Passed: 7-0

ORDINANCE 95-34
TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA
Re: 213 South Rogers St.
(Frosted Food Development, LLC, petitioner)

WHEREAS, Indiana Code 6-1.1-12.1-7(a) authorizes the Common Council to designate an area as an Economic Development Target Area; and

WHEREAS, statutory criteria require that an area so designated must be an area that:

(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvement or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevented a normal development of property or use of property; or

(2) is designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under Indiana Code 36-7-11, 36-77-11.1 or 14-3-3.2; or

(3) encompasses buildings, structures, sites or other facilities that are:

(A) listed on the national register of historic places under the National Historic Preservation Act of 1966; or

(B) listed on the register of Indiana historic sites and historic structures; or

(C) determined to be eligible for listing on the Indiana register by the state historic preservation officer;

and

WHEREAS, the City of Bloomington Economic Development Commission considered the request of Frosted Foods Development, LLC to designate the area commonly known as 213 S. Rogers, Bloomington, Indiana, as a Economic Development Target Area at a public hearing held on June 6, 1995; and

WHEREAS, the Economic Development Commission voted to recommend that the Common Council designate the above-described area as an Economic Development Target Area in compliance with Indiana Code 6-1.1-12.1-7 (a)(3)(C) recited above. A copy of Resolution 95-1 of the Economic Development Commission is attached hereto and incorporated herein;

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

SECTION I. The area commonly known as 213 S. Rogers, Bloomington, Indiana, described in Exhibit A attached hereto and incorporated herein, is hereby designated as an Economic Development Target Area under the authority of Indiana Code 6-1.1-12.1-7 (a)(3)(C).

SECTION II. The favorable recommendation of the Economic Development Commission shall be attached hereto and made a part hereof.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of June, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of June, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 22nd day of June, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance designates the area commonly known as 213 S. Rogers, in Bloomington, Indiana, as an Economic Development Target Area (EDTA). The Council has previously granted an Economic Revitalization Area designation for this property, and by approving this supplemental designation, the property owners will be eligible to receive a tax abatement for retail uses not otherwise available to them.

Signed copies
Legal Dept. - Susan Failey
Petitioner
Duncan Campbell

INTERDEPARTMENTAL MEMORANDUM

City of Bloomington Legal Department

TO: **Council Members**

FROM: **Susan Failey, Legal Dept.**

RE: **EDTA designation for Frosted Foods Building**
213 S. Rogers

DATE: **May 31, 1995**

Frosted Foods Development, LLC, has applied for EDTA designation for its project at 213 S. Rogers, which the Council has already declared an Economic Revitalization Area (ERA) for tax abatement purposes. EDTA designation will allow the building to include retail uses that would not otherwise be allowed in an ERA, but would have been permitted under current zoning if the project had not received tax abatement. This request has come about because a prospective tenant with a proposed retail use is interested in the building. The city's Economic Development Commission will hold a public hearing and make a recommendation on EDTA designation on June 6, 1995, at noon in the conference room.

The application for EDTA designation is the same as for an ERA. The petitioner is applying for EDTA designation on the basis of the property's eligibility for listing on the Indiana Register of Historic Sites and Structures.

RESOLUTION 95-1

WHEREAS, Indiana Code §6-1.1-12.1-7 specifies that an economic development target area may be designated by the Common Council after a favorable recommendation by an economic development commission; and

WHEREAS, the Bloomington Economic Development Commission at the request of the petitioner, Frosted Foods Development, LLC held a public hearing on June 6, 1995, to consider petitioner's application for a economic development target area designation of an area located at 213 S. Rogers, in the City of Bloomington, Indiana,; and

WHEREAS, the Commission has determined after the public hearing that the application falls within the statutory qualifications in Indiana Code §6.1.1-12.1-7 and has voted approval of the designation;

NOW THEREFORE, BE IT RESOLVED by the Bloomington Economic Development Commission that the Commission recommends to the City of Bloomington Common Council that an ordinance be passed designating the above described location as an economic development target area.

PASSED this 6th day of June, 1995.

_____
President

_____
Secretary

_____
Member

_____
Member

_____
Member

PRESERVATION DEVELOPMENT Inc.
consulting • project management • planning
400 W. 7th St. • Suite 110
Bloomington, Indiana 47404
(812) 336-2065
FAX 334-2099

May 15, 1995

City of Bloomington
Application for:
ECONOMIC DEVELOPMENT TARGET AREA: FROSTED FOODS BUILDING

1. OWNERSHIP: Frosted Foods Development, LLC
Joe R. & Patricia L. Harrell (husband & wife), owners
4444 W. Tanglewood Road
Bloomington, In., 47404
(812) 339-2579

Corporate Address: Frosted Foods Development, LLC
P.O. Box 221
Bloomington, In., 47402

2. PROPERTY DESCRIPTION:

Address: 213 S. Rogers St., Bloomington, In., 47404
Lot No.: 63, part of 62, part of 64
Dimensions: see attached legal description and lot designation

3. CURRENT STATUS OF PROPERTY:

A. current zoning: (See attached site plans) Sub Area B, Zone CG: BZA approval (4/20/95) to allow adaptive reuse of an historic property: variance from drive width, parking setback, landscaping per neighborhood agreement, and ML uses to exclude auto/truck/marine sales, farm equipment, mobile home sales, auto storage yards, drive-in theaters, motor and bus terminals, and to exclude uses which produce excessive noise or pollution.

B. current improvements: see attached Petition for Historic Designation

C. currently not in use: see above attachment for history of previous uses

D. current values: see attached Tax Abatement Statement of Benefits

E. historical structure: see Petition for Historic Designation

4. PROPOSED IMPROVEMENTS:

A. projected costs not including acquisition : $775,000.; for full description of proposed improvements see attached application for Certificate of Appropriateness. Site improvements include: 1.) removal of house at 3rd and Rogers and incorporation of site into parking lot expansion along south facade of Frosted Foods Building, (see attached parking plans), 2.) improvements of adjacent courtyard on north facade into 9 to 11 parking spaces to be leased from Fell property owners.(see plan) 3.) demolition of small office addition to reopen alley on north facade for pedestrian access. 4.) sidewalk improvements on west facade. 5.) landscape improvements along 3rd St. and Rogers St. skirting south parking lot.

B. sketch: see above application for Certificate of Appropriateness

C. no public improvements required

D. probable start/completion dates: June 1, 1995--Jan 1, 1995

E. 6 months feasibility and 6 months construction and associated jobs created by project; new jobs after building placed in service are unknown.

F. The beneficial economic effect of this project should be far reaching. This undertaking should significantly contribute to the revitalization of the area between 3rd and 4th streets along Rogers St. In addition to placing a functionally obsolete historic building back in service through adaptive-reuse, and removing the blighted corner house (purchased from the City of Bloomington) that had been out of service for many years, the developer expects this project to leverage further improvements in the area. In particular, the introduction of neighborhood retail functions should contribute to local pedestrian uses of the area as well as provide increased opportunities for parking at the site.

Approved for a ten year tax abatement, this project will be paying more in its third year than the current annual payment: $6411.00 versus the current $5289.00. In the tenth year of the abatement period the property will contribute $30,451 per year. Over ten years the cumulative property tax payments will more than triple those expected under current conditions: $161,871 versus $52,895. (see attached Tax Abatement Calculations for Real Property)

5. ELIGIBILITY:

A. ERA qualifications: cessation of growth at the site, obsolete structure for original uses, building out of service since 1991, adjacent house boarded up since mid 1980's, deterioration of improvements, manufacturing technology (meat packing and frozen foods storage) obsolete, energy obsolescence, decline in employment and tax revenues.

A.1. EDTA qualifications: In addition to the above, the Frosted Foods Building is within an area currently being nominated for a National Register Historic District, has been determined to be eligible for listing on the Indiana Register of Historic Sites and Structures, and has been

granted Historic Designation under local ordinance and has obtained a Certificate of Appropriateness from the Historic Districts Commission for renovation complying with the Secretary of the Interior's Standards for Rehabilitation.

B. Other than new employment resulting from the rehabilitation construction, (contracted locally to Weddle Brothers Construction Company), the estimated number of new employees retained as a result of this project is not known at this time.

C. Statement of Benefits attached.

Respectfully submitted for the owner,

Duncan C. Campbell, President
Preservation Development, Inc.

Attachments:
1. legal description and lot designations
2. zoning and sub area site plans
3. Petition for Historic Designation
4. Statement of Benefits
5. Certificate of Appropriateness Application
6. proposed parking plans
7. Tax Abatement Calculations for Real Property

ON FILE IN COUNCIL OFFICE - "BACKUP" FILE

STATEMENT OF BENEFITS

State Form 27167 (R1 / 11-8-)
Prescribed by the State Board of Tax Commissioners, 1990

The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

FORM SB - 1

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the economic revitilization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitilization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and the "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10, or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 15 of that year.*
4. *Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Joe R. & Patricia L. Harrell (Husband & Wife)

Address of taxpayer *(street and number, city, state and ZIP code)*: 4444 W. Tanglewood Road Bloomington, IN 47404

Name of contact person: Joe R. Harrell

Telephone number: (812) 339-2579

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Finished Foods Building

Resolution number:

Location of property: 213 S. Rogers St. Bloomington, IN 47401

County: Monroe

Taxing district:

Description of real property improvements and / or new manufacturing equipment to be acquired *(use additional sheets if necessary)*:
Proposed improvements are to convert the upper level of the building to office or light manufacturing and the lower level to the same or storage with a projected total of $1,000,000.00 including the $225,000.00 purchase price

Estimated starting date: March/April 1995

Estimated completion date: November/December 1995

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	n/a	n/a	n/a	unknown	n/a

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	Real Estate Improvements Cost	Real Estate Improvements Assessed Value	Cost	Assessed Value
Current values	$225,000.00	$42,630.00		
Plus estimated values of proposed project	$775,000.00	23,252.33		
Less values of any property being replaced	-0-			
Net estimated values upon completion of project	$1,000,000.00			

SECTION 5 — OTHER BENEFITS PROMISED BY THE TAXPAYER

This building has been vacant for years and requires major renovation to bring it back to an usable condition that will be an asset to the neighborhood and to the City of Bloomington.

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: Joe R. Harrell

Title: Owner

Date signed *(month, day, year)*: September 23, 1994

Joe H.

TAX ABATEMENT CALCULATIONS FOR REAL PROPERTY

FOR: HARRELL

Using PROPOSED 1994 payable 95 Tax Rate and A.V. Estimates

Sep-94

Improvements	775,000			Current A.V.	42,630
Rate	33.33%			From State. Benefit	
Est. Assessed Value from				Blgtn City 1993Tax Rate:	.1240789
"Statement of Benefits":	258,333			Property Tax Payable:	5,289
Blgtn City 1993Tax Rate:	.1240789				
Property Tax Payable:	32,054				

3 YEAR TAX ABATEMENT			Petitioner's T. A. Payment	Current Value Payment
Year	Percentage	Deduction		
1	100.00%	32,054	0	5,289
2	66.67%	21,370	10,684	5,289
3	33.33%	10,684	21,370	5,289
Total Abatement		64,107	32,054	15,868

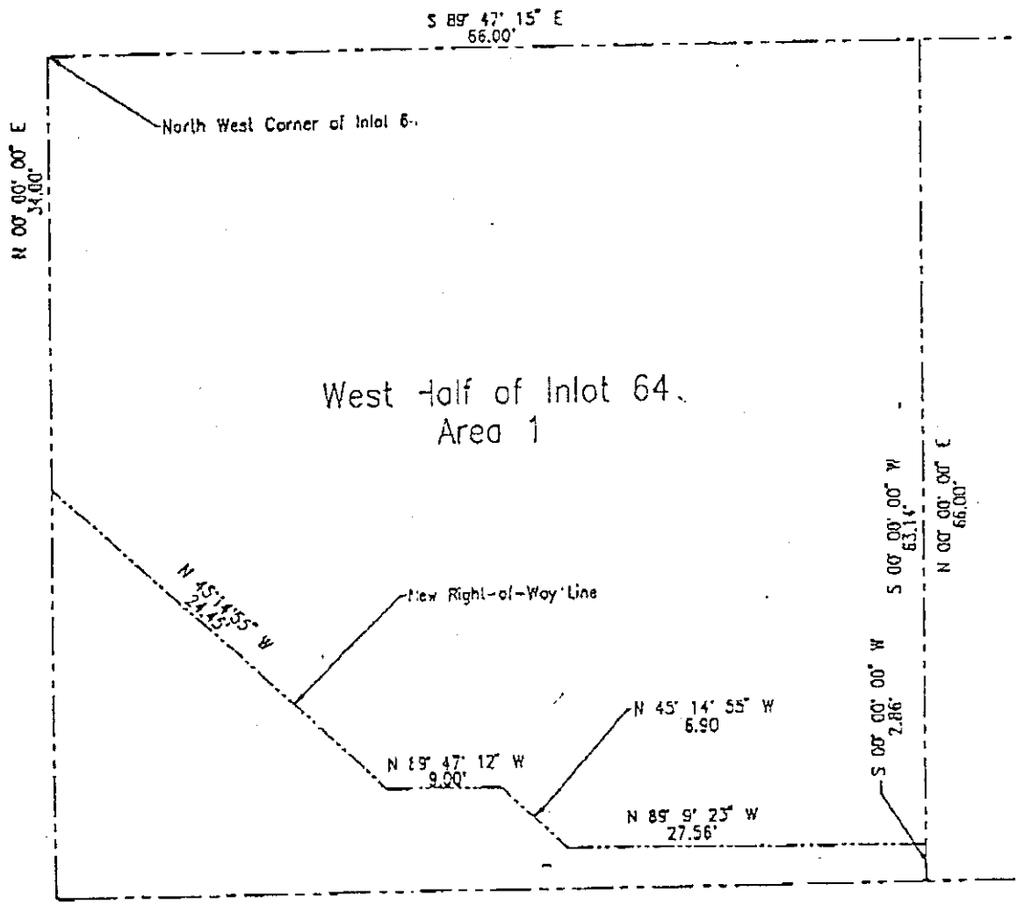
6 YEAR TAX ABATEMENT				
Year	Percentage	Deduction		
1	100%	32,054	0	5,289
2	85%	27,246	4,808	5,289
3	66%	21,155	10,898	5,289
4	50%	16,027	16,027	5,289
5	34%	10,898	21,155	5,289
6	17%	5,449	26,605	5,289
Total Abatement		112,829	79,493	31,737

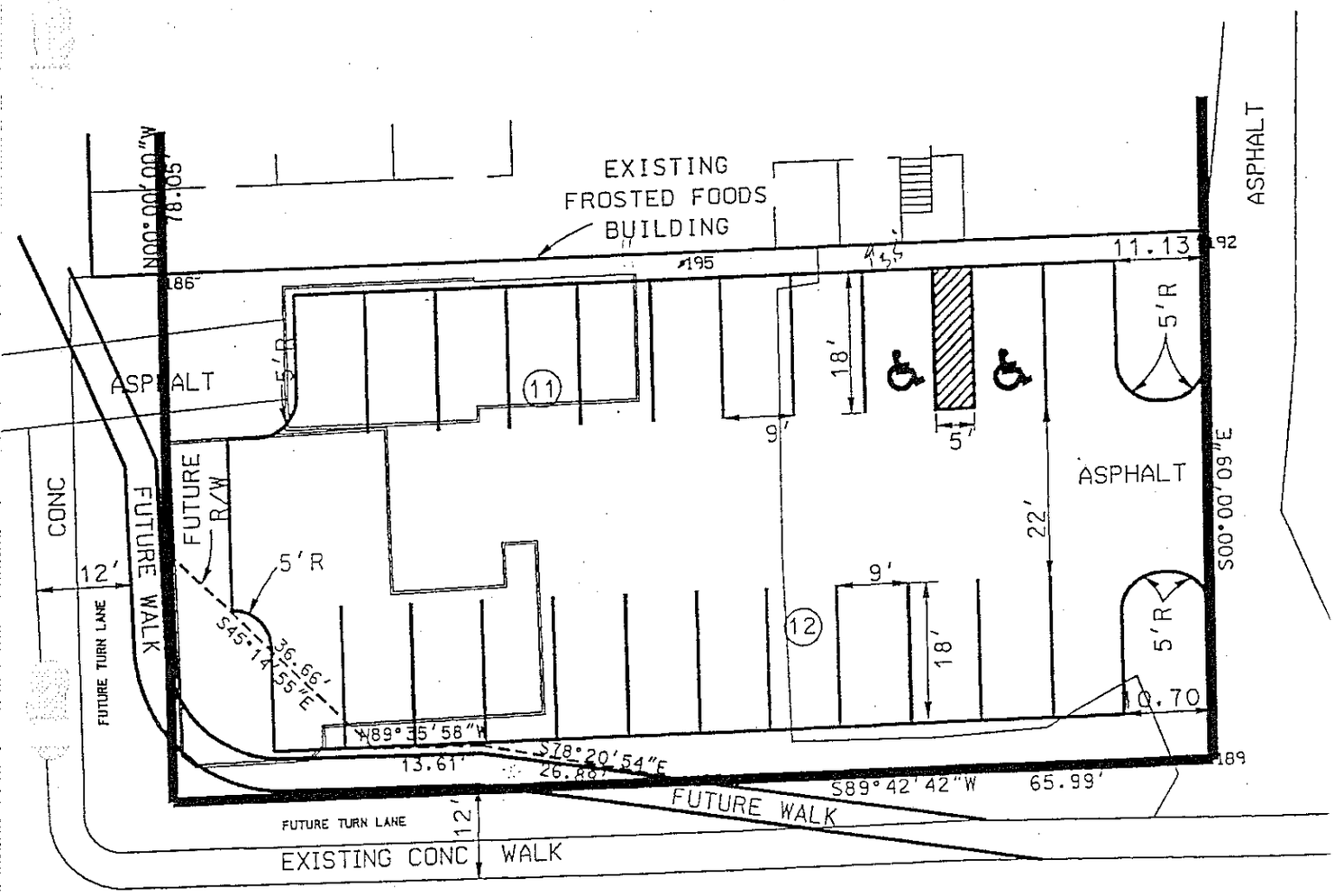
10 YEAR TAX ABATEMENT				
Year	Percentage	Deduction		
1	100%	32,054	0	5,289
2	95%	30,451	1,603	5,289
3	80%	25,643	6,411	5,289
4	65%	20,835	11,219	5,289
5	50%	16,027	16,027	5,289
6	40%	12,821	19,232	5,289
7	30%	9,616	22,438	5,289
8	20%	6,411	25,643	5,289
9	10%	3,205	28,848	5,289
10	5%	1,603	30,451	5,289
Total Abatement		158,666	161,871	52,895

Legal Description for In-Lot 64
Area 1 (West Half)

Area 1

A part of the West half of In-Lot Sixty-four (64), in the City of Bloomington, Monroe County, Indiana, more particularly described as follows;
Commencing at the Northwest corner of said In-Lot Sixty-four (64); thence South 89 degrees 47 minutes 15 seconds East 66.00 feet along the Northern line of In-Lot Sixty-four (64); thence South 00 degrees 00 minutes 00 seconds West 63.14 feet; thence North 89 degrees 09 minutes 23 seconds West 27.56 feet; thence North 45 degrees 14 minutes 55 seconds West 6.90' feet; thence North 89 degrees 47 minutes 12 seconds East 9.00 feet; thence North 45 degrees 14 minutes 55 seconds West 24.45 feet; thence North 00 degrees 00 seconds 00 minutes East 34.00 feet to the point of beginning containing 3682.20 square feet or .0845 acres more or less.




EXISTING
FROSTED FOODS
BUILDING
ASPHALT
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ASPHALT
CONC
FUTURE R/W
FUTURE WALK
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S45°14'55"E
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195
192
189
FUTURE WALK
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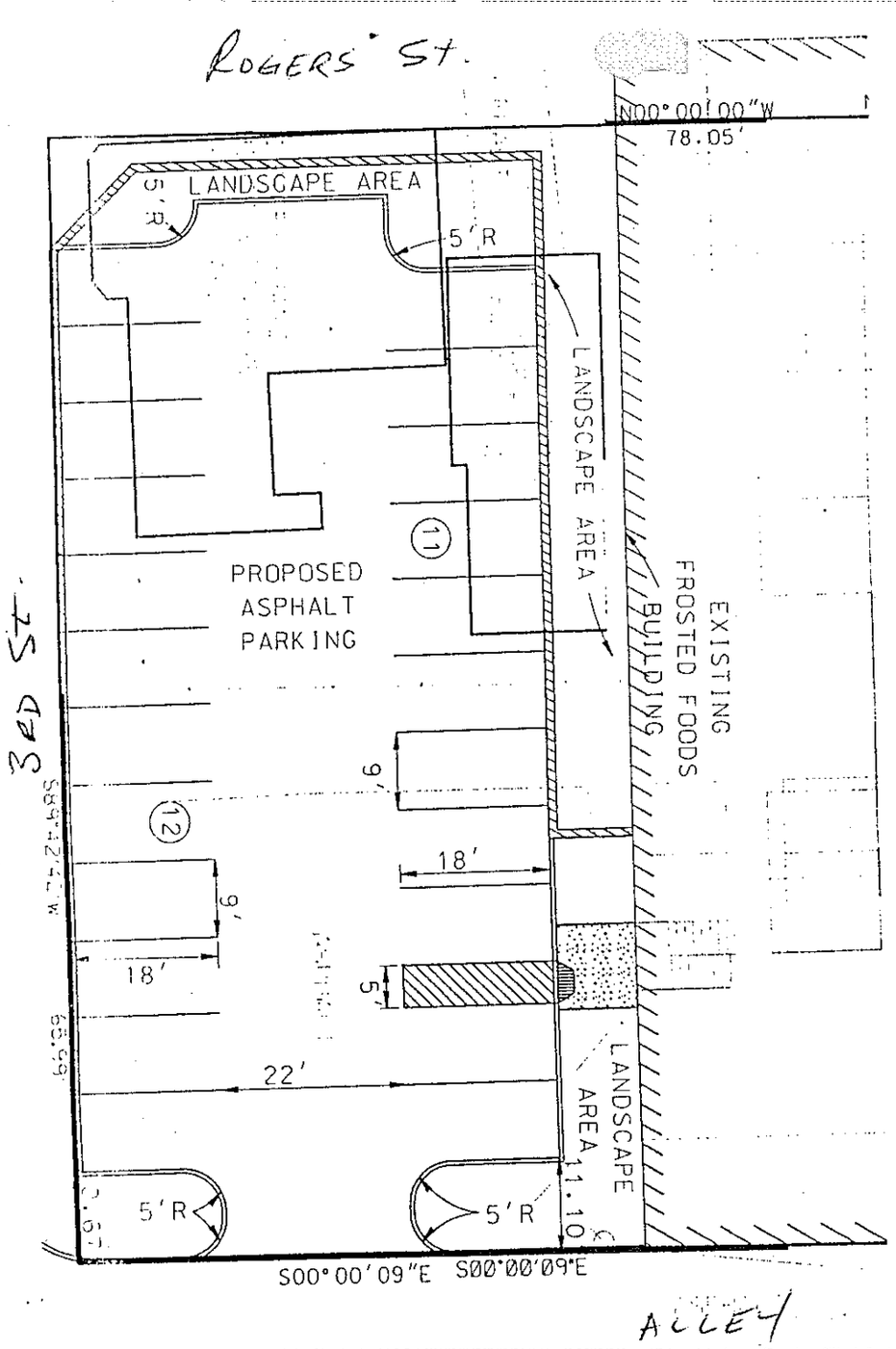
EXISTING CONC WALK
3rd STREET (82.5' R/
ASPHALT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LANDSCAPE AREA
BUILDING
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11
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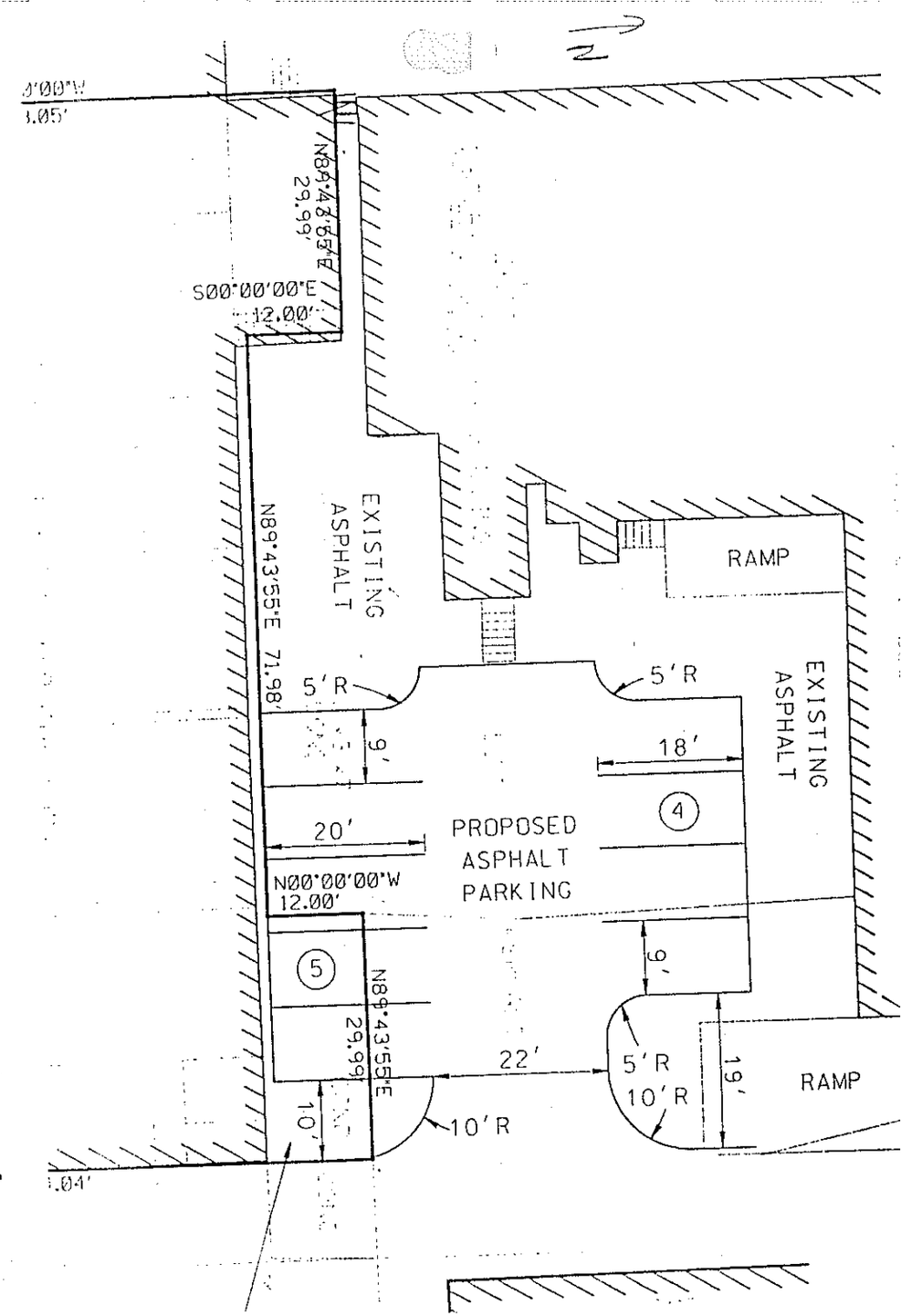
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INDIANA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF HISTORIC PRESERVATION AND ARCHAEOLOGY

INDIANA HISTORIC REHABILITATION TAX CREDIT CERTIFICATION

(INTERIM FORM)

Property Name

Bloomington Frosted Foods Lockers

Property Address
213 South Rogers Street
Bloomington, Indiana 47403

DHPA Office Use Only
Project No: 950003

DHPA Office Use Only:

I. SIGNIFICANCE

The Division of Historic Preservation and Archaeology has reviewed the "Historic Preservation Certification Application - Part 1" for the above-named property and hereby determines that the property:

☐ contributes to the significance of a historic district listed in the Indiana Register of Historic Sites and Structures and therefore is a "certified historic structure" for the purpose of qualifying for the Indiana historic rehabilitation tax credit.

☐ is listed individually in the Indiana Register of Historic Sites and Structures and therefore is a "certified historic structure" for the purpose of qualifying for the Indiana rehabilitation tax credit.

☒ is eligible for the Indiana Register of Historic Sites and Structures as a contributing property in the West Side H.D. but not currently listed.

☐ does not contribute to the significance of a historic district.

6 April, 1995 — Daniel J. Fogarty
Date — DHPA Authorized Signature

☐ See Attachments

Reviewed by Frank Hurdis, Architectural Historian

II. REHABILITATION OR PRESERVATION PLAN

The Division of Historic Preservation and Archaeology has reviewed the "Historic Preservation Certification Application - Part 2" for the above-named property and has determined:

☐ that the rehabilitation or preservation plan described in the application is consistent with the historic character of the property or the district in which it is located and that the project meets the "Secretary of the Interior's Standards for Rehabilitation" or the "Secretary of the Interior's Standards for Historic Preservation Projects" (if applicable). This is a preliminary determination only, since a final certification of the rehabilitation can be issued to the owner of a "certified historic structure" only after rehabilitation work is completed and the Division has certified that the work substantially complies with the approved rehabilitation or preservation plan.

☒ that the rehabilitation or preservation plan will meet the "Secretary of the Interior's Standards for Rehabilitation" or the "Secretary of the Interior's Standards for Historic Preservation Projects" if the attached conditions are met.

☐ that the rehabilitation or preservation plan is not consistent with the historic character of the property or the district in which it is located and that the plan does not meet the "Secretary of the Interior's Standards for Rehabilitation" or the "Secretary of the Interior's Standards for Historic Preservation Projects" (if applicable).

6 April, 1995 — Daniel J. Fogarty
Date — DHPA Authorized Signature

☒ See Attachments

Reviewed by Thomas Meredith, Historical Architect