

RESOLUTION 07-14

withdrawn by
petitioner
motion to withdraw 8-0
Subbagh absent
11-28-07

**TO DESIGNATE AN ECONOMIC REVITALIZATION AREA,
APPROVE A STATEMENT OF BENEFITS, AND
AUTHORIZE A PERIOD OF TAX ABATEMENT -
Re: Morton Place Condominiums, 626 N. Morton Street
(ERL-3, LLC, Petitioner)**

WHEREAS, ERL-3, LLC ("Petitioner") has filed an application for designation of property it owns at 626 North Morton Street, Bloomington, Indiana as an Economic Revitalization Area ("ERA") pursuant to IC 6-1.1-12.1 et. seq.; and

WHEREAS, according to the application, the Petitioner intends to construct upon this vacant property "Morton Place Condominiums," 25 condominium units with a mix of 1-, 2-, 3- and 4-bedroom units for owner occupancy, which includes 2,702 square feet of the space on the first floor available for commercial use (the "Project"), and wishes to obtain tax abatement for the Project; and

WHEREAS, the Petitioner has also submitted a Statement of Benefits to the Council and must, prior to May 15th of each subsequent year of the tax abatement, provide the County Auditor and the Common Council with further information showing the extent to which the Petitioner has complied with the Statement of Benefits; and

WHEREAS, on November 2, 2007 the Economic Development Commission reviewed the Petitioner's application and Statement of Benefits and passed Resolution 07-05 recommending that the Common Council designate the property as an ERA, approve the Statement of Benefits, and authorize a ten (10) year period of abatement for this project; and

WHEREAS, on _____, 2007 a Memorandum of Agreement was entered into under the terms and conditions as reached between the Petitioner and the City of Bloomington for a period during the term of the tax abatement; 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;

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

1. The Common Council finds and determines that the area described above 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 totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the related improvements for a period of ten (10) years.

2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12. It 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. 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 improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of construction) within twelve months of the date of this designation; and
 - b. the land and improvements shall be developed and used in a manner that complies with local code; and
 - c. only those owners who occupy the units ("Unit Owners") shall be eligible for the deduction; and
 - d. the Petitioner and subsequent owners or Unit Owners may be required annually by the City of Bloomington to provide information to be used by the City to verify that the Project is used in the manner prescribed in the Statement of Benefits and agreed to in the aforementioned Memorandum of Agreement entered into between the Petitioner and the City.
3. 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 scheduled for the Regular Session on December 19, 2007.

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

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2007.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution designates the property located at 626 N. Morton Street as an Economic Revitalization Area (ERA), approves a Statement of Benefits, and authorizes a 10-year period of abatement for the project proposed by the petitioner, ERL-3, LLC. Petitioner is seeking tax abatement in order to attract owner occupants to a 25-unit condominium development, with potential commercial space on the first floor. The resolution also declares the intent of the Council to hold a public hearing during its Regular Session scheduled for December 19, 2007 to hear public comment on the ERA designation before voting on a resolution confirming these actions.