

RESOLUTION 07-07

**TO TERMINATE TAX DEDUCTION FOR IMPROVEMENTS TO REAL ESTATE AND
REMOVE THE ECONOMIC REVITALIZATION AREA (ERA) DESIGNATION
AUTHORIZED BY RESOLUTION 01-30 AND RESOLUTION 02-01
- Re: 318 South Washington Street
(Middle Way House, Current Owner)**

WHEREAS, in 2002 the Common Council adopted Resolution 02-01, which affirmed Resolution 01-30, by designating the property at 318 South Washington Street as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for the improvement of real estate for the purpose of creating low-income senior housing (Project); and

WHEREAS, the decision to grant the tax abatement in 2001 was based upon the Application for tax abatement, the Statement of Benefits form, and other material submitted to the Council by the Petitioner, Evergreen Place Apartments, L.P.; and

WHEREAS, according to Indiana Code 6-1.1-12.1-5.1, the property owner wishing to keep the abatement on real estate must file a CF-1 form annually before May 15th indicating what progress has been made in meeting the commitments set forth in the Statement of Benefits; and

WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with the terms of the resolution and the Statement of Benefits, and if the Council determines that the property owner has failed to make reasonable efforts to comply with the terms of the abatement and has not been prevented by factors beyond his or her control, then the Council may rescind the tax abatement and terminate the tax deduction; and

WHEREAS, on June 20, 2007, the Director of Economic Development, Danise Alano, presented an Annual Tax Abatement Report to the Common Council indicating that the project had changed ownership and that the new owner, Middle Way House, Inc., is now using the site for its headquarter offices, crisis shelter and transitional living facilities for victims of domestic violence, and entrepreneurial enterprises and recommended finding that the Project was not in substantial compliance with the terms of the tax abatement; and

WHEREAS, based upon that recommendation, the Council adopted a motion that evening pursuant to Indiana Code 6-1.1-12.1-5.9 which:

- Determined that the current owner had not substantially complied with the Statement of Benefits regarding the Project and that the failure to do so was not caused by factors beyond their control;
- Announced that the Common Council would hold a hearing at the Regular Session on August 1, 2007, to further consider this owner's compliance with the Statement of Benefits in the context of a resolution terminating the tax abatement; and
- Directed the Council Attorney to mail the statutorily-required written notice to the property owner; and

WHEREAS, pursuant to I.C. 6-1.1-12.1-5.9, the Council Attorney mailed notice of the hearing to the property owners within 30 days of its occurrence and on August 1, 2007, the Common Council held the hearing and determined that the owners of the improvements to real estate were not in substantial compliance with the statement of benefits and the failure to comply was not the result of factors beyond their control; and

WHEREAS, the Common Council is not persuaded that the property continues to be eligible for designation as an Economic Revitalization Area (ERA);

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

SECTION 1. Resolution 01-30 and Resolution 02-01 shall be rescinded and the Economic Revitalization Area (ERA) designation for the real estate at 318 South Washington Street shall be removed and the tax deduction for the Project be terminated.

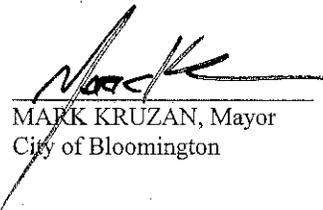
SECTION 2. The Clerk of the City is directed to mail a certified copy of this resolution to the property owner and the Auditor of Monroe County.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 1st day of August, 2007.



~~DAVE ROLLO, President~~
Bloomington Common Council
~~STEPHEN VOLAN, Vice President~~

SIGNED and APPROVED by me upon this 2nd day of AUGUST, 2007.



MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution rescinds Common Council Resolution 01-30 and Resolution 02-01 and, thereby, terminates the tax abatement as well as removes the ERA designation for a low-income senior housing project which has not gone forward at 318 South Washington Street.

Signed copies to:
Legal C.O.
Comptroller
Econ. Dev.

Treasurer
Auditor
Prop. by owner
Recorder

certified

CA/CA (3)
check
file