

**COMMON COUNCIL OF THE CITY OF HOBART
RESOLUTION NO. 2013- 15**

A Resolution Amending Resolution No. 2013-12 which Confirmed Resolution No. 2013-11 Designating, with Conditions, a certain area within the City as an Economic Revitalization Area for purposes of Real Property Tax Abatement (In Re: Colvel Investments, LLC, 6188 Marcella Blvd.)

WHEREAS, by Resolution Nos. 2013-11 and 2013-12, the Common Council (“Council”) of the City of Hobart, Indiana (“City”) declared and then confirmed, respectively, the area described in said Resolutions as an economic revitalization area, said area to be the site of a new office building constructed by Colvel Investments, LLC, an Indiana limited liability company (“Applicant”), including, in part, a medical office and other uses as stated on the Applicant’s Statement of Benefits; and

WHEREAS, the effect of these actions was to attempt to award property tax abatement to the designated property pursuant to the schedule contained in such Resolutions; and

WHEREAS, the Council’s motion adopting Resolution No. 2013-12 on June 19, 2013 included the following language: “. . .with the stipulation that authorizes Mr. Herzog and Mr. Brezik to meet with the property owner/developer to establish written conditions or limitations to be added to the Statement of Benefits under subsection ‘D’”; and

WHEREAS, the City Attorney has advised that such grant of tax abatement cannot be premised on an agreement yet to made to add unknown conditions to the Statement of Benefits, and that, therefore, the Council’s attempt to pass Resolution No. 2013-12 is legally ineffective; and

WHEREAS, representatives of the applicant and the City have since reached agreement on the terms of the conditions to be applied to the tax abatement granted by Resolution No. 2013-12 and now desire to amend said Resolution to explicitly state and include such conditions; and

WHEREAS, the Council also desires to impose a fee, as authorized by law, of 15% of the amount of the tax saving realized by said Applicant during each year of the tax abatement granted herein, but to apply the proceeds of such fee to the cost of acquisition by the Applicant of property or suitable right of way on property to the South, necessary for the construction of ingress and egress to its property from 62nd Avenue.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart, Lake County, Indiana, that:

SECTION ONE: The Council now amends its Resolution No. 2013-12 by including those conditions in the Statement of Benefits related thereto included on the document attached hereto and made a part hereof as “Exhibit A.”

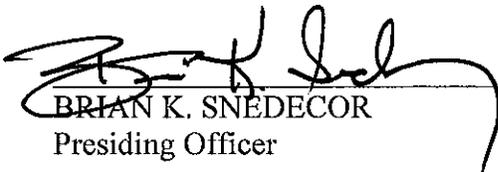
SECTION TWO: The grant of designation of the Applicant's real property as an economic revitalization area is expressly premised and conditioned upon the fulfillment of each and every one of said conditions. Failure to perform the conditions shall constitute grounds for disapproval of finding of compliance with the Statement of Benefits and denial of property abatement in the future.

SECTION THREE: The Council further amends its resolution No. 2013-12 by adding the following language as a new section, to read as follows:

The Council hereby imposes a fee upon the Applicant, pursuant to I.C. §6-1.1-12.1-14, to be paid for each year in which the liability of the Applicant for real property taxes upon the subject property is reduced by reason of the deduction granted in this resolution. Such fee is imposed with the consent of the Applicant as the property owner (which is evidenced by the signature of its authorized signatory upon this resolution below). The Council hereby determines, as authorized in I.C. §6-1.1-12.1-14 (b), that the percentage of such fee shall be 15%, and such percentage remains in effect throughout the term of the deduction and may not be changed. The amount of the fee is determined as provided in I.C. §6-1.1-12.1-14 (c) by multiplying the additional amount of property taxes which the owner would have paid during the year if the deduction had not been in effect by said percentage, provided that, such fee shall not exceed \$100,000. The property owner shall pay such fee to the Treasurer of Lake County. Under the authority granted to the Council in I.C. §6-1.1-12.1-14 (d), the Council directs that the County Auditor distribute the fees collected under this resolution to the Clerk-Treasurer of the City for retention in a special, non-reverting fund, to be known as the Colvel-62nd Avenue Development Fund, a public entity established to promote economic development in the City by supporting the acquisition of said property to the South of the Applicant's parcel for said ingress and egress. The Clerk-Treasurer is authorized to pay over an amount from said fund, up to the entirety thereof, to the applicant, up to the true cost of acquiring said right of way or property to the South, upon providing the Clerk-Treasurer with satisfactory evidence thereof. Any amounts remaining in the Fund two years from the date hereof shall be paid and turned over to the Redevelopment Commission of the City, a public entity established to promote economic development in the City to support such activities within the City, generally. Upon such payment, the Fund shall terminate and expire.

SECTION FOUR: In all other respects, the provisions of Resolution No. 2013-12 are hereby affirmed and remain effective.

APPROVED and ADOPTED by the Common Council of the City of Hobart on this 18th day of September, 2013.


BRIAN K. SNEDECOR
Presiding Officer

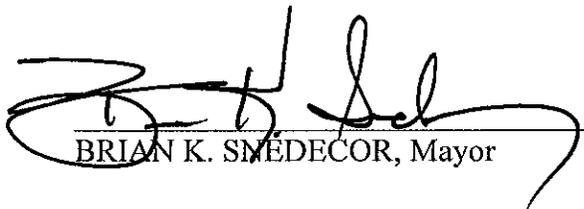
ATTEST:

DEBORAH A. LONGER, Clerk/Treasurer

PRESENTED by me to the Mayor of the City of Hobart, Indiana this 18th day of September, 2013, at 6:50 ~~a.m.~~/p.m.


DEBORAH A. LONGER
Clerk-Treasurer

APPROVED, SIGNED, and RETURNED by me as Mayor of the City of Hobart, Lake County, Indiana, to the Common Council of the City of Hobart, Lake County, Indiana, this 18th day of September, 2013.


BRIAN K. SNEDECOR, Mayor

ATTEST:

DEBORAH A. LONGER
Clerk-Treasurer

The Applicant hereby consents to the 15% fee provided for in this resolution.

COLVEL INVESTMENTS, LLC

BY: 
Authorized Signatory

Name Printed: BARRY RING

EXHIBIT A

**CONDITIONS OF GRANT OF DESIGNATION AS ECONOMIC REVITALIZATION
AREA: 6188 MARCELLA BOULEVARD**

First condition – Colvel will place a “no left sign, right turn only sign” upon the exit from the property. The sign shall be in place at the time of final occupancy inspection.

Second Condition--Colvel will actively work to obtain ingress and egress access via 62nd Avenue. Colvel will use its best efforts to acquire the property to the South, or to obtain an easement or right of way across said property. The City of Hobart will hold the 15% abatement fee provided for in the attached Resolution in a special, non-reverting fund, and shall reimburse Colvel for the cost of acquiring said property, easement or right of way, up to the full amount of said fee, upon providing the Clerk-Treasurer with satisfactory evidence of such acquisition, within two (2) years of the date of enactment of said Resolution. In the event that Colvel fails to acquire said property, right of way or easement prior to the expiration of two (2) years from the date of such enactment, the City shall retain the fee, and the Common Council may terminate the property tax abatement granted in the Resolution.

Third Condition--With respect to traffic patterns, Colvel will post “employees only” signs for the area of the property running east on the southern exposure of the property. The sign will also indicate the location of the exit. The sign shall be in place at time of the final occupancy inspection.

Fourth Condition--Colvel will construct a deceleration lane on northbound Marcella Boulevard which will terminate as a right turn onto the subject property. The deceleration lane shall be installed at owner's expense and in place before the final occupancy inspection.