(passed 9-0)

RESOLUTION 04-10

TO RESCIND RESOLUTION 02-13 AND RESOLUTION 02-14
AND TERMINATE TAX DEDUCTION
FOR IMPROVEMENTS TO REAL ESTATE
Re: 2305 West Rockport Road
(Winterwood Properties, LLC, Spring Lake Development, and Mr. and Mrs. Joseph Hartman, Owners)

WHEREAS, in 2002 the Common Council adopted Resolution 02-14, which affirmed Resolution 02-13, by designating the property at 2305 West Rockport Road as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for the construction of 24-unit owner-occupied, affordable housing project (Project); and

WHEREAS, the decision to grant the tax abatement in 2002 was based upon the application for tax abatement, the Statement of Benefits forms, and other material submitted to the Council by the petitioner, which indicated that the owner was intending to build a 24-unit predominantly owner-occupied, affordable housing project; 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 March 1st 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 control, then the Council may rescind the tax abatement and terminate the tax deduction; and

WHEREAS, on April 7, 2004, however, the Director of Economic Development, Ron Walker, presented an Annual Tax Abatement Report to the Common Council indicating that the project had changed hands during its construction and that the new owners are now renting the units at market rate and have not filed any CF-1's and recommended finding that the Project was not in substantial compliance with the terms of the tax abatement; and

WHEREAS, at that meeting and based upon that recommendation, the Council adopted the following motion:

Pursuant to Indiana Code 6-1.1-12.1-5.9, the Common Council determines that the owners of 2305 West Rockport Road have not substantially complied with the Statement of Benefits and that the failure do so was not caused by factors beyond their control. Therefore, the Common Council will hold a hearing at the Regular Session on May 19, 2004, to further consider the property owner's compliance with the Statement of Benefits. At the conclusion of the hearing the Common Council may adopt a resolution terminating the tax abatement. The Council Attorney is directed to mail the statutorily required written notice to the property owner.

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 May 19, 2004, 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 is 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 02-13 and Resolution 97-14 shall be rescinded and the tax deduction for the improvements to real estate at 2305 West Rockport Road be terminated.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of May, 2004.

MIKE DIEKHOFF, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 20th day of May, 2004.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution rescinds Common Council Resolution 02-13 and Resolution 02-14 and, thereby, terminates the tax abatement as well as removes the ERA designation for a housing project located at 2305 West Rockport Road.

Signed copies to:
legal (5) property owners (3) taxing bodies (6) clerk
controller auditor CAPA (2) file