

**RESOLUTION 96-07**

**TO CONFIRM RESOLUTION 96-06 WHICH DESIGNATED AN  
ECONOMIC REVITALIZATION AREA (ERA)**

**Re: 526 N. Morton Street**

**(Tom Seeber, David Ferguson & Randy Cassady, Petitioners)**

WHEREAS, Investment Properties has filed an application for designation of the property located at 526 N. Morton Street, as an "Economic Revitalization Area"; and

WHEREAS, the application has been reviewed by the Departments of Redevelopment and Planning, and the Redevelopment Commission has passed a resolution recommending to the Common Council the approval of the "Economic Revitalization Area" designation for said property and for said term of years; and

WHEREAS, petitioners seeking designation for their property as an Economic Revitalization Area must complete a Statement of Benefits and must, prior to March 1st of each year, provide the county Auditor and the Common Council with information showing the extent to which there has been compliance with the Statement of Benefits; and

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

- A. the estimate of the value of the redevelopment or rehabilitation 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 proposed described redevelopment or rehabilitation;
- 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 proposed described redevelopment or rehabilitation;
- D. the redevelopment or rehabilitation has received approval from the Departments of Planning and Redevelopment, is consistent with the Growth Policies Plan, and is expected to be developed and used in a manner that complies with local code;
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above is part of the Downtown Subarea B area as defined in the Redevelopment Department's Community Development and Housing Plan, and has experienced a cessation of growth;

WHEREAS, the Common Council adopted Resolution 96-06 on April 17, 1996, which designated the above property as an "Economic Revitalization Area," and published a notice of the passage of that resolution which requested that persons having objections or remonstrances to the designation appear before the Common Council at its public meeting on May 1, 1996; and

WHEREAS, the Common Council has reviewed and heard all such objections and remonstrances to such designation;

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


1. The Common council hereby affirms its determination made in Resolution 96-06 that the area described above is an "Economic Revitalization Area" as set forth in Indiana Code 6-1.1-12.1-1 et. seq.; the Common Council further finds and determines that the owner of the property shall be entitled to a deduction from the assessed value of the property for a period of

ten (10) years if the property is rehabilitated or redeveloped pursuant to I.C. 6-1.1-12.1-3.

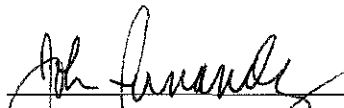
2. In granting this designation and deduction the Council is also expressly exercising the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose reasonable conditions on the rehabilitation or redevelopment. Failure of the property owner to make reasonable efforts to comply with these following conditions are additional reasons 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 installation) within twelve months of the date of this designation; and
- b. the land and improvements will be developed and used in a manner that complies with local code, including the action taken by the Board of Zoning Appeals (CU-18-96).


PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5<sup>th</sup> day of JUNE, 1996.

  
 \_\_\_\_\_  
 JIM SHERMAN, President  
 Bloomington Common Council

SIGNED and APPROVED by me upon this 6 day of June, 1996.

  
 \_\_\_\_\_  
 JOHN FERNANDEZ, Mayor  
 City of Bloomington

ATTEST:

  
 \_\_\_\_\_  
 PATRICIA WILLIAMS, Clerk  
 City of Bloomington

SYNOPSIS

This resolution affirms the determination of the Common Council expressed in Resolution 96-06 which designated the property located at 526 N. Morton Street as an "Economic Revitalization Area" for a period of ten (10) years.

Signed copies to:  
 Redevelopment Monroe County  
 Petitioner Auditor  
 Assessor

**CITY OF BLOOMINGTON  
DEPARTMENT OF REDEVELOPMENT  
PROPERTY TAX ABATEMENT PROGRAM**

**Staff Report on Application for Designation  
as an  
Economic Revitalization Area**

1. **Description of Property**  
526 N. Morton Street  
Woodburn Addition, Lot #8, 66' x 132'
2. **Owner-Applicant**  
**Investment Properties:**  
Tom Seeber                      Ph. 330-2000  
1320 N. College Avenue, Bloomington, IN 47404  
  
David L. Ferguson              Ph. 330-2031  
403 E. 6th Street, Bloomington, IN 47408  
  
Randy Cassady                  Ph. 876-1389  
5185 W. St. Rd. 46, Bloomington, IN 47404
3. **Proposed Development**  
Demolish existing building and construct a three-story structure with a courtyard. The project will provide a total of 20 apartments and 2 retail/commercial spaces. Second and third floors will house residential tenants only. The first floor will have two retail/commercial tenants and four handicapped adaptable residential units for tenants. First floor residential tenants will abut the courtyard only and will not have street front views or access.
4. **Public Improvements Needed or Required**  
Street trees are required in this zone and the sidewalk may need repair after construction.
5. **Estimate of Yearly Property Tax Revenues to be Abated**  
See attached chart.
6. **Would the Granting of Such a Designation be in Accordance with Existing City Policies?**  
The City's Tax Abatement Guidelines provide for 3 years' tax abatement in "Downtown Subarea B" for retail in an Economic Development Target Area (EDTA) only and 10 years for multi-family housing (20% affordable housing) above the first floor only. The petitioner has applied for EDTA designation for the retail and housing portion of the proposed project. As an EDTA, the affordable housing provision can be waived, and the petitioner has requested such waiver. Even though affordable housing is not part of the retail/housing mix, the staff recommends 10 years tax abatement for this project. This recommendation is based on the tax abatement guidelines which allows the abatement period to be upgraded based on such factors as a project being in the downtown area and a housing development with handicapped accessible units. There is a need for more housing in the downtown area, specifically those which are handicapped accessible/adaptable. In addition, this project is anticipated to provide a positive economic impact on the downtown by drawing more people to live and shop in the

downtown area. This area qualifies as an Economic Revitalization Area due to the substandard structures that exist on the property. The property has been vacant for several years which has led to the deterioration of the structures and pose a health and safety risk. The property is also located in a part of the downtown which has been a slow growth area. It is hoped with the addition of this project along with the new Showers Facility, it will lead to a revitalization of the properties along Morton Street. The historic preservation review reported no apparent historical or architectural significance for the property. This property is in the Downtown TIF area. It is currently zoned Downtown Commercial (CD) with the DDOO overlay (Downtown Development Opportunity Overlay). The petitioner was granted a Conditional Use approval and a sideyard setback variance by the Board of Zoning Appeals on March 21, 1996. The condition of approval is that the architecture and building materials are to be constructed as depicted (see BZA Notice of Approval).

**TAX ABATEMENT CALCULATIONS FOR REAL PROPERTY**

**FOR: INVESTMENT PROPERTIES**

Using 1995 payable 1996 Tax Rate and A.V. Estimates

Mar-96

Improvements	811,400		Current A.V.	18,530
Rate	33.33%		From State. Benefit	
Est. Assessed Value from			Blgtn City 1995Tax Rate:	.111521
"Statement of Benefits":	270,467		Property Tax Payable:	2,066
Blgtn City 1995Tax Rate:	.111521			
Property Tax Payable:	30,163			

3 YEAR TAX ABATEMENT			Petitioner's T. A.	Current Value
Year	Percentage	Deduction	Payment	Payment
1	100.00%	30,163	0	2,066
2	66.67%	20,109	10,053	2,066
3	33.33%	10,053	20,109	2,066
Total Abatement		60,325	30,163	6,199

6 YEAR TAX ABATEMENT				
Year	Percentage	Deduction		
1	100%	30,163	0	2,066
2	85%	25,638	4,524	2,066
3	66%	19,907	10,255	2,066
4	50%	15,081	15,081	2,066
5	34%	10,255	19,907	2,066
6	17%	5,128	25,035	2,066
Total Abatement		106,173	74,804	12,399

10 YEAR TAX ABATEMENT				
Year	Percentage	Deduction		
1	100%	30,163	0	2,066
2	95%	28,655	1,508	2,066
3	80%	24,130	6,033	2,066
4	65%	19,606	10,557	2,066
5	50%	15,081	15,081	2,066
6	40%	12,065	18,098	2,066
7	30%	9,049	21,114	2,066
8	20%	6,033	24,130	2,066
9	10%	3,016	27,146	2,066
10	5%	1,508	28,655	2,066
Total Abatement		149,305	152,322	20,665



# STATEMENT OF BENEFITS

State Form 27167 (R3 / 11-91)

Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989

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

ALSO AMENDED 5/8/96

FORM SB - 1

AMENDED 5/8/96

### INSTRUCTIONS:

1. This statement must be submitted to the body designating the economic revitalization 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 Revitalization 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 in 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 14 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 Thomas Seeber, David L. Ferguson, Randy Cassady	
Address of taxpayer (street and number, city, state and ZIP code) 1320 N. College Avenue, Bloomington, IN 47404	
Name of contact person David L. Ferguson	Telephone number (812) 330-2031

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body Bloomington Common Council	Resolution number	
Location of property 526 N. Norton St., Bloomington, IN 47404	County Monroe	Taxing district Bloomington City
Description of real property improvements and / or new manufacturing equipment to be acquired (use additional sheets if necessary) 15,480 sq. ft. total space (3168 comm.; 10,712 housing; 1600 undecided 2,800 sq. ft. existing space with negative value to be razed. <i>(will be adad. residential or commercial)</i>	Estimated starting date May 1997	Estimated completion date August 1997

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	0	0	0	1-pt-time	\$7.00/hr.

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values	150,000	183,850 (3%)		
Plus estimated values of proposed project	811,400	270,196		
Less values of any property being replaced	----	8,630		
Net estimated values upon completion of project	961,400	311,156		

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER
<ol style="list-style-type: none"> <li>1. Approximately 3168 sq. ft. of commercial space will be available. Employment levels by the tenants is unknown at this time.</li> <li>2. Apprximately 20 rental units will be available.</li> <li>3. Employment of staff maintenance - 1 part-time position/no benefits.</li> <li>4. In the event the four residential units shown on the ground floor are constructed (1600 sq. ft.) they shall be handicap adaptable.</li> </ol>

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <i>Tom M. Seeber</i>	Title Tom Seeber Partner	Date signed (month, day, year) 4-8-96

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years \* (see below). The date this designation expires is \_\_\_\_\_.

B. The type of deduction that is allowed in the designated area is limited to:

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| 1. Redevelopment or rehabilitation of real estate improvements; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new manufacturing equipment;                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Residentially distressed areas                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.

E. Other limitations or conditions (specify) SEE THE "NOW THEREFORE" CLAUSES IN RES 96-06 & RES 96-07

F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for:

- 5 years       10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number (      )	Date signed (month, day, year)
Attested by:	Designated body	

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5 Namely: (see tables below)

NEW MANUFACTURING EQUIPMENT		
For Deductions Allowed Over A Period Of:		
Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT			
For Deductions Allowed Over A Period Of:			
Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

Amendment to Statement of Benefits for 526 North Morton:

Add to Section V the following language:

5. The building face on the Morton Street, exclusive of doors, windows, shall be composed mostly of brick and limestone. And, the building face on the south side of the structure, exclusive of doors, windows, columns, railings, shall be composed mostly of brick and limestone. In other words, the walls, where the little blocks are shown, will be brick and the sills and lentils around the windows will be limestone.

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

Tom M. Sule  
Signature of Authorized Representative of Petitioner

Partner  
Title

6/5/96  
Date








- F. Part time maintenance person to clean common area, maintain electric, plumbing and HVAC systems. People who will be employed by commercial tenants are unknown at this time. This project will create thirty short-term construction jobs totaling \$420,000 in local labor wages.
- F. Downtown needs more housing! We have a wonderful mix of office, retail shopping and restaurants, but lack residential space. People are working, shopping and eating downtown, but more need to live downtown to create a vibrant community. The existing building at this site has been vacant for years. Providing more space for downtown residents will improve the beauty of the downtown by transforming the location of this vacant building into a useful, attractive building filled by downtown residents. This project will create economic excitement; the presence of vacant buildings in a downtown area paints a picture of economic stagnation.  
Residents of the building will shop, eat, bank, transact business, recreate and spend money downtown. They will support downtown businesses. Bloomington will benefit from increased income and property tax revenue generated by the property. The assessed value of the new building and apartments will be greater than the building that currently exists; vacant and decrepit. The successful development of this property should serve as a model and catalyst for other developers to invest in the redevelopment of downtown Bloomington for housing.

## 5. ELIGIBILITY:

- A. This project site qualifies as an Economic Revitalization Area as defined under State Law because it satisfies each of the requisite tests. There has been a lack of development in the area. Beginning to the immediate north, the rooming house at 532 N. Morton Street has remained unchanged for years. The subject property itself has been mostly abandoned, vacant and unused for as long as anyone can remember. The front room has been the only portion occupied, and then only sporadically.  
To the south, we have all watched the ST Semicon factory deteriorate for years and it remains an unsightly mess. Solutions to the environmental problems at the ST Semicon remain elusive, and its presence contributes in a negative way to the subject property. The building on the site is deteriorated and dilapidated. The price of land in the downtown area is high, necessitating high-density development, but the existing improvements are structurally suspect for multistory buildings and will need to be removed before real "revitalization" can take place. Moreover, the existing structures are obsolete in many ways. For example, the current doorways are narrower than required by the state building code. Renovation of this substandard building as it now exists would not serve the best interests of the community nor would it contribute in any real sense to the economics of the area.
- B. We will employ a part-time maintenance person at \$7.00 per hour. No benefits are anticipated. Additionally, we will make extensive use of subcontractors to make repairs to the electrical, plumbing, HVAC and other building components. Wages of subcontractors are unknown but plumbers and electrical unions prevailing wage rates are anticipated in those areas of expertise.
- C. Included.

I hereby certify that the representations made in this application are true and I understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an Economic Revitalization Area, the Bloomington Common Council shall have the right to void such designation.

OWNER	DATE
 (Tom Seeber)	2-7-96
 (David L. Ferguson)	2-7-96
 (Randy Cassady)	2-7-96

\*All owners must sign; all general partners must sign; the president of the corporation must sign.

Please submit this Application along with a non-refundable fee of \$100.00. Checks should be made out to the City of Bloomington.

Redevelopment Department  
220 East Third Street  
Bloomington, Indiana 47402  
(812) 331-6401

PROFORMA  
526 N. Morton Street  
Bloomington, IN 47404

Projected Construction Costs:

a) Land Acquisition		\$150,000
b) Basic Construction (frame, vinyl ext.) 15,600 sq. ft. @ \$45		702,000
c) "Extras"		
Brick veneer Morton & Alley face 3800 sq. ft. x \$6/sq. ft.	28,800	
Limestone work (rough est.)	\$10,000	
Arches over patio (rough est.)	\$10,000	
Covered Patio (roof trusses, supports)	\$25,600	
Courtyard Amenities (simulated brick floor, light posts, fireplace, lighting, etc...)	\$10,000	
Wrought Iron Railings (380 linear feet x 4')	15,000	
Miscellaneous Improvements	<u>\$10,000</u>	
TOTAL EXTRAS		<u>109,400</u>
 TOTAL PROJECT COST		 \$961,400

811,400

MONTHLY BUDGET PROJECTIONS:

Monthly Income:

13 one-bedroom units @ \$400	\$5,200	
7 two-bedroom units @ \$650	4,550	
Commercial space 3168 ft. x \$10/ft year	<u>2,640</u>	
TOTAL MONTHLY INCOME		\$12,390

Monthly Expenses:

Vacancy Allowance (5% gross rents)	\$600	
Taxes (based on 10% annual rents)	1,240	
Insurance	700	
Maintenance (triple net comm. 20 units @ \$100)	2,000	
Management (5% rents)	<u>600</u>	
TOTAL MONTHLY EXPENSES		<u>5,140</u>

TOTAL AVAILABLE FOR DEBT SERVICE \$7,250

ESTIMATED MONTHLY DEBT SERVICE (20 years, 8.25%) \$8,192

ESTIMATED MONTHLY SHORTFALL (0 down) \$942



March 22, 1996

**NOTICE OF APPROVAL**

Petitioner: Tom Seeber, David Ferguson, Randy Cassidy  
Location: 526 N. Morton Street

The Board of Zoning Appeals heard case CU-18-96 on March 21, 1996 in the Council Chambers of Showers Center City Hall - Bloomington, Indiana. The petition for a conditional use to allow use of the Downtown Development Opportunity Overlay (DDOO) in the CD zone by constructing a building that would house apartments and commercial space, and also a sideyard setback variance of 6 feet was approved with the following conditions:

- 1) The architecture and building materials are constructed as depicted.

Unless otherwise specified by the Board at the time of approval, any order or variance granted by the Board of Zoning Appeals shall expire:

- A. In the case of new construction or modifications to an existing structure:
  1. Two years after the date granted by the Board, unless a building permit has been obtained and construction of the structure or structures has commenced; or,
  2. At the date of termination established by the Board as a condition or commitment if different from (1) above.

Tom Seeber  
March 22, 1996  
Page 2

- B. In the case of occupancy of land which does not involve new construction:
  - 1. Two years after the date granted by the Board, unless an occupancy permit has been obtained and the use has commenced; or
  - 2. At the date of termination established by the Board as a condition or commitment if different from (1) above.
  
- C. If an Appeal by writ of certiorari is taken from an order granting a variance, the time during which such Appeal is pending shall not be counted in determining whether the variance or order has expired under Subsections A and B of this Section.
  
- D. The Board may provide by rule for the granting of extensions of variances.

Planning Staff

DECLARATORY RESOLUTION

96-08

OF THE REDEVELOPMENT COMMISSION, CITY OF BLOOMINGTON,  
DESIGNATING AND DECLARING  
THE NORTH KINSER PIKE AND PROW ROAD ECONOMIC DEVELOPMENT AREA,  
APPROVING  
AN ECONOMIC DEVELOPMENT PLAN  
AND ESTABLISHING  
AN ALLOCATION AREA FOR PURPOSES OF TAX INCREMENT FINANCING

WHEREAS, the Bloomington Redevelopment Commission (the "Commission") has, pursuant to IC 36-7-14, as amended (the "Act"), conducted surveys and investigations and thoroughly studied, and caused to be prepared a description and map showing the boundaries of that area in the City of Bloomington, County of Monroe, State of Indiana, (the "City"), hereby designated as the "North Kinser Pike and Prow Road Economic Development Area" and referred to as the "Economic Development Area," which area is more particularly described and shown in the map attached hereto as Exhibit A and the legal description attached hereto as Exhibit B; and

WHEREAS, upon such surveys, investigations and studies being made, the Commission finds that the Economic Development Plan for the Economic Development Area, which Economic Development Plan is hereinafter adopted in this Resolution, cannot be achieved by regulatory process or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, or other similar conditions and that the public health and welfare will be benefited by the accomplishment of the Economic Development Plan for the Economic Development Area as adopted herein; and

WHEREAS, there was presented to this meeting of the Commission for its consideration and approval, a copy of the Economic Development Plan dated February, 1996, for the Economic Development Area, with attachments, and is attached hereto as Exhibit "C", and is hereafter referred to as the Economic Development Plan; and

WHEREAS, the Economic Development Plan for the Economic Development Area promotes significant opportunities for the gainful employment of the citizens of the City, attracts a significant new business enterprise to the City and meets the other purposes of Sections 2.5, 41 and 43 of the Act; and

WHEREAS, the public health and welfare will be benefited by the planning, development and redevelopment or economic development of the Economic Development Area under the

provisions of the Act and the accomplishment of the Economic Development Plan for the Economic Development Area will be of public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base and improved diversity of the economic base; and

WHEREAS, the Commission does not, at this time, propose to acquire any property in the Economic Development Area, but property may be acquired in the future as a result of on-going studies and plans for the Economic Development Area; and

WHEREAS, in determining the location and extent of the Economic Development Area, the Commission has given consideration to transitional and permanent provisions for adequate housing for the residents of the Economic Development Area, if any, who will be displaced by the redevelopment or economic development thereof; and

WHEREAS, Section 43 of the Act establishes that an economic development area may be an allocation area for the purposes of distribution and allocation of property taxes; and

WHEREAS, Section 39 of the Act has been created to permit the creation of allocation areas within an economic development area to provide for the allocation and distribution, as provided in the Act, of the proceeds of taxes levied on property situated in an allocation area, and the Commission deems it advisable to create an allocation area within and coterminous with the Economic Development Area; and

WHEREAS, the Economic Development Plan for the Economic Development Area conforms to other development and redevelopment plans for the City.

NOW, THEREFORE, BE IT RESOLVED by the Bloomington Redevelopment Commission as follows:

1. The Commission hereby finds and determines that the Economic Development Area is an economic development area in that the Economic Development Plan for the Economic Development Area:

(a) promotes significant opportunities for the gainful employment of the citizens of the City;

(b) attracts major new business enterprises to the City;  
and

(c) meets other purposes of Sections 2.5, 41 and 43 of the Act.

2. The Commission hereby finds and determines that the Economic Development Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary



operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of:

- (a) lack of local public improvements;
- (b) existence of improvements or conditions that lower the value of the land below that of nearby land; and
- (c) multiple ownership of land.

3. The Commission hereby finds and determines that the public health and welfare will be benefited by accomplishment of the Economic Development Plan for the Economic Development Area.

4. The Commission hereby finds and determines that the accomplishment of the Economic Development Plan for the Economic Development Area will be of public utility and benefit as measured by:

- (a) the attraction or retention of permanent jobs;
- (b) an increase in the property tax base; and
- (c) improved diversity of the economic base.

5. The Commission hereby finds and determines that the Economic Development Plan for the Economic Development Area conforms to other development and redevelopment plans for the City.

6. The Commission hereby finds and determines that it will be of public utility and benefit to establish the Economic Development Area as set forth herein and in the Economic Development Plan and develop it under the Act.

7. The Economic Development Plan is in all respects approved and is hereby adopted as the Economic Development Plan for the Economic Development Area.

8. The maps of the Economic Development Area showing its boundaries, the location of the various parcels of property, streets, alleys and other features affecting the redevelopment or economic development of the Economic Development Area, and the parts of the Economic Development Area that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Economic Development Plan are hereby approved and adopted as the maps for the Economic Development Area.

9. The Commission does not, at this time, propose to acquire any property in the Economic Development Area, but property may be acquired in the future as a result of on-going studies and plans for the Economic Development Area.

10. The Commission hereby finds and determines that for purposes of the allocation provisions of Section 39 of the Act, the Economic Development Area shall constitute an Allocation area

for purposes of the Act and this Resolution.

11. Such Allocation Area shall be designated as the North Kinser Pike and Prow Road Economic Development Area Allocation Area, hereinafter referred to as the "Allocation Area".

12. Any property taxes levied on property in the Allocation Area in 1995 for collection in 1996, and thereafter, except as otherwise provided in Section 39 of the Act, by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed as follows:

(a) the proceeds of the taxes attributable to the lesser of: (i) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or (ii) the base assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of these allocation provisions (as adjusted under Section 39(h) of the Act), which assessment date is March 1, 1995, shall be allocated to, and when collected, paid into the funds of the respective taxing units;

(b) property tax proceeds in excess of those described in clause (a) shall be allocated to the Redevelopment District of Bloomington, Indiana (the "Redevelopment District"), and, when collected, paid into an allocation fund for the Allocation Area, such fund hereinafter created by this Resolution.

13. The proceeds of such taxes distributed to the Redevelopment District pursuant to Paragraph 12 (b) hereof shall be deposited in an allocation fund ("the Allocation Fund"), and may be used only as provided for in the Act, and more particularly to do one or more of the following: (i) pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the Redevelopment District for the purpose of financing or refinancing the redevelopment or economic development of the Allocation Area; or (ii) establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the Allocation Area; or (iii) pay the principal of and interest on bonds payable from allocated tax proceeds in the Allocation Area and from the special tax levied under Section 27 of the Act; or (iv) pay the principal of and interest on bonds issued by the City to pay for local public improvements in or serving the Allocation Area; or (v) pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the Allocation Area; or (vi) make payments on leases payable from allocated tax proceeds in the Allocation Area under Section 25.2 of the Act; or (vii) reimburse the City for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in Section 25.1(a) of the Act) in or serving the Allocation Area; or (viii) reimburse the City for rentals paid by it for a building or parking facility in or serving the Allocation area

under any lease entered into under IC 36-1-10; or (ix) pay all or a portion of a property tax replacement credit to taxpayers in the Allocation Area as determined by the Commission in accord with the provisions of the Act; or (x) pay expenses incurred by the Commission for local public improvements that are in or serving the Allocation Area. Public Improvements include buildings, parking facilities and other items described in Section 25.1(a) of the Act; or, (xi) reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located in the Allocation Area and are on a parcel of real property that has been classified as industrial property under the rules of the state board of tax commissioners; provided however, that if future uses of property tax proceeds allocated to the Allocation Fund are authorized or permitted by amendments to the Act, including Section 39 and 43, after the effective date of this Resolution, those uses shall also be authorized or permitted for property tax proceeds allocated to the Allocation Fund.

14. If any part of the Allocation Area is located within an enterprise zone created under Indiana Code 4-4-6.1, a special zone fund shall be created by the Redevelopment District and in it shall, until the end of the enterprise zone phase out period, be deposited any amount in the allocation fund derived from property tax proceeds in excess of those described in clause 12(a), above, from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in Paragraph 13, above, for the year. The special zone fund shall be used according to the restrictions stated in Section 39(g) of the Act.

15. Except as provided in Section 39(g) of the Act, before July 15 of each year, the Commission shall do the following:

(a) determine the amount, if any, by which property taxes payable to the Allocation Fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in Paragraph 13 plus the amount necessary for the other purposes described in Paragraph 13;

(b) notify the County Auditor of the amount, if any, of the amount of excess property taxes that the Commission has determined may be paid to the respective taxing units in the manner prescribed in Paragraph 12(a). The Commission may not authorize a payment to the respective taxing units if to do so would endanger the interests of the holders of bonds described in Paragraph 13 or lessors under Section 25.3 of the Act.

16. "Property Taxes" referred to herein shall mean taxes imposed under I.C. 6-1.1 on real property only.

17. The Secretary is directed to file a certified copy of the Economic Development Plan with the minutes of this meeting.

18. The officers of the Commission are hereby directed to

make any and all required filings with the Indiana State Board of Tax Commissioners and the Monroe County Auditor in connection with the creation of the Allocation Area.

19. The Commission hereby requires all neighborhood associations to register with the Commission pursuant to Section 17.5 of the Act. The Commission also hereby adopts a rule requiring that a neighborhood association must encompass a part of the geographic area included in the Economic Development Area in order to qualify as an affected neighborhood association under Section 17.5 of the Act.

20. This Resolution, together with the Economic Development Plan and any supporting data, shall be submitted to the Plan Commission and the City of Bloomington Common Council, as provided by Section 16 of the Act.

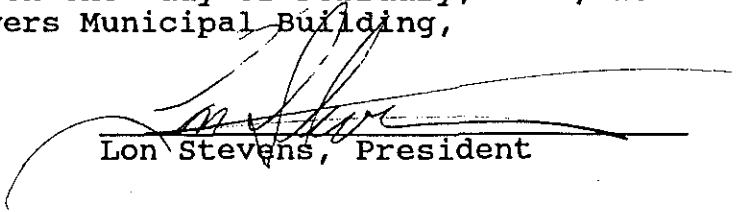
21. All orders or Resolutions in conflict herewith are hereby rescinded, revoked and repealed in so far as such exist.

22. This Resolution does not affect any rights or liabilities accrued, penalties incurred, offenses committed, or proceedings begun before the effective date of this Resolution.

23. This Resolution shall be in full force and effect from and after its adoption by the Commission.

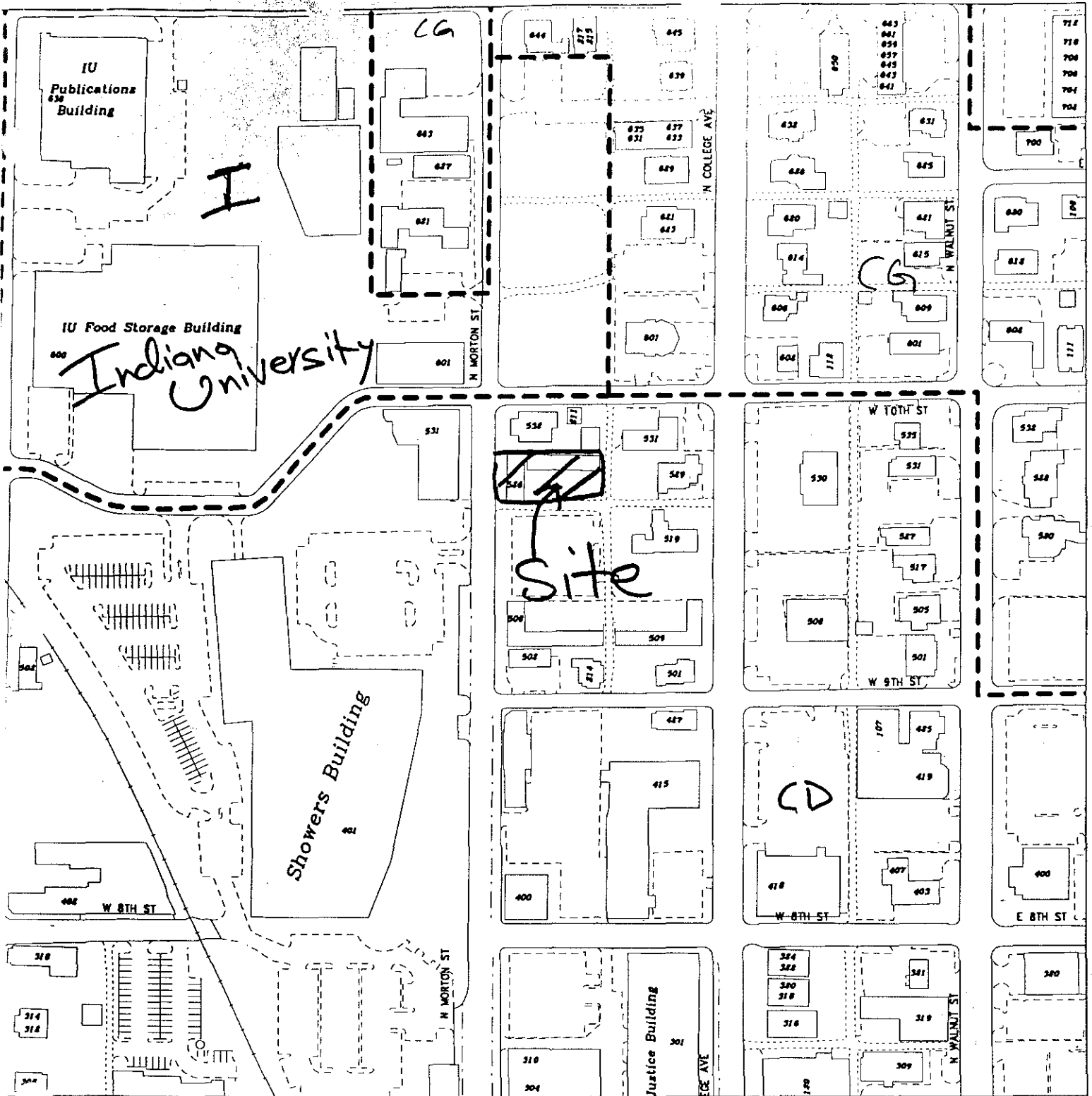
24. The Economic Development Plan and Allocation Area for the North Kinser Pike and Prow Road Economic Development Area shall be effective for twenty-five (25) years and shall not be extended without approval of the Council.

ADOPTED AND APPROVED at a special meeting of the Bloomington Redevelopment Commission held on the day of February, 1996, at the McCloskey Room of the Showers Municipal Building, Bloomington, Indiana.

  
Lon Stevens, President

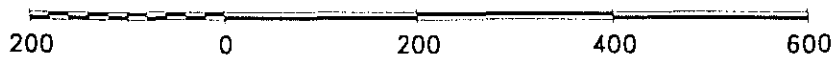
  
David Walter, Secretary

This Instrument Prepared by Susan Failey, Assistant City Attorney, City of Bloomington, P.O. Box 100, Bloomington, IN 47402

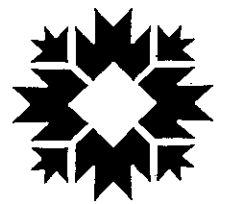


CU-18-96 TOM SEEBER  
 LOCATION/ZONING/LAND-USE MAP  
 526 N. MORTON  
 BZA

By: work  
 8 Mar 1996



City of Bloomington  
 Planning Department



Scale: 1" = 200'

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