. This Resolution Issuing a Written Order of the Plan Commission shall be in full force from and after its adoption and approval by the Plan Commission.

Section 3. The Plan Commission hereby authorizes and directs the Recording Secretary of the Plan Commission to:

- a. Submit one (1) original signed Resolution and ten (10) copies to the Common Council of the City, as the municipal legislative body, for its consideration and approval in accordance with Section 16(b) of the Act;
- b. Submit one (1) original signed Resolution to the Redevelopment Commission for its files and permanent records as it pertains to the approval process of the Amending Declaratory Resolution and Addendum #5; and
- c. Retain two (2) original signed resolutions for its files and permanent records as it pertains for official actions of the Plan Commission and to the approval process of the Amending Declaratory Resolution and Addendum #5.

ADOPTED AND APPROVED at a meeting of the City of Valparaiso Plan Commission held on this day Tuesday, July 10, 2012 in the Valparaiso City Hall Council Chamber located at 166 Lincolnway, Valparaiso, Indiana 46383.


MEMBERS OF THE VALPARAISO PLAN COMMISSION

 _____ Bruce Berner, President	 _____ Vic Ritter, Vice-President	_____ Deb Butterfield
_____ Mike Micka	_____ Jim Mooney	_____ Alvin Shields
 _____ Diane Worstell	 _____ Tim Burkman	 _____ Christa Emerson Borlick

ATTEST:

Helene Pierce
Plan Commission Recording Secretary

Dated: July 10, 2012



Kent Tyler
Executive Director and Secretary
Dated: July 10, 2012

VALPARAISO REDEVELOPMENT COMMISSION
VALPARAISO, INDIANA

RESOLUTION NO. 8-8-2012-01

EXHIBIT B

CITY OF VALPARAISO COMMON COUNCIL
RESOLUTION NO. 13-2012

(Attached Hereto)

RESOLUTION NO. 13, - 2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA DETERMINING AND APPROVING THE RESOLUTION AND WRITTEN ORDER OF THE VALPARAISO PLAN COMMISSION AS IT PERTAINS TO PLAN COMMISSION RESOLUTION RES12-001 APPROVING RESOLUTION NO. 06-13-2012-01 OF THE VALPARAISO REDEVELOPMENT COMMISSION AS AN AMENDING DECLARATORY RESOLUTION IN ORDER TO EXPAND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA, AMEND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AND TO EXPAND THE EXISTING DESIGNATED CONSOLIDATED VALPARAISO ALLOCATION AREA

WHEREAS, The City of Valparaiso, Indiana (the "City") Redevelopment Commission (the "Redevelopment Commission"), the governing body of the City's Department of Redevelopment (the "Department") within the jurisdiction of the Redevelopment District of the City (the "District"), pursuant to IC 36-7-14 *et seq.* (the "Act"), at a regularly scheduled meeting held on June 13, 2012 approved and adopted an Resolution No. 06-13-2012-01 (the "Amending Declaratory Resolution") that further amended prior resolutions that established and designated the Consolidated Valparaiso Economic Development Area (the "Area"), approved the Consolidated Valparaiso Economic Development Plan (the "Plan") and designated the Consolidated Valparaiso Allocation Area (the "Allocation Area") in order to expand said Area, to amend said Plan (as titled the Consolidated Valparaiso Area Economic Development Plan; Addendum #5 to the Consolidated Plan referred to herein as "Addendum #5") and to amend the allocation provisions of the Allocation Area, to be concurrent with the Area as expanded;

WHEREAS, The Amending Declaratory Resolution, together with supporting data were submitted to the Valparaiso Plan Commission (the "Plan Commission") in a timely manner in order for the Plan Commission to: (1) make a determination whether the Amending Declaratory Resolution and Addendum #5 conform to the plan of development for the City and (2) approve or disapprove the Amending Declaratory Resolution and Addendum #5, all pursuant to Section 16(a) of the Act;

WHEREAS, The Plan Commission, as the duly designated and acting official planning body of the City, at a regular meeting held on July 10, 2012 adopted and approved Resolution No. RES12-001 which constituted its Written Order determining and approving that the Redevelopment Commission's Declaratory Resolution and the Plan conform to the Official Comprehensive Plan of the City as the plan of development for the City, without Plan Commission amendments or modifications, all pursuant to Section 16(a) of the Act;

WHEREAS, The Recording Secretary of the Plan Commission as authorized and directed by the Plan Commission and as directed by Resolution No. RES12-001 submitted one (1) original signed Resolution No. RES12-001 and ten (10) copies of the said resolution to the Common Council of the City;

WHEREAS, The Common Council of the City upon receipt of the Plan Commission's Resolution No. RES12-001 and upon review is now desirous to: (i) make a determination on the Plan Commission's Resolution No. RES12-001 and its Written Order; and (ii) approve said resolution and Written Order, pursuant to Section 16(b) of the Act; and

WHEREAS, The determination that a geographic area within the City and the District is an economic development area must be approved by the Common Council of the City pursuant to Section 41(c) of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Valparaiso, Indiana, pursuant to the Act as follows:

1. The Plan Commission's Resolution No. RES12-001 and its Written Order attached hereto and made a part hereof, as adopted and approved on July 10, 2012 are in all respects approved, ratified and confirmed pursuant to Section 16(b) of the Act.
2. The Redevelopment Commission's determination related to Addendum #5 and its geographical area as adopted and approved in the Amending Declaratory Resolution is in all respects approved, ratified and confirmed pursuant to Section 41(c) of the Act.
3. The Clerk-Treasurer as the secretary to the Common Council is hereby authorized and directed to:
 - a. Submit one (1) original signed Resolution to the Redevelopment Commission for its permanent record files as it relates to the approval process of the Area, Addendum #5 and the expansion of the Allocation Area;
 - b. Submit one (1) original signed Resolution to the Plan Commission for its project file permanent record files as it relates to the approval process of the Plan Commission's Resolution No. RES12-001 and its Written Order as it relates to the approval process of the Area, Addendum #5 and the expansion of the Allocation Area; and
 - c. Retain two (2) original signed Resolutions for the Common Council permanent record and document files.

BE IT FURTHER RESOLVED that this Resolution shall have full force and effect from and after its passage by the Common Council of the City and approval by the Mayor.

SEE SIGNATURE PAGE

SIGNATURE PAGE

RESOLUTION NO. 13 - 2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA DETERMINING AND APPROVING THE RESOLUTION AND WRITTEN ORDER OF THE VALPARAISO PLAN COMMISSION AS IT PERTAINS TO PLAN COMMISSION RESOLUTION RES12-001 APPROVING RESOLUTION NO. 06-13-2012-01 OF THE VALPARAISO REDEVELOPMENT COMMISSION AS AN AMENDING DECLARATORY RESOLUTION IN ORDER TO EXPAND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT AREA, AMEND THE CONSOLIDATED VALPARAISO ECONOMIC DEVELOPMENT PLAN AND TO EXPAND THE EXISTING DESIGNATED CONSOLIDATED VALPARAISO ALLOCATION AREA


PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, .
by a vote of 6 "Ayes" and 0 "Nays" of those Council members present on this
day, July 23, 2012.

COMMON COUNCIL OF THE
CITY OF VALPARAISO, INDIANA



Presiding Officer

ATTEST:



Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana,
this day July 23, 2012 at 8:00 p.m.



Sharon Swihart, Clerk-Treasurer

This Resolution approved and signed by me this day
July 23, 2011 at 8:00 p.m.



Jon Costas, Mayor