

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA

RESOLUTION NO. 2023- 21

**A RESOLUTION RESCINDING RESOLUTION NOS. 2023-06 & 2023-07,  
TERMINATING THE ECONOMIC REVITALIZATION AREA DESIGNATION AND  
THE REAL AND PERSONAL PROPERTY TAX ABATEMENTS GRANTED THEREIN,  
AND RESCINDING RESOLUTION NO. 2023-11 AND WITHDRAWING THE  
APPROVAL OF THE DEVELOPMENT AGREEMENT APPROVED THEREIN  
AND REVOKING THE OFFER OF THAT DEVELOPMENT AGREEMENT**

WHEREAS, the Common Council ("Council") of the City of Hobart, Lake County, Indiana ("City") adopted Resolution No. 2023-06 declaring an Economic Revitalization Area under Ind. Code 6-1.1-12.1, *et seq.* within the City's corporate limits for the area depicted and outlined in red on Exhibit A, which is adjacent to the eastern boundary of the property of applicant Lineage Logistics, LLC ("Lineage") at 2201 Northwind Parkway, Hobart, Lake County, Indiana, and which is more particularly described in Exhibit B;

WHEREAS, the Council caused a copy of its Resolution No. 2023-06 to be filed with the County Assessor, and the information required by Ind. Code 6-1.1-12.1-2.5(c) to be filed with the officers of each taxing unit that has authority to levy property taxes in the geographic area where the Economic Revitalization Area is located;

WHEREAS, the Council adopted Resolution No. 2023-07 confirming Resolution No. 2023-06 and declaring that confirmation to be a final action;

WHEREAS, Resolution No. 2023-07 conditioned Lineage's receipt of the benefits of the real and personal property tax abatements granted therein upon the execution of and compliance with a development agreement between Lineage and the City, which development agreement was subsequently approved by the Council in Resolution No. 2023-11;

WHEREAS, Lineage has not executed the development agreement, and it has informed the City that it does not intend to execute the development agreement and that it intends to forgo the real and personal property tax abatements;

WHEREAS, the City's Board of Public Works and Safety (the "Board"), at its public meeting earlier on this date, rescinded its approval of the DA by and between Lineage and the City by the adoption of the Board's Resolution No. 2023- 06 ; and

WHEREAS, the Council conducted a hearing for the purpose of further considering Lineage's noncompliance with the requirement that it execute and comply with the development agreement, and the Council has considered the evidence and now takes final action and determines that Lineage has failed to comply with the conditions necessary for it to receive the benefits of the real and personal property tax abatements;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart as follows:

1. Resolution No. 2023-06, the Economic Revitalization Area designation made therein, and the real and personal property tax abatements granted therein, are hereby rescinded.

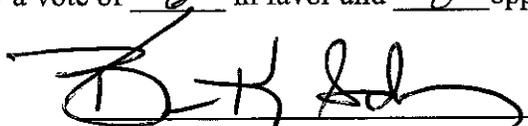
2. Resolution No. 2023-07, the Economic Revitalization Area confirmed therein, and the real and personal property tax abatements granted therein, are hereby rescinded.

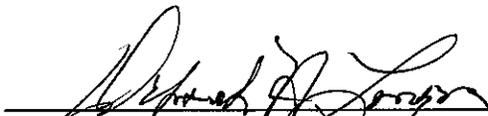
3. Resolution No. 2023-11 and the approval of the development agreement made therein, are hereby rescinded. For avoidance of doubt, the City's offer of the development agreement to Lineage has been and is revoked and withdrawn.

4. The Council directs the Clerk of the City of Hobart to cause notice of the adoption and substance of this resolution terminating the Economic Revitalization Area and the real and personal property tax abatements to be mailed by certified mail to the property owner, county auditor, and county assessor in accordance with Ind. Code 6-1.1-12.1-5.9(d), and to so notify the officers of each taxing unit that has authority to levy property taxes in the geographic area where the Economic Revitalization Area was located who were previously notified pursuant to Section 8 of the now rescinded Resolution No. 2023-06.

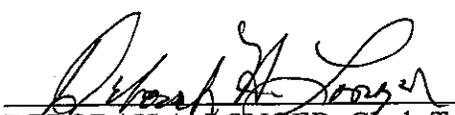
5. The determinations of the Council made by this resolution shall be and are a final action, except that an appeal may be taken and heard as provided in Ind. Code 6-1.1-12.1-5.9.

**PASSED AND ADOPTED** by the Common Council of the City of Hobart, Lake County, Indiana on the 1<sup>st</sup> day of November, 2023, by a vote of 6 in favor and 0 opposed.

  
BRIAN K. SNEDECOR, Presiding Officer

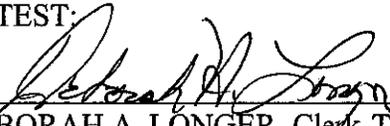
ATTEST:   
DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 1<sup>st</sup> day of November, 2023, at 7:05 ~~am~~ p.m.

  
DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, SIGNED, AND RETURNED by me to the Common Council of the City of Hobart, on this 30 day of November, 2023.

  
BRIAN K. SNEDECOR, Mayor

ATTEST:  
  
DEBORAH A. LONGER, Clerk-Treasurer

**Exhibit B**

ALL THAT PART OF THE NORTH HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 28 MINUTES 07 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 579.59 FEET; THENCE SOUTH 16 DEGREES 33 MINUTES 51 SECONDS EAST INTO SAID SOUTHEAST QUARTER, A DISTANCE OF 346.90 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 56 SECONDS EAST, A DISTANCE OF 127.97 FEET; THENCE SOUTH 09 DEGREES 50 MINUTES 39 SECONDS EAST, A DISTANCE 1004.69 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE WEST HALF OF THE SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 30 MINUTES 24 SECONDS WEST ALONG THE SAID SOUTH LINE, A DISTANCE OF 977.78 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE WEST HALF OF THE SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES II SECONDS WEST ALONG THE WEST LINE OF THE SAID SOUTHEAST QUARTER, A DISTANCE OF 1319.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS APPROXIMATELY 1,090,025 SQUARE FEET, 25.02 ACRES.

Ryan A. Cook  
rcook@eichhorn-law.com

2929 Carlson Drive, Suite 100  
Hammond, IN 46323

T 219-931-0560  
F 219-931-5370

October 19, 2023

*By e-mail and regular U.S. mail*

Bridget Green  
Senior Manager, Indirect Tax  
Lineage Logistics, LLC  
46500 Humboldt Drive  
Novi, MI 48377

**Re: Lineage Logistics, LLC – Notice of Hearing on Termination of Tax Abatements**  
Our File No. 411.16941

Dear Ms. Green:

I am writing about the real and personal property tax abatements that Lineage Logistics, LLC ("Lineage") requested from the City of Hobart, Indiana ("City") in May 2023. As you know, the City's Common Council passed declaratory and confirmatory resolutions in June and July 2023, respectively, granting those abatements, but the Council expressly made the receipt of the tax abatement benefits contingent upon the execution of and compliance with a development agreement. Please see the attached Resolutions 2023-06 and 2023-07.

Per your correspondence to Beth Jacobson, Director of Development, on October 17, 2023, we understand that Lineage has decided not to execute the development agreement, and that it has further decided to forgo the tax abatements. Thus, pursuant to Ind. Code 6-1.1-12.1-5.9, the City hereby notifies Lineage that **the City's Common Council will hold a hearing at its meeting on November 1, 2023 at 6 p.m. CT for the purpose of considering Lineage's noncompliance with the requirement that it execute and comply with the development agreement. The hearing will be held at Hobart City Hall, Council Chambers (second floor), 414 Main Street, Hobart, IN 46342.**

Following the hearing, the Council will consider a resolution to terminate the real and personal property tax abatements. The Common Council will also take up a resolution rescinding its approval of the development agreement in its Resolution 2023-11. As to Lineage's application for a foundation permit, if the application is otherwise in order and compliant with the City's Municipal Code ("HMC"), the permit will be issued in due course after the tax abatements are terminated pursuant to the requirements of the City's Building Code, including, without limitation, HMC §150.062 ("Compliance with Other Ordinances").

Your October 17<sup>th</sup> correspondence to Ms. Jacobson also made reference to Randy Palmateer. Contrary to your assertion, Mr. Palmateer neither "administers" nor "enforces" the City's Responsible Bidding Practices Ordinance; the City alone administers and enforces its ordinances. Mr. Palmateer is a resource to help entities like Lineage identify qualified contractors.

Bridget Green  
October 19, 2023  
Page 2

Please know that a copy of the Common Council's meeting agenda will be available no later than two days prior to the meeting—the agenda can be found at <https://cityofhobart.org/226/City-Council>. Zoom dial-in and access code information can be found at the top of the agenda.

You are welcome to call me or Ms. Jacobson if you have any questions about this letter.

Very truly yours,

**EICHHORN & EICHHORN, LLP**

By:   
\_\_\_\_\_

Ryan A. Cook

cc: Brian K. Snedecor, Mayor  
Beth Jacobson, Director of Development  
Heather McCarthy, City Attorney

## CITY OF HOBART

### AGENDA ITEM REQUEST FORM

(Please Print)

Meeting Date: Nov. 1, 2023

Board of Public Works (3:30 p.m.)

Common Council (6:00 p.m.)

Item to be Added to Agenda: Resolution 2023-21 Terminating the  
ERAdesignation and real + personal property abatements  
and withdrawing approval of development agreement for Lineage  
Brief Description of Request for Consideration: Logistic

\* Please note that the Council must hold a hearing  
regarding Lineage's failure to comply  
with the terms of the abatement before  
acting to terminate the abatements.

(The hearing does not require public notice,  
only notice to the company - please see  
the attached letter, which serves as notice)

Supporting Documentation Attached: Letter from Attorney Ryan Cook  
to Lineage Logistics, dated 10/19/23

Request Submitted by: Beth Jacobson

Address (Department): Economic Development

Phone Number (Ext.): 219-942-5517

Date Submitted: 10/24/23

Turn in Completed Request Form to the Clerk-Treasurer's Office, Hobart City Hall