Passed: 8-0

RESOLUTION 99-20

TO MODIFY AND CONFIRM RESOLUTION 99-19 WHICH DESIGNATED AN ECONOMIC REVITALIZATION AREA (ERA)
Re: 114-116 North Walnut Street
(David Ferguson, John Seeber, Tom Seeber, and Randy Cassady, Petitioners)

WHEREAS, Petitioners have filed an application for designation of the property located at 114-116 North Walnut Street as an "Economic Revitalization Area"; and

WHEREAS, the application has been reviewed by the Planning Department, and the Economic Development Commission has passed a resolution recommending to the Common Council the approval of the "Economic Revitalization Area" designation for said property and for said term of years; and

WHEREAS, petitioners seeking designation for their property as an Economic Revitalization Area must complete a Statement of Benefits and must, prior to March 1st of each year, provide the county Auditor and the Common Council with information showing the extent to which there has been compliance with the Statement of Benefits; and

WHEREAS, the Common Council has investigated the area and reviewed the Statement of Benefits and application, which are attached hereto and made a part hereof, and found the following:

A. the estimate of the value of the redevelopment or rehabilitation is reasonable;
B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
D. the redevelopment or rehabilitation has received approval from the Planning Department, is consistent with the Growth Policies Plan, is expected to be developed and used in a manner that complies with local code, and provides housing in the downtown area; and
E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above is part of the Downtown Subarea A, as defined in the Housing and Neighborhood Development Department's Community Development and Housing Plan, and has experienced a cessation of growth; and

WHEREAS, the Common Council adopted Resolution 99-19 on July 7, 1999, which designated the above property as an "Economic Revitalization Area," and pursuant to I.C. 6-1.1-12.1-11.3, intends to modify and confirm that resolution by waiving a statutory provision requiring the Council to designate the "Economic Revitalization Area" prior to the initiation of rehabilitation; and

WHEREAS, the City Clerk has published a notice of the passage of Resolution 99-19, which requested that persons having objections or remonstrances to the modification and confirmation of that resolution to appear before the Common Council at its Regular Session on July 21, 1999; and

WHEREAS, the Common Council has conducted a public hearing and reviewed and heard all such objections and remonstrances to modification and confirmation of Resolution 99-19;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

1. The Common Council hereby affirms its determination made in Resolution 99-19 that the area described above is an "Economic Revitalization Area" as set forth in Indiana Code 6-1.1-12.1-1 et. seq.; the Common Council further finds and determines that the owner of the property shall be entitled to a deduction from the assessed value of the property for a period of ten (10) years if the property is rehabilitated or redeveloped pursuant to I.C. 6-1.1-12.1-3.

2. In granting this designation and deduction the Council is also expressly exercising the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose reasonable conditions on the rehabilitation or redevelopment. Failure of the property owner to make reasonable efforts to comply with these following conditions are additional reasons for the Council to rescind this designation and deduction:

a. the improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of installation) within twelve months of the date of this designation; and

b. the land and improvements will be developed and used in a manner that complies with local code.

3. Pursuant to I.C. 6-1.1-12.1-11.3, the Common Council finds and determines that compliance with one of the statutory provisions shall be waived. This provision requires the Common Council to designate the "Economic Revitalization Area" prior to the initiation of rehabilitation. In so doing, the Council also waives a similar requirement found in the local guidelines.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of July, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor on this 22nd day of July, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22nd day of July, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This resolution modifies and confirms the determination of the Common Council expressed in Resolution 99-19 to designate the property located at 114-116 North Walnut Street as an "Economic Revitalization Area" (ERA) for a period of ten (10) years. This resolution modifies the previous one by expressly waiving a statutory provision requiring the Common Council to approve the ERA designation before the rehabilitation has been initiated. State law requires that the Common Council hold a legally advertised public hearing to hear public comment on the proposal prior to taking final action on the legislation.

Signed copies to:
MC Auditor
MC Assessor
Randy Lloyd
Petitioner