Passed 8-1 (Volan)

**RESOLUTION 13-02**

**TO DESIGNATE AN ECONOMIC REVITALIZATION AREA, APPROVE THE STATEMENT OF BENEFITS, AND AUTHORIZE A PERIOD OF ABATEMENT - Re: Tech Park Blvd, Schmalz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD (Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)**

WHEREAS, Hoosier Energy Rural Electric Cooperative, Inc, ("Petitioner") has filed an application for designation of the property at Tech Park Blvd and Schmalz Blvd, described as Lots 1, 6, 7, 8, 10, 11, 12, 13, in the Mill Creek PUD, Bloomington, Indiana, as an "Economic Revitalization Area" ("ERA") for construction of a new building pursuant to IC 6-1.1-12.1 et. seq. (the "Project"); and

WHEREAS, the Petitioner has also submitted a statement of benefits to the Common Council;

WHEREAS, according to this material, the Petitioner wishes to construct a new multi-story, LEED-certified headquarters building of approximately 80,000+/- square feet that will retain 116 full-time permanent positions with an annual payroll of $11,118,764, excluding benefits and overtime (the "Project"); and

WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington's Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and

WHEREAS, the Project is located in the Tapp Road Tax Increment Finance (TIF) district and I.C. 6-1.1-12.1-2(l) provides that when a property is located in an ERA for tax abatement purposes is also located in a TIF allocation area, the Common Council must approve the statement of benefits by resolution; and

WHEREAS, the Economic Development Commission has reviewed the Petitioner's application and Statement of Benefits and passed Resolution 12-02 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a ten-year period of abatement for this project; and

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

A. the estimate of the value of the Project 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 Project as proposed;
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 Project as proposed;
D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above has experienced a cessation of growth; and

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

SECTION 1. The Common Council finds and determines that the area described above, which is within the Tapp Road Tax Increment Financing Area, should be designated as an "Economic Revitalization Area" as set forth in I.C. 6-1.1-12.1-1 et. seq.; and, the Common Council further finds and determines that the Petitioner, or its successors as allowed by the Memorandum of Understanding, shall be entitled to an abatement of property taxes for the Project as provided in IC 6-1.1-12.1-1 et. seq. for a period of ten (10) years with a deduction schedule as set forth in IC 6-1.1-12.1-4 Version b, subsection (d).

SECTION 2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12 and also expressly exercises the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

a. the capital investment of at least $20 million for real estate improvements as described in the application shall be completed before or within twelve months of the completion date as listed on the application; and
b. the land and improvements shall be developed and used in a manner that complies with local code.
c. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code and by the Memorandum of Agreement.

SECTION 3. The provisions of Indiana Code 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code 6-1.1-12.1-12(e) to the county treasurer.

SECTION 4. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing on February 6, 2013.

SECTION 5. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of January, 2013.

DARRYL NEUER, President
Bloomington Common Council

ATTEST:

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17th day of JANUARY, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 17th day of January, 2013.

MARK KRUZAN, Mayor
City of Bloomington

**Synopsis**

This resolution designates the property at Tech Park Blvd and Schmalz Blvd, described as Lots 1, 6, 7, 8, 10, 11, 12, 13, in the Mill Creek PUD, as an Economic Revitalization Area (ERA) to allow Hoosier Energy Rural Electric Cooperative, Inc., to receive a ten-year tax abatement for the construction of an 80,000+/- sq ft, LEED-certified headquarters office facility. The resolution also declares the intent of the Council to hold a public hearing on February 6, 2013 to hear public comment on the ERA designation.

Signed copies –
legal
EDC Dept.
petitioner
MC Assessor
MC Auditor
MC Recorder
MC Treasurer

CA/CA
controller
clerk (2)