



City of Bloomington
Common Council

Legislative Packet

Includes legislation for meetings on both
July 27 and August 3, 2005

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.2409

council@bloomington.in.gov

**City of
Bloomington
Indiana**



City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: July 22, 2005

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action at the Regular Session on July 27th:

Res 05-07 To Approve Application and Authorize Grant From the Business Investment Incentive Loan Fund (Bloomington Area Arts Council [BAAC], Petitioner)

(Please see the packet prepared for the July 13th Regular Session and Committee of the Whole to review the legislation, summary, and background materials.)

Contact: Ron Walker at 349-3534 or walkerr@city.bloomington.in.gov

Ord 05-17 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Inserting Section 2.26.070 which Establishes a Restricted Donation Fund

(Please see the packet prepared for the July 13th Regular Session and Committee of the Whole to review the legislation, summary, and background materials.)

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Ord 05-18 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Amending Chapter 2.26 (Controller's Department) in Order to Authorize Acceptable Financial Instruments, a Surcharge for Dishonored Checks, Drafts, Orders, or Like Instruments, and a Fee Schedule for the Providing Copies of Public Records; and, Amending Chapter 2.21 (Department of Law) in Order to Authorize the Purchase of a Blanket Bond or Crime Insurance Policy and Fixing the Amount of the City Controller's Surety Bond)

(Please see the packet prepared for the July 13th Regular Session and Committee of the Whole to review the legislation, summary, and background materials.)

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Legislation and Background Material for Items to be Discussed at the Committee of the Whole on July 27th:

Res 05-14 A Resolution Expressing Support for the CSX Rail Corridor Acquisition and Trail Project

- Memo from CSX Team; Map of Corridor

Contact: Mick Renneisen at 349-3711 or renneism@bloomington.in.gov

Susan Clark at 349-3416 or clarks@bloomington.in.gov

Susan Failey at 349-3553 or faileys@bloomington.in.gov

Ord 05-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Amending Chapter 15.37 – Residential Neighborhood Permit Parking – By Adding the North College Zone (8) and Southwest Campus Zone (9))

- Memo from James McNamara; Map of Zone 8; Map of Zone 9; Excerpts of Title 15 with Proposed Changes

Contact: James McNamara at 349-3853 or mcnamarj@bloomington.in.gov

Legislation and Background Material for Items Scheduled for One Hearing and Final Action at the Regular Session on August 3rd

Res 05-15 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

- Memo from Jennifer Osterholt, Director of Housing Authority; Estimated Value of Services

Contact: Jennifer Osterholt at 339-3491 ext 122 or josterholt@blha.net

Memo from Ron Walker, Director of Economic Development Regarding Res 05-12 and Res 05-13

Res 05-12 To Terminate Tax Deduction for Improvements to Real Estate and Remove the Economic Revitalization Area (Era) Designation Authorized by Resolution 94-32 and Resolution 94-52 - Re: 210, 216 & 220 West Allen Street (Bloomington Business Incubator, LLC, Former Owner And Petitioner; Storage Express Holdings, LLC, Current Owner)

- Res 94-52; Statement of Benefits; Letter from Owner; Letter to Property Owner

Contact: Ron Walker at 349-3534 or walkerr@bloomington.in.gov

Res 05-13 To Terminate a Tax Deduction for the Installation of New Manufacturing Equipment Yet Continue the Economic Revitalization Area Designation Authorized by Resolution 03-14 and Resolution 03-15 - Re: 1300 South Patterson Drive (PTS Corporation, Initial Petitioner)

- Res 03-15; Statement of Benefits; Letter from Owner; Letter to Property Owner

Contact: Ron Walker at 349-3534 or walkerr@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Chair of Meeting: Diekhoff

This Packet Contains Material for the Next Two Weeks of Council Meetings

The Council has just wrapped a week of departmental budget hearings and will meet on the next two Wednesdays before entering into the August Recess. As you may recall, there is a Regular Session followed by a Committee of the Whole next week (July 27th) and a Regular Session on August 3rd. The three items ready for final action at next week's Regular Session can be found in the July 13th packet and all the remaining legislation you are to consider before the Recess can be found in this packet. Please look at the above table of contents for a brief look at what's coming up and where you can find it and read the rest of this packet for a summary of the new pieces of legislation.

Items to be Discussed at the Committee of the Whole on July 27th

Res 05-14 Supports the Acquisition of the Railroad Corridor for Development of a Linear Park and Bicycle and Pedestrian Trail

Res 05-14 and the accompanying memo and map from the City's CSX Team provide an opportunity for the Council to be reacquainted with, and reassert its support for, the acquisition of the CSX rail corridor for the development of a linear park and bicycle and pedestrian trail. This project was conceived during the Allison administration, formed during the Fernandez administration, and should see the first construction during the Kruzan administration. It entails moving the switchyard operations to the west side, eliminating 13 rail crossings, and creating this linear park and trail through the center of the City that will connect with existing pedestrian facilities on the north and south as well as to neighborhoods on both the east and west.

Extent of Land to be Acquired

The City intends to acquire approximately 29 acres of the CSX property running from Adams Street to Country Club Drive. It has already purchased a 12-acre parcel from the Indiana Rail Road, which follows this corridor from Country Club Drive north for about 3,000 ft before diverging west to Rogers Street. While still interested in 30 acres of the

switchyard along the southeast side of the corridor, the City does not intend to acquire that parcel at this time primarily due to a lack of funds.

Funding and Procedures

The City has entered into an agreement with INDOT that would provide \$5.4 million of Transportation Enhancement funds to acquire land and build the first phase of the trail. Under this agreement the City must contribute 20% of total project costs which amounts to \$1.35 million (\$6.75 x 20%). Please note that the Redevelopment Commission is acquiring the land for the City and has already spent approximately \$500,000 towards this match in the form of fees, appraisals, evaluations, title insurance, and cost of the Indiana Rail Road spur. When purchasing the land, they must follow state and federal procedures, and are obtaining new appraisals which must be approved by INDOT, and are not expected to differ significantly from previous ones in 2003. Using those per-acre estimates, the land should cost about \$3.1 million.

Railbanking of the Corridor

CSX received permission from the federal Surface Transportation Board to cease use of the line with the understanding that the line could be reactivated by any railroad company who purchased and used it for common carrier service. This is known as "railbanking" and has two important consequences. First, it will allow the City to put in a trail and linear park, but would not allow the City to make any changes that would interfere with its return to rail use. Second, it would preclude adjoining property owners from obtaining the corridor through reversion.

Environmental Remediation and Trail Construction

The City has retained an environmental consultant, Bruce Carter Associates, to conduct Phase I and II assessments and additional testing of the corridor. The consultant identified coal ash and cinders along the tracks, and believes that IDEM will probably approve paving and a topping of clean soil as an adequate means of remediation.

Master Plan

The City retained Ratio Architects to prepare a master plan for the corridor based upon extensive input from the community - which was completed in 2003. The plan reviews the history of uses, assesses environmental constraints, identifies separate corridor districts, depicts a trail section, and identifies possible trail heads, linkages, and access

points as well as roadway crossings. Please see the following link for some of this material:

<http://bloomington.in.gov/parks/railtrail.php>

Schedule

INDOT will bid and contract for the construction of the trail and the City anticipates that they will bid the project in 2006 and begin construction in 2007.

Ord 05-19 – Amending Title 15 (Vehicles and Traffic) – Adding the North College (8) and Southwest Campus (9) Residential Parking Zones

Ord 05-19 amends Title 15 (Vehicles and Traffic) by establishing the North College (8) and Southwest Campus (9) Residential Parking Zones. The memo from James McNamara, Deputy Mayor, explains these additions.

Zone 8 is a particularly small zone comprised of the northern half of the North College between 10th and 11th Street. The houses on both sides of this half block area are large single family structures that have been partitioned into many units. The residents of these units must park on the street because there is little room to park in lots off the street and they have found it difficult to find spaces because of the spillover parking from the new apartment and mixed use building at the northwest corner of 10th and College. This new zone would preclude residents of the new building from parking on the northern half of the block during the day. By creating a new zone and not merely expanding the existing zone to the east, this ordinance would keep the residents on the northern half of the block from parking their cars in neighborhoods closer to campus.

Zone 9 includes nine block faces along East 3rd, Smith, Grant, and Lincoln Streets and was requested by several property owners. It would be adjacent to the first such zone and shares the same reasoning – discourage campus commuters from parking in nearby neighborhoods. McNamara's memo notes that including some block faces with no parking restrictions will bring the residents into the zone, but only allow them to park in authorized street fronts. The memo also indicates that the boundaries of the zone are incremental and can expand once we gain more experience with the parking there.

Items for Sole Consideration at the Regular Session on August 3rd

Waiving Payments to the City from the Bloomington Housing Authority

Res 05-15 is an annual resolution requested by the Bloomington Housing Authority which waives any payment that we might require in lieu of the property taxes that it does not pay. I.C. 36-7-18-25 exempts housing authorities from the payment of property taxes, but allows these entities to enter into agreements to pay political subdivisions up to the estimated cost of services, improvements, and facilities that are provided by the political subdivisions. In the early 1960s, the Housing Authority agreed to make payments in lieu of taxation. This resolution waives that obligation after acknowledging the services performed by the Housing Authority that might be provided by the City and acknowledging the benefits we receive from other of its services. Jennifer Osterholt provided a memo in which she estimates that the Housing Authority would otherwise pay the City about \$9,682. She will be present on August 3rd to explain the resolution.

Res 05-12 Rescinding Res 94-32 and Res 94-52 and Terminating the Tax Deduction and Economic Revitalization Area Designation

– Re: 210, 216 & 220 West Allen Street (Bloomington Business Incubator, Petitioner)

Res 05-13 Terminating the Tax Deduction for the Installation of New Manufacturing Equipment, Yet Continuing the Economic Revitalization Area Designation Authorized by Res 03-14 And Res 03-15

- Re: 1300 South Patterson Drive (PTS Corporation, Initial Petitioner)

Res 05-12 and **Res 05-13** come forward as a result of a motion adopted by the Council at the end of the presentation of the Supplement to the Annual Tax Abatement Report on June 15th. **Res 05-12** proposes the termination of a tax abatement and the removal of the Economic Revitalization Area (ERA) designation for the former Bloomington Business Incubator site at 210, 216 & 220 West Allen Street. **Res 05-13** proposes the termination of the tax deduction for installation of new manufacturing equipment by PTS Corporation yet continued Economic Revitalization Area (ERA) designation at 1300 Patterson Drive. The following paragraphs give an overview of the procedure for terminating a tax abatement and brief summaries of the reasons for terminating these two tax abatements.

Procedure for Terminating Tax Deduction and Rescinding the Economic Revitalization Area

I.C. 6-1.1-12.1-5.9 sets forth the procedure for terminating a tax abatement. Under its provisions, the Council must:

- Initially determine whether the owner of the property has not substantially complied with the Statement of Benefits and whether the failure to comply was not due to factors beyond the control of the property owner;
 - *The Council took this step by adopting a motion to that effect during consideration of the Supplemental Annual Tax Abatement Report on June 15th.*
- Mail notice of that determination, the reasons for it, and the date, time, and place of the public hearing which must be held by the Council to further consider this matter;
 - *The Council Administrator/Attorney sent letters to the property owners (Please see copies of the letters in this packet and please note that both property owner do not oppose these actions).*
- Hold the public hearing to further consider the owner's compliance with the Statement of Benefits;
 - *The public comment for Res 05-12 and Res 05-13 will serve as that public hearing.*
- Determine again whether the property owner has made reasonable efforts to substantially comply with the Statement of Benefits and whether any failure to do so was due to factors beyond their control;
- Adopt a resolution terminating the tax deduction if the Council finds that the owners have not made reasonable efforts to comply with the Statement of Benefits and that their failure to do so was not due to factors beyond their control;
 - *These two resolutions recite the history of each project, make those findings, and terminate the deduction which was for 5 years in regard to PTS and 10 years in regard to Bloomington Business Incubator. Please note that the resolution for Bloomington Business Incubator removes the ERA designation, while the resolution for 1300 South Patterson Drive does not (because the property is still needing incentives and is subject another tax abatement).*
- Send a certified copy of the resolution to property owners and the County Auditor;
 - *These two resolutions also direct the City Clerk to perform this duty.*

As noted above, Res 05-12 removes the ERA designation, while Res 05-13 doesn't. This designation, as you recall, is based upon your determination that the property is not susceptible to normal growth and development, and is independent of the owner's substantial compliance with the Statement of Benefits. The designation associated with Res 05-13, for PTS Corporation at 1300 South Patterson Drive, is being kept because the property is subject to a subsequent tax abatement for Cook Pharmica. If any of you wish for the property on West Allen to retain this designation, please contact me early next week, in order to give me time to prepare the appropriate amendment.

Ron Walker, Director of Economic Development, has provided a memo regarding each of these tax abatements, which is included in this packet.

Res 05-12 - Rescinding Tax Abatement and ERA for Improvements to Real Estate at 210, 216 & 220 West Allen Street (Bloomington Business Incubator, LLC, Petitioner and Former Owner)

Walker notes that the Bloomington Business Incubator, LLC, obtained a tax abatement in 1994 (Res 94-32 affirmed by Res 94-52) to invest about \$362,000 to renovate and join two buildings at 210, 216 & 220 West Allen that would create between 30-300 jobs through a business incubator facilitated by the Small Business Development Center (SBDC). The property met the terms of the tax abatement until 2003 when it was sold to Storage Express Holdings, after which the incubator dissolved and the SBDC moved to the IU Research Park at North Showers under the direction of Brian Kleber. Walker states that the current owner "has communicated that they wish to voluntarily relinquish the remainder of the ... abatement because they are aware that the use of the property does not meet the criteria promised upon approval in 1994." In that regard, "the facility operates as a private office facility (but) does not offer shared administrative services or technical assistance."

Again, please note the resolution both terminates the tax deduction and removes the ERA designation.

Res 05-13 - Terminating the Tax Deduction for the Installation of New Manufacturing Equipment, Yet Continuing the Economic Revitalization Area Designation Authorized by Res 03-14 and Res 03-15 - Re: 1300 South Patterson Drive (PTS Corporation, Initial Petitioner)

PTS Corporation obtained a tax abatement in the summer of 2003 (Res 03-32 affirmed by Res 03-52) to install about \$2.63 million in new manufacturing equipment at 1300

South Patterson Drive (which is comprised of a 50,000 square foot building known as Building 2) that would create about 296 new jobs with a payroll of about \$6.1 million. Unfortunately, they were not able to make any investment or create any new jobs at that site and “wish to voluntarily relinquish” the tax abatement.

Please note that Res 05-13 terminates the tax deduction but continues the ERA designation because the property is under another tax abatement (Cook Pharmica, LLC).

**NOTICE AND AGENDA FOR
COMMON COUNCIL, REGULAR SESSION
AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, JULY 27, 2005
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

REGULAR SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

- 1. Council Members**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING

1. Ordinance 05-17 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Inserting Section 2.26.070 which Establishes a Restricted Donation Fund

Committee Recommendation: 7 – 0 – 1

2. Ordinance 05-18 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Amending Chapter 2.26 (Controller's Department) in Order to Authorize Acceptable Financial Instruments, a Surcharge for Dishonored Checks, Drafts, Orders, or Like Instruments, and a Fee Schedule for the Providing Copies of Public Records; and, Amending Chapter 2.21 (Department of Law) in Order to Authorize the Purchase of a Blanket Bond or Crime Insurance Policy and Fixing the Amount of the City Controller's Surety Bond)

Committee Recommendation: 8 – 0

3. Resolution 05-07 To Approve Application and Authorize Grant from the Business Investment Incentive Fund (Bloomington Area Arts Council, Petitioner)

Committee Recommendation: 7 – 0 – 1

VII. LEGISLATION FOR FIRST READING

1. Ordinance 05-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Amending Chapter 15.37 – Residential Neighborhood Permit Parking – By Adding the North College Zone (8) and Southwest Campus Zone (9))

VIII. PRIVILEGE OF THE FLOOR (This section of the *Agenda* is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

IX. ADJOURNMENT (*Immediately followed by the*)

COMMITTEE OF THE WHOLE

Chair: Mike Diekhoff

1. Resolution 05-14 A Resolution Expressing Support for the CSX Rail Corridor Acquisition and Trail Project

Asked to Attend: Mick Renneisen, Director of Parks and Recreation
Susan Clark, Controller
Susan Failey, Assistant City Attorney

2. Ordinance 05-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Amending Chapter 15.37 – Residential Neighborhood Permit Parking – By Adding the North College Zone (8) and Southwest Campus Zone (9))

Asked to Attend: James McNamara, Deputy Mayor

City of
Bloomington
Indiana



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Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of July 25 – 30, 2005
Date: July 22, 2005

Monday, July 25, 2005

5:00 pm Utilities Service Board, IU Research Park
5:30 pm Human Rights Commission, McCloskey

Tuesday, July 26, 2005

3:00 pm Bloomington Community Farmers' Market, Showers Plaza

Wednesday, July 27, 2005

7:30 pm Common Council Regular Session (Rescheduled) and Committee of the Whole,
Council Chambers

Thursday, July 28, 2005

10:30 am County Address Coordination Meeting, McCloskey
3:00 pm Zoning Ordinance Steering Committee, Council Chambers

Friday, July 29, 2005

There are no events scheduled for today.

Saturday, July 30, 2005

7:00 am Bloomington Community Farmers' Market, Showers Common

**Legislative Items
for
Committee of the Whole
Discussion**

July 27, 2005

RESOLUTION 05-14

A RESOLUTION EXPRESSING SUPPORT FOR THE CSX RAIL CORRIDOR ACQUISITION AND TRAIL PROJECT

- WHEREAS, for many years CSX Transportation, Inc. (CSX) and its predecessors provided train service to Bloomington via the rail corridor through downtown; and
- WHEREAS, the rail corridor through Bloomington crosses 13 streets at grade, impacts pedestrian and traffic safety, and impedes development of east-west street connections in the southwest portion of Bloomington; and
- WHEREAS, CSX decided to cease its rail operations in Bloomington and wishes to sell its interest in the rail corridor through downtown Bloomington; and
- WHEREAS, CSX is willing to sell to the City its interest in the rail corridor subject to an agreement whereby the rail corridor will be “railbanked” so that it is not abandoned, remains within the national rail system, and may be repurchased by a rail service provider in the future from the City for re-use as a rail line; and
- WHEREAS, the City wishes to acquire the rail corridor for development as a linear park and bicycle and pedestrian trail through Bloomington that will link to the City’s original rail-trail and the Clear Creek Trail to the south, will provide connection points to neighborhoods along its route, and will create an alternative transportation route into the downtown and a recreational trail to serve all persons in the area; and
- WHEREAS, in 2003, the City acquired a section of rail corridor from Country Club Drive to Rogers Street owned by The Indiana Rail Road Company (INRR) immediately west of the CSX rail corridor, for development of a trail spur to the Indiana Enterprise Center, the former Thomson Consumer Electronics site; and
- WHEREAS, the City has entered into a funding agreement with the Indiana Department of Transportation (INDOT) under which INDOT agrees to provide the City with Federal Highway Administration (FHWA) funds in an amount not to exceed \$5,400,000 for acquisition of the Switchyard and rail corridor and construction of the first phase of the trail, which grant requires a 20% match of local funds in an amount not to exceed \$1,350,000, so that the total project cost is not to exceed \$6,750,000; and
- WHEREAS, the City also considered purchasing CSX’s McDoel Switchyard, which lies just east of the rail corridor between Country Club Drive and Grimes Lane, but the INDOT funds are not sufficient to buy both the switchyard and rail corridor and construct the first phase of the trail; and
- WHEREAS, the Redevelopment Commission will be the City commission that acquires the rail corridor, and it has made expenditures from the Thomson Walnut Winslow TIF fund for the surveys, title insurance, appraisals, and similar project-related expenses, and purchased the INRR corridor using TIF funds, which expenditures will count towards the 20% match in local funds required by the INDOT grant; and
- WHEREAS, the City also obtained a grant of approximately \$48,000 from the Indiana Development Finance Authority (IDFA) to conduct environmental evaluation of the corridor, and retained Bruce Carter Associates, environmental consultants, to conduct Phase I, Phase II, and post-Phase II testing to determine the nature and extent of environmental contamination in the rail corridor; and
- WHEREAS, a revised appraisal must be completed and approved by INDOT before the City is authorized to make an offer to purchase the corridor; and

WHEREAS, the City retained Ratio Architects to develop a conceptual master plan for the rail corridor showing future development possibilities and recommendations for the trail and linear park; and

WHEREAS, the acquisition and redevelopment of the rail corridor into a trail and linear park will significantly enhance Bloomington by providing an attractive amenity and increasing opportunities for economic development, downtown revitalization, tourism, recreation, traffic mitigation and improved safety.

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

The Common Council hereby expresses its support for the Redevelopment Commission's acquisition of the rail corridor from CSX its redevelopment as a linear park and bicycle and pedestrian trail.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution supports the Redevelopment Commission's purchase of the CSX rail corridor for redevelopment as a linear park and bicycle/pedestrian trail.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: Common Council

FROM: CSX Team (Mick Renneisen, Dave Williams, Susan Failey, Susan Clark, Ron Walker, Alisa Brown, Maria Heslin)

RE: CSX Purchase Update

DATE: July 13, 2005

Negotiations with CSX for purchase of the rail corridor are proceeding well, with a goal of closing on the land purchase by the end of October, 2005. The key points of the purchase are:

1. Land to be Acquired. At this time, the City intends to purchase the rail corridor from Adams Street to Country Club Drive, for construction of a linear park and bicycle/pedestrian trail, and two small parcels near Grimes Lane containing 0.74 acres and 0.37 acres each. The McDoel Switchyard is no longer part of the current purchase, because the INDOT funding is not sufficient both to acquire all the land originally sought and build the first phase of the trail. The City remains interested in acquiring the switchyard and will investigate other possible sources of funding for it.

In 2003, the City purchased part of the Indiana Rail Road corridor between Country Club Drive and Rogers Street, immediately west of the CSX corridor, which will be used as a trail spur to the Indiana Enterprise Center.

2. Funding and Procedures. We have entered into a funding agreement with INDOT by which it will provide up to \$5.4 million in Transportation Enhancement (TE) funds for acquisition of the rail corridor and related property from CSX and construction of the first phase of a bicycle/pedestrian trail. The City is required to match 20% of the TE funds with local money, bringing the total project cost for land acquisition and the first phase of trail development to an amount not to exceed \$6,750,000 and making the City's 20% share equal \$1,350,000. Many of the expenses the City has incurred to date for the CSX purchase will be counted towards this match (survey, appraisals, environmental evaluation, title insurance and purchase price of the Indiana Rail Road property adjoining the CSX corridor). These expenses have been paid with funds from the Thomson Walnut Winslow TIF account.

The Redevelopment Commission is the City entity that will approve the land acquisition. The City must follow INDOT and Federal Highway Administration land acquisition requirements in buying the land. Although we obtained appraisals in 2003, new ones using the revised land

amounts must be obtained and submitted to INDOT for approval as soon as the survey has been revised. Once INDOT has approved the fair market value of the land, the Redevelopment Commission will make an offer to purchase. The estimated purchase price for the corridor and two small parcels is \$3,097,700, based upon the per acre price from the 2003 appraisals. The final purchase price will be determined by the upcoming appraisals but is not expected to be significantly different.

3. Railbanking of Corridor. CSX has applied for and received approval from the federal Surface Transportation Board (STB) to cease rail use on the line. The approval also authorizes CSX to enter into a railbanking agreement with the City for the corridor property, which is currently being negotiated. Entry into a railbanking agreement means that this portion of the property will not be abandoned for rail purposes. Instead, it will be retained in the national rail system and may be reactivated for future rail use by any railroad company that plans to use it for common carrier service. In order to reactivate the line for rail use, a railroad would have to repurchase the line from the City. The railbanked property must be used by the City for trail purposes but can also include other uses that would not significantly interfere with future rail use, such as roads, drainage, parking and landscaping. Entry into a railbanking agreement after STB approval overrides any state law claim that adjoining property owners may have to a reversion of the rail line after rail use ceases.

4. Environmental Remediation and Trail Construction. The rail corridor contains coal ash and cinders that will need some remediation. According to the City's environmental consultant for this project, John Kilmer of Bruce Carter Associates, IDEM is likely to approve remediation by paving the trail portion of the corridor and covering the unpaved edges of the trail with clean soil. This method is consistent with the intended trail construction plans and is typically used when trails are constructed on rail corridors. Prior to closing on the land purchase, the City will seek confirmation with IDEM on the remediation requirements.

5. Master Plan. The City retained Ratio Architects to complete a master plan for the rail corridor. A citizen steering committee advised Ratio throughout the process, and Ratio conducted interviews with numerous persons who would be affected by the project. The master plan incorporates analysis and evaluation of the opportunities and constraints for development of public park facilities and a multi-use paved trail along the corridor. It includes the history of uses for the land, an environmental assessment, review of floodway and floodplain restrictions, establishes trail corridor character districts, develops a conceptual trail section design, and evaluates feasible linkages, trailheads and access points, roadway connections and at-grade crossings, and utilities. The final plan records public comment received from two open houses and other methods, and the observations of steering committee members, and recommends some preferred approaches, suggested timelines, and conceptual cost opinions.

6. Construction Timeline. INDOT will bid and contract for the trail construction, as it does for all TE projects, so construction timing is dependent upon INDOT's schedule. We intend to get on INDOT's calendar for bid letting in 2006 and begin construction by 2007.

ORDINANCE 05-19

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"VEHICLES AND TRAFFIC"
(Amending Chapter 15.37 – Residential Neighborhood Permit Parking –
By Adding the North College Zone (8) and Southwest Campus Zone (9))**

WHEREAS, the City desires to add two Residential Neighborhood Permit Parking zones;

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

SECTION 1. Section 15.37.020 of the Bloomington Municipal Code entitled “Applicability” shall be amended to add the following:

North College Residential Neighborhood Zone (Zone 8) shall apply to the following streets:

Street	From	To	Side of Street
North College Avenue	1 st alley north of Tenth Street on west side	Eleventh Street	West
North College Avenue	2nd alley north of Tenth Street on east side	Eleventh Street	East

SECTION 2. Section 15.37.020 of the Bloomington Municipal Code entitled “Applicability” shall be amended to add the following:

Southwest Campus Residential Neighborhood Zone (Zone 9) shall apply to the following streets:

Street	From	To	Side of Street
Third Street	Grant Street	Dunn Street	South
Smith Avenue	Lincoln Street	Dunn Street	North
Smith Avenue	Lincoln Street	Dunn Street	South
Lincoln Street	Second Street	Smith Avenue	West
Lincoln Street	Second Street	Smith Avenue	East
Grant Street	Smith Avenue	Third Street	East
Grant Street	Smith Avenue	Third Street	West
Dunn Street	Smith Avenue	Third Street	East
Dunn Street	Smith Avenue	Third Street	West

SECTION 3. If any sections, 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.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

ANDY RUFF, 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 _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapters 15.37 (Residential Neighborhood Permit Parking) by adding the North College Residential Neighborhood Zone (Zone 8) and the Southwest Campus Residential Neighborhood Zone (Zone 9).

TO: Councilmembers
FROM: James McNamara
DATE: July 20, 2005
SUBJ: Ordinance 05-19

Ordinance 05-19 creates two new residential parking zones.

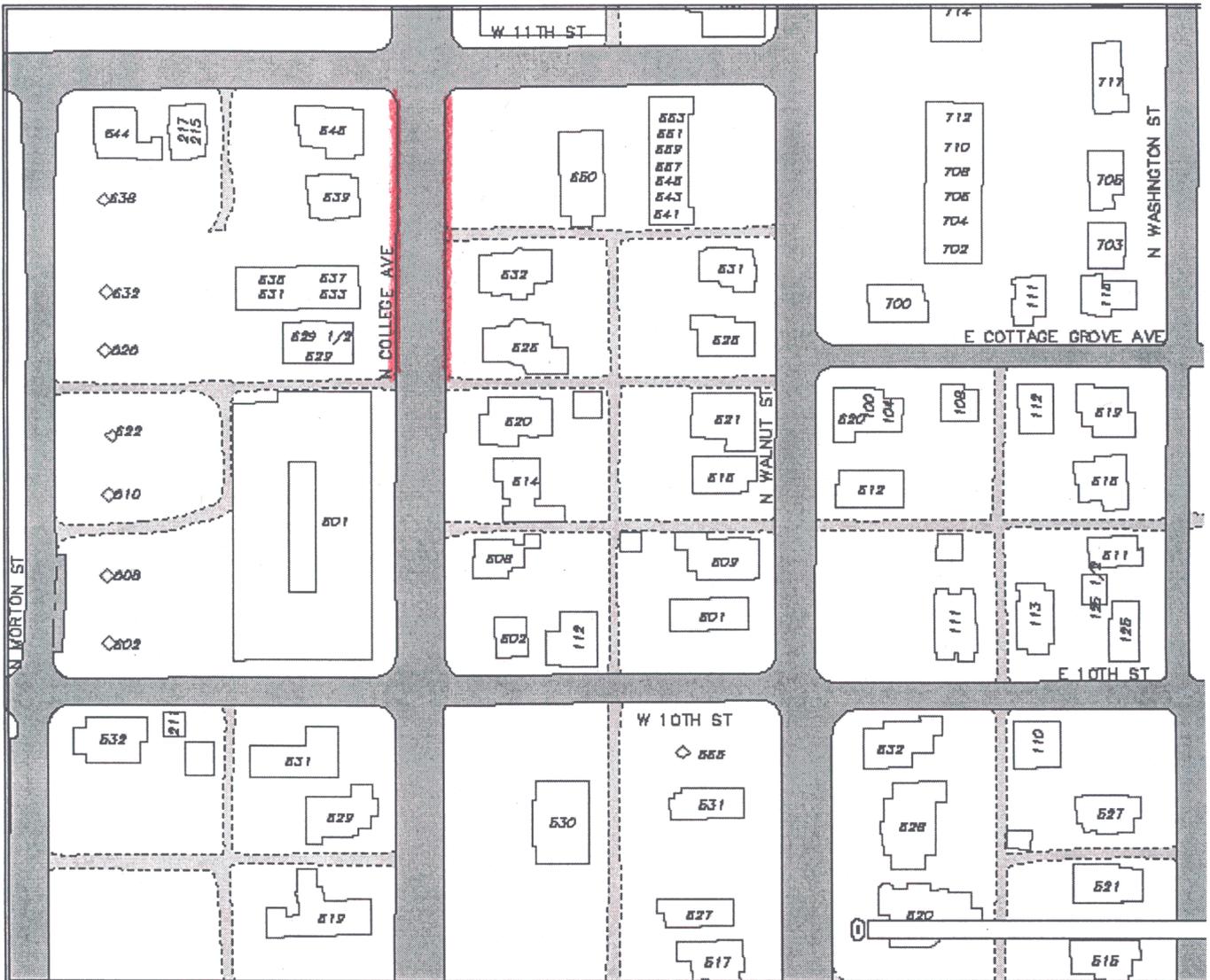
Section 1 of the ordinance creates the North College Residential Neighborhood Zone (Zone 8). The boundaries of this zone — just two half-block faces — are indicative of the developing practice in Parking Enforcement to tailor such zones narrowly in order to meet the specific needs of residents and to minimize intrazone commuting. Zone 8 is an anticipated consequence of the new development on the northwest corner of 10th and College. The City was approached by a property owner north of that project about establishing this Zone.

Both sides of College on this block contain large single-family homes that were long-ago converted to multifamily use. These residents have always largely relied on the availability of on-street parking on College. Surface parking regulations make it difficult to add off-street parking to these properties even if the land were available. These residents must now compete with those of the new 10th and College building and their visitors for on-street parking on this block. Residents of the 10th and College building would not be eligible for the permits, but the parking in front of that building would not be part of the Zone.

Section 2 of the ordinance creates the Southwest Campus Residential Neighborhood Zone (Zone 9). This proposed Zone is the result of a request from several property owners in the area. The adjacent Elm Heights residential zone (Zone 1) is bounded on the west by Henderson Street. This makes the area to immediate west of Henderson, and south of Third Street — where, unlike *north* of Third Street, there are no time restrictions on parking, — a very popular parking area for campus commuters.

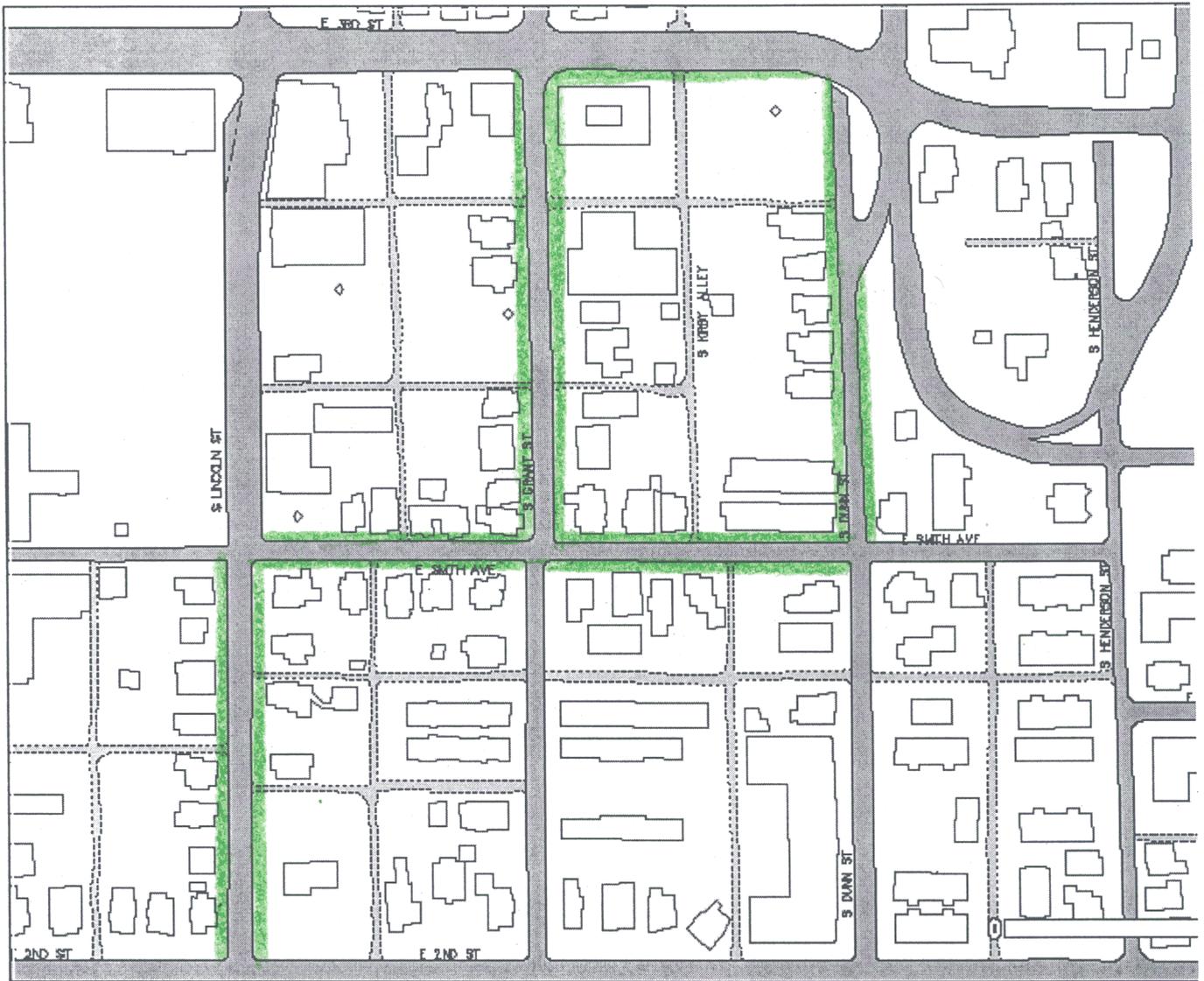
The boundaries of the proposed Zone 9 represent an incremental approach to adding a new residential zone and were developed in consultation with the concerned property owners. Additional blocks could be added at a later date if circumstances warranted. It is worth noting that of the nine block faces listed in Section 2 of the ordinance describing the boundaries of Zone 9, parking is only allowed on five of them due to the width of the street. The other four block faces — across the street to the proposed zone's permitted parking spaces — are included to establish eligibility for the residents of those blocks for a Zone 9 permit.

Please let me know if you any questions about the ordinance.



Zone 8

For reference only; Map information not warranted



Zone 9

For reference only; Map information not warranted

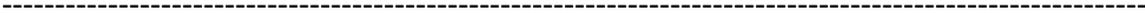
<p>strike – proposed deletion bold – proposed addition ▶ -- relevant section</p>
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**CHAPTER 15.37, “RESIDENTIAL NEIGHBORHOOD PERMIT PARKING”
OF THE BLOOMINGTON MUNICIPAL CODE**

AS AMENDED BY ORDINANCE 05-19

Section 1 of Ord 05-19 amends Section 15.37.020 of the Bloomington Municipal Code entitled “Applicability” by adding the North College Residential Neighborhood Zone (Zone 8).

Section 2 of Ord 05-19 amends Section 15.37.020 of the Bloomington Municipal Code entitled “Applicability” by adding the Southwest Campus Residential Neighborhood Zone (Zone 9).



Title 15
VEHICLES AND TRAFFIC

Chapters:

- 15.04 Definitions
- 15.08 Administration
- 15.12 Stop, Yield and Signalized Intersections
- 15.16 One-Way Streets and Alleys
- 15.20 Turn Restrictions
- 15.24 Speed Regulations
- 15.26 Neighborhood Traffic Safety Program
- 15.28 Truck Routes
- 15.32 Parking Controls
- 15.34 Accessible Parking For Persons with Physical Disabilities
- 15.36 Resident-Only Parking Permits
- 15.37 Residential Neighborhood Permit Parking
- 15.38 Public Employee Parking Permits
- 15.40 Municipal Parking Lots, Garages and On-Street Metered Parking
- 15.48 Emergency Removal and Impoundment of Vehicles
- 15.52 Abandoned Vehicles
- 15.56 Bicycles, Skateboards and Other Foot-Propelled Vehicles
- 15.60 Miscellaneous Traffic Rules
- 15.64 Traffic Violation Schedule

Chapter 15.37

RESIDENTIAL NEIGHBORHOOD PERMIT PARKING

Sections:

- 15.37.010 Definitions.
- 15.37.020 Applicability.
- 15.37.030 Hours in effect.
- 15.37.040 Eligibility.
- 15.37.050 Fees.
- 15.37.060 Expiration of permits.
- 15.37.070 Information required on application.
- 15.37.080 Decal required.
- 15.37.090 Parking space not guaranteed.
- 15.37.100 Replacement of permit.
- 15.37.110 Change of residency.
- 15.37.120 Precedence of abandoned vehicle regulations.
- 15.37.130 Precedence of no parking zones.
- 15.37.140 Special exceptions.
- 15.37.150 Violations.
- 15.37.160 Disposition of revenue.
- 15.37.170 Zone 1 fraternities and sororities.
- 15.37.180 Business employees.
- 15.37.190 All Zone permits.
- 15.37.200 Zone 7 fraternities and sororities.
- 15.37.210 Kirkwood and Walnut employees.
- 15.37.220 Collins Center residents.

15.37.010 Definitions.

"Household" means a single individual living upon the premises as a single housekeeping unit or a collective body of persons living upon the premises as a single housekeeping unit.

"Multiple household dwelling" means a building designed for and legally allowed the occupancy of more than five adults unrelated by blood or marriage.

"Single household detached dwelling" means a building designed for the occupancy of no more than five adults unrelated by blood or marriage.

"Residential Neighborhood Permit Parking Zone" is the list of streets and sections of streets designated in this chapter for restricted parking by residential neighborhood permit only at those designated times.

"Visitor permit" is a permit to park in the Residential Neighborhood Permit Parking Zone on a temporary basis. (Ord. 92-06, § 1 (part), 1992).

15.37.020 Applicability.

The following zones are designated as University Proximate Residential Neighborhood Permit Parking Zones:

Elm Heights University Proximate Residential Neighborhood Permit Parking Zone (Zone 1) shall apply to the following streets:

Street	From	To	Side of Street
South Henderson	Third	Maxwell	East/West
Fess Street	Third	Maxwell	East/West
Stull Avenue	First	Maxwell	East/West
Park Avenue	Atwater	Maxwell	East/West
Woodlawn Avenue	Third	Maxwell	East/West
Faculty Avenue	Third	Hunter	East/West
Hawthorne	Third	Southdowns	East/West
Ballantine	Third	First	East/West
Highland Avenue	Third	Maxwell	East/West
Atwater Avenue	South Henderson	Jordan	North/South
Hunter Avenue	South Henderson	Jordan	North/South
Second Street	South Henderson	Jordan	North/South
University Ave.	South Henderson	Jordan	North/South
First Street	South Henderson	Jordan	North/South
Wylie Street	Woodlawn	Highland	North/South
Maxwell Lane	South Henderson	Manor Road	South
Maxwell Lane	Manor Road	Jordan Avenue	North/South
Jordan Avenue	First	Maxwell	West
Manor Road	Maxwell Lane	Sheridan Drive	East/West
Sheridan Drive	Woodlawn Avenue	Hawthorne Drive	North
Fess Avenue	Maxwell Lane	Northside of Bryan Park	East/West
Stull Avenue	Maxwell Lane	Northside of Bryan Park	East/West
Park Avenue	Maxwell Lane	Northside of Bryan Park	East/West
Manor Road	Southdowns Drive	Dead End	East/West
Sheridan Drive	Hawthorne Drive	Highland Avenue	North/South

Eastside University Proximate Residential Neighborhood Parking Zone (Zone 2) shall apply to the following streets:

Street	From	To	Side of Street
Swain Avenue	Third	Dead End South of University	East/West
Mitchell Street	Third	Maxwell	East/West
Eastside Drive	Third	Maxwell	East/West
South Arbutus Drive	Third	Second	East/West

Street	From	To	Side of Street
Rose Avenue	Third	First	East/West
South Anita	Hunter	First	East/West
South Union	Third	Dead End South of Third	
Atwater Avenue	Jordan	High	North/South
Hunter Avenue	Jordan	High	North/South
Second Street	Jordan	High	North/South
University Ave.	Jordan	Eastside	North/South
First Street	Jordan	High	North/South
Sheridan Drive	Jordan	Maxwell	North/South
Clifton Avenue	Third Street	Atwater Avenue	East
Clifton Avenue	Atwater Avenue	First Street	East/West
Maxwell	Jordan	Mitchell	North/South
Jordan Avenue	Third	First	East/West
Jordan Avenue	First	Maxwell	East

Green Acres University Proximate Residential Neighborhood Permit Parking Zone (Zone 3) shall apply to the following streets:

Street	From	To	Side of Street
Union Street	Third	Seventh	East/West
Bryan Street	Third	Dead End North of Seventh	East/West
Jefferson Street	Third	Tenth	East/West
Roosevelt Street	Fourth	Dead End North of Eighth	East/West
Clark Street	Third	Dead End North of Eighth	East/West
Fourth Street	Union	Jefferson	North/South
Fourth Street	Roosevelt	Clark	North/South
Fifth Street	Union	Hillsdale	North/South
Seventh Street	Union	Hillsdale	North/South
Eighth Street	Jefferson	Hillsdale	North/South

Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 4) shall apply to the following streets:

Street	From	To	Side of Street
East 6th	North Walnut	North Dunn	North/South
East 7th	North Walnut	North Dunn	North/South
East 8th	North Walnut	North Dunn	North/South
East Alice	North Grant	North Harold	North/South
East 9th	North Walnut	North Dunn	North/South
East 10th	North Walnut	North Dunn	South

North Walnut	East 6th	East 10th	East (boundary)
North Washington	East 6th	East 10th	East/West
North Lincoln	East 6th	East 10th	East/West
North Grant	East 6th	East 10th	East/West
North Harold	East 8th	East 9th	East/West
North Prow	East 9th	East 10th	East/West
North Dunn	East 6th	East 10th	West

Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 5) shall apply to the following streets:

Street	From	To	Side of Street
East 10th	North Walnut	North Dunn	North
East Cottage Grove	North Walnut	North Dunn	North/South
East 11th	North Washington	North Dunn	North/South
East 12th	North Walnut	North Dunn	North/South
North Walnut	East 10th	East 12th	East (boundary)
North Washington	East 10th	East 12th	East/West
North Lincoln	East 10th	East 12th	East/West
North Grant	East 10th	East 12th	East/West
North Dunn	East 10th	East 12th	West

Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 6) shall apply to the following streets:

Street	From	To	Side of Street
East 10th	North Dunn	North Woodlawn	North
East Cottage Grove	North Dunn	North Woodlawn	North/South
East 11th	North Dunn	North Woodlawn	North/South
East 12th	North Dunn	North Woodlawn	North/South
North Indiana	East 10th	East 12th	East/West
North Fess	East 10th	East 12th	East/West
North Park	East 10th	East 12th	East/West
North Woodlawn	East 10th	East 12th	West (boundary)

Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 7) shall apply to the following streets:

Street	From	To	Side of Street
East 6th	North Dunn	North Indiana	North/South
East 7th	North Dunn	North Woodlawn	North/South
East 8th	North Dunn	North Woodlawn	North/South
East 9th	North Dunn	North Woodlawn	North/South

East 10th	North Dunn	North Woodlawn	South
North Dunn	East 6th	East 10th	East
North Indiana	East 6th	East 10th	East/West
North Fess	East 7th	East 10th	East/West
North Park	East 7th	East 10th	East/West
North Woodlawn	East 7th	East 10th	West (boundary)

- ▶ **North College Residential Neighborhood Zone (Zone 8) shall apply to the following streets:**

Street	From	To	Side of Street
North College Avenue	1st alley north of Tenth Street on west side	Eleventh Street	West
North College Avenue	2nd alley north of Tenth Street on east side	Eleventh Street	East

- ▶ **Southwest Campus Residential Neighborhood Zone (Zone 9) shall apply to the following streets:**

Street	From	To	Side of Street
Third Street	Grant Street	Dunn Street	South
Smith Avenue	Lincoln Street	Dunn Street	North
Smith Avenue	Lincoln Street	Dunn Street	South
Lincoln Street	Second Street	Smith Avenue	West
Lincoln Street	Second Street	Smith Avenue	East
Grant Street	Smith Avenue	Third Street	East
Grant Street	Smith Avenue	Third Street	West
Dunn Street	Smith Avenue	Third Street	East
Dunn Street	Smith Avenue	Third Street	West

Parking permits and visitor permits valid for one zone shall not be valid for another zone.

(Ord. 03-16 § 1, 2003; Ord. 03-12 § 11, 2003; Ord. 01-09 § 23, 2001; Ord. 00-38 § 13, 2000; Ord. 95-26 §§ 1, 2, 1995; Ord. 95-08 §§ 1--4, 1995; Ord. 93-17 § 1, 1993; Ord. 93-16 § 2, 1993; Ord. 92-06 § 1 (part), 1992).

15.37.030 Hours in effect.

These zones shall be in effect from eight a.m. to five p.m., Monday through Friday. (Ord. 92-06 § 1 (part), 1992).

15.37.040 Eligibility.

Each single household detached dwelling and multiple household dwelling is entitled to obtain one parking permit per motor vehicle. Each single household detached dwelling and multiple household dwelling is entitled to purchase one visitor permit for each household. Appeals for additional parking and/or visitor permits shall be made in writing, with all relevant documentation attached, to the parking enforcement office manager, or his or her designee. (Ord. 92-06 § 1 (part), 1992).

15.37.050 Fees.

Parking permits and visitor permits shall cost fifteen dollars per permit. (Ord. 03-16 § 2, 2003; Ord. 92-06 § 1 (part), 1992).

15.37.060 Expiration of permits.

Permits will expire on August 15th of each year. The date of expiration will be clearly marked on all permits. (Ord. 92-06 § 1 (part), 1992).

15.37.070 Information required on application.

Permits will be issued only to residents of an address within the Neighborhood Permit Parking Zone. Proof of residency must be submitted upon making an application for a parking or visitor permit. In addition, proof of ownership or principal use of the motor vehicle must be submitted upon making application for a parking permit. Final determination of eligibility will be made by the parking enforcement office manager or designee. Each application for a parking permit shall also contain the following information: applicant name and address; make, model and license tag number of motor vehicle(s) for which an application is made, and any other information deemed relevant by the department of public works. (Ord. 92-06 § 1 (part), 1992).

15.37.080 Decal required.

Regular permits shall be visibly displayed and permanently affixed to the vehicle in the lower left corner of the rear window or other location as determined by the parking enforcement office manager. Visitor permits shall be visibly displayed by hanging the permit from the rearview mirror in the front windshield. (Ord. 92-06 § 1 (part), 1992).

15.37.090 Parking space not guaranteed.

A residential neighborhood permit parking decal shall not guarantee or reserve the holder an on-street parking space. (Ord. 92-06 § 1 (part), 1992).

15.37.100 Replacement of permit.

If the make, model or license tag number of a permitted vehicle changes during the year, the applicant may bring in the new information to the parking enforcement office to obtain a replacement sticker. The fee for a replacement sticker will be five dollars. (Ord. 92-06 § 1 (part), 1992).

15.37.110 Change of residency.

If residents of a property change during the calendar year, the new resident may complete a change of residency form and request application for permit. (Ord. 92-06 § 1 (part), 1992).

15.37.120 Precedence of abandoned vehicle regulations.

No part of this chapter shall conflict with existing regulations for abandoned vehicles, as specified in Section 15.04.020 and Chapter 15.52 of the Bloomington Municipal Code. (Ord. 92-06 § 1 (part), 1992).

15.37.130 Precedence of no parking zones.

The Residential Neighborhood Permit Parking Zones do not take precedence over temporary or permanent no parking zones posted by the street department, engineering department or police department for tree removal, snow removal, street sweeping, or other actions deemed necessary by the city of Bloomington. (Ord. 92-06 § 1 (part), 1992).

15.37.140 Special exceptions.

Any person or persons requesting special exception from the residential neighborhood permit parking regulations for a one-day period only may make such a request to the parking enforcement office manager and may be granted a temporary one-day permit. There will be no fee for this permit. (Ord. 92-06 § 1 (part), 1992).

15.37.150 Violations.

Violations of this chapter shall generally constitute a Class D traffic violation and are subject to fines as listed in Section 15.64.010. However, it shall be a Class F violation, as listed in Section 15.64.010, for a person holding a valid residential neighborhood parking permit to use or display the permit on an ineligible motor vehicle. (Ord. 98-52 § 6, 1998; Ord. 92-06 § 1 (part), 1992).

15.37.160 Disposition of revenue.

All funds derived from the issuance of permits and from fines shall be used to pay the costs of operating this program. Funds received in excess of the annual cost of operating the program shall go into an alternative transportation fund. The alternative transportation fund shall be for the purpose of reducing our community's dependence upon the automobile. Expenditures from the fund shall be approved by the council. (Ord. 92-06 § 1 (part), 1992).

15.37.170 Zone 1 fraternities and sororities.

The board of public works may provide up to one hundred and fifty Zone 1 parking permits annually to residents of fraternity and sorority houses on Third Street. (Ord. 95-26 § 3, 1995; Ord. 93-16 § 3, 1993).

15.37.180 Business employees.

The board of public works may provide Zones 4, 5, 6, and 7 parking permits annually to employees of businesses in said zones. (Ord. 03-16 § 3, 2003; Ord. 95-08 § 5, 1995).

15.37.190 All Zone permits.

Upon approval of application, the director of parking enforcement may issue an "All Zone" residential permit to landlords, property managers and qualified service companies, which will allow vehicles bearing this permit to park in any of the residential zones while employees are performing work in that zone.

(a) Eligibility. Landlords and property managers registered with the city will be allowed to purchase one sticker for every ten units or property within the residential zones. Landlords and property managers with fewer than twenty units will be allowed a maximum of two permits. Realty companies who show property in the residential zones will be allowed a maximum of one All Zone permit per ten realtors employed by the company. Properly registered and verified service companies will be allowed a maximum of two permits per company.

(b) Fees. The costs of an All Zone permit shall be twenty-five dollars per year. (Ord. 95-08 § 8, 1995).

15.37.200 Zone 7 fraternities and sororities.

The board of public works may provide up to one hundred Zone 7 parking permits annually to residents of fraternity and sorority houses on 7th Street and Woodlawn Avenue. The fee for one of these permits shall be fifteen dollars per year. (Ord. 03-16 § 4, 2003; Ord. 95-26 § 4, 1995).

15.37.210 Kirkwood and Walnut employees.

The board of public works may provide up to seventy-five Zone 4, 5 or 7 parking permits annually to employees of businesses on Kirkwood Avenue from Indiana to Walnut Street and on Walnut Street from Kirkwood Avenue to 12th Street. Zone 4 permits may be issued to employees of business on Kirkwood Avenue between Dunn Street and Walnut Street and on Walnut Street between Kirkwood Avenue and 10th Street. Zone 5 permits may be issued to employees of businesses on Walnut between 10th Street and 12th Street. And, Zone 7 permits may be issued to employees of businesses on Kirkwood Avenue between Dunn Street and Indiana Avenue. The fee for one of these permits shall be seventy-five dollars per year. (Ord. 03-16 § 5, 2003; Ord. 95-26 § 5, 1995).

15.37.220 Collins Center residents.

The board of public works may provide up to one hundred Zone 7 parking permits annually to residents of the Collins Center dormitory. The fee for one of these permits shall be fifteen dollars per year. (Ord. 03-16 § 6, 2003; Ord. 95-26 § 6, 1995).

**New Legislative Items
for
Regular Session**

August 3, 2005

RESOLUTION 05-15

**WAIVING CURRENT PAYMENTS IN LIEU OF TAXES
BY THE BLOOMINGTON HOUSING AUTHORITY TO THE CITY**

WHEREAS, the Bloomington Housing Authority provides a public service to the Bloomington community by providing sanitary, safe and affordable housing for low income people; and

WHEREAS, the Bloomington Housing Authority also provides services to its residents which, if not so provided, would be provided by the City of Bloomington at additional expense to the City of Bloomington; and

WHEREAS, according to I.C. 36-7-18-25, the Bloomington Housing Authority is exempt from all property taxes, but may enter into an agreement with a political subdivision to pay no more than the estimated costs of services, improvements, or facilities provided by that political subdivision; and

WHEREAS, on May 2, 1961, the Bloomington Housing Authority and City of Bloomington entered into a Cooperation Agreement under which the Bloomington Housing Authority agreed to make annual payments in lieu of taxation based upon the value of services established by Housing and Urban Development guidelines; and

WHEREAS, the City of Bloomington does not desire to enter into an agreement with the Bloomington Housing Authority for these payments in lieu of taxes;

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

SECTION I. In consideration for the provision of services to its residents and property by the Bloomington Housing Authority, the City of Bloomington hereby waives its right to any and all payments in lieu of taxes for the year 2005.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

ANDY RUFF, 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 _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2005.



Bloomington Housing Authority

1007 North Summit, Bloomington, Indiana 47404
812-339-3491 fax 812-339-7177

TO: Common Council

FROM: Jennifer J. Osterholt
Executive Director

RE: Waiver of Payment in Lieu of Taxes (PILOT) for Fiscal Year Ending
09/30/05

The Housing Authority of the City of Bloomington entered into a Cooperation Agreement with the City of Bloomington, Indiana on May 2, 1961 as allowed by the Department of Housing and Urban Development.

The Cooperation Agreement states "Under the constitution and statutes of the State of Indiana, all Projects are exempt from all real and personal property taxes levied or imposed by the Taxing Body, as long as the projects continue to serve low income citizens this rule applies". The Authority also agreed to pay, as do most housing authorities, a Payment in Lieu to Taxes, following HUD's guidelines, which set forth how that calculation is to be done. Indiana State Statute does allow for the Common Council to forgive the PILOT.

I have attached a copy of our PILOT computation.

Following HUD's prescribed formula the Housing Authority of the City of Bloomington is requesting the Bloomington Common Council to forgive the PILOT for fiscal year ending September 30, 2005.

Equal Opportunity and Affirmative Action Employer



Bloomington Housing Authority

1007 North Summit, Bloomington, Indiana 47404
812-339-3491 fax 812-339-7177

PILOT Calculation For Fiscal Year Ending 09/30/2005

Dwelling Rental Income	\$524,350.00
Excess Utilities	\$ 30,500.00
Nondwelling Rental	<u>\$ 10,320.00</u>
Total	\$565,170.00
Minus: Utilities Expense	<u>\$468,350.00</u>
Total Shelter Rent	\$ 96,820.00
PILOT equals 10% of Total Shelter Rent	
PILOT	\$ 9,682.00

MEMORANDUM

To: City of Bloomington Common Council
From: Ron Walker, Director of Economic Development
Date: July 13, 2005
Regarding: Resolutions: 05-12 & 05-13

Resolution 05-12

Project: Bloomington Business Incubator, LLC.
Project Address: 210-216-220 W. Allen Street
Abatement Type: Real Estate Improvements
Length of Abatement: 10 years
Property Owner: Storage Express Holdings

The Bloomington Business Incubator, LLC (BBI) was approved for an abatement in 1994 (Resolution 94-56) to remodel two existing buildings, and construct a new 3,000 sq. ft. building that would house the Small Business Development Center (SBDC) and a business incubator. The purpose of the business incubator was “to accelerate the successful development of entrepreneurial companies, and produce graduates that are financially viable and freestanding. These companies move to larger facilities in the community, expand their markets regionally, nationally and globally, and increase their investments in the local and state economies.”

At the time of approval, BBI estimated that it would invest approximately \$362,000 in real estate improvements and create between 30-300 new jobs with salaries ranging from \$10,000 - \$50,000. The project met the terms of the tax abatement for several years. The SBDC was housed at the site and the majority of the facility operated as a business incubator that provided shared services and technical assistance. The actual investment was \$679,000 and the new jobs and wages were within the ranges estimated at the time of approval.

In 2004, the site ceased operating as a business incubator. The property was sold to Storage Express Holdings in 2003 and the BBI was dissolved later that year. The Small Business Development Center moved out of the facility in March, 2004 and the incubator ceased existence. Since that time, the facility has operated as a private office facility and does not offer shared administrative services or technical assistance.

The SBDC is now located at 501 N. Morton Street, in the IU Research Park. A new technology business incubator, created in response to a demand in the community, officially opened in June, 2004.

The most recent Compliance with Statement of Benefits (Form CF-1) was filed in February, 2004. At the time, the facility still housed the SBDC and operated as a business incubator. The current owner did not file a Form CF-1 in 2005 and has communicated that they wish to voluntarily relinquish the remainder of the property tax abatement because they are aware that the use of the property does not meet the criteria promised upon approval in 1994.

Resolution 05-13

Project: PTS Electronics Corporation
Project Address: 1300 S. Patterson Drive
Abatement Type: New Manufacturing Equipment
Length of Abatement: 5 years
Property Owner: Cook Pharmica, LLC

PTS was approved for an abatement in 2003 (Resolution 03-15) to purchase new manufacturing equipment. PTS was leasing approximately 50,000 square feet at the Indiana Enterprise Center in what was commonly known as Building Two.

At the time of approval, PTS estimated that it would invest approximately \$2,632,743 in the new equipment and create between 300 new jobs with a total payroll of approximately \$6.1 million.

For various reasons, including the purchase and subsequent redevelopment of the property by Cook Pharmica, PTS has not made any investment on the property nor created any new jobs at the site.

PTS has never filed a Form CF-1 and without any new investment, they have not created any additional property tax liability eligible for abatement. PTS has stated that they do not intend to make any investment at the site and has communicated that they wish to voluntarily relinquish the remainder of the property tax abatement.

RESOLUTION 05-12

**TO TERMINATE TAX DEDUCTION FOR IMPROVEMENTS TO REAL ESTATE AND
REMOVE THE ECONOMIC REVITALIZATION AREA (ERA) DESIGNATION
AUTHORIZED BY RESOLUTION 94-32 AND RESOLUTION 94-52**

Re: 210, 216 & 220 West Allen Street

**(Bloomington Business Incubator, LLC, Former Owner and Petitioner;
Storage Express Holdings, LLC, Current Owner)**

- WHEREAS, in 1994 the Common Council adopted Resolution 94-52, which affirmed Resolution 94-32, by designating the property at 210, 216 & 220 West Allen Street as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for the improvement of real estate for the purpose of creating a business incubator that would target Bloomington Urban Enterprise Area (Zone) residents for employment (Project); and
- WHEREAS, the decision to grant the tax abatement in 1994 was based upon the application for tax abatement, the Statement of Benefits forms, and other material submitted to the Council by the petitioner, Bloomington Business Incubator, LLC; 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 June 15, 2005, the Director of Economic Development, Ron Walker, presented a Supplemental Annual Tax Abatement Report to the Common Council indicating that the project had changed ownership and that the new owners, Storage Express Holdings, LLC, are now using the site as a private office facility and recommended finding that the Project was not in substantial compliance with the terms of the tax abatement; and
- WHEREAS, based upon that recommendation, the Council adopted a motion that evening pursuant to Indiana Code 6-1.1-12.1-5.9 which:
- Determined that the current owner had not substantially complied with the Statement of Benefits regarding the Project and that the failure to do so was not caused by factors beyond their control;
 - Announced that the Common Council would hold a hearing at the Regular Session on August 3, 2005, to further consider this owner's compliance with the Statement of Benefits in the context of a resolution terminating the tax abatement; and
 - Directed the Council Attorney to mail the statutorily-required written notice to the property owner; and
- 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 August 3, 2005, 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 continues to be 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 94-32 and Resolution 94-52 shall be rescinded and the Economic Revitalization Area (ERA) designation for the real estate at 210, 216 & 220 West Allen Street shall be removed and the tax deduction for the Project be terminated.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

ANDY RUFF, President
Bloomington Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution rescinds Common Council Resolution 94-32 and Resolution 94-52 and, thereby, terminates the tax abatement as well as removes the ERA designation for a business incubator project located at 210, 216 & 220 West Allen Street.

RESOLUTION 94-52

TO CONFIRM RESOLUTION 94-32 WHICH DESIGNATED AN "ECONOMIC REVITALIZATION AREA" (ERA)
Re: 210 and 220 West Allen Street
(Bloomington Business Incubator, LLC, Petitioner)

WHEREAS, Bloomington Business Incubator, LLC, has filed an application for designation of the property located at 210 and 220 West Allen 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 Southwest 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 94-32 on October 5, 1994, 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 November 2, 1994; 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 94-32 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 according to the conditions approved by the Board of Zoning Appeals (case number CU-45-94); and 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:

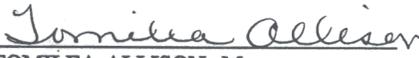
- a. the improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of installation) within twelve months of the date of this designation; and
- b. the land and improvements will be developed and used in a manner that complies with local code and the conditions approved by the Board of Zoning Appeals (case number CU-45-94).

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of November, 1994.



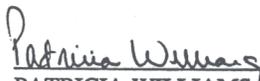
JIM SHERMAN, President
Bloomington Common Council

SIGNED and APPROVED by me upon this ____ day of November, 1994.



TOMILEA ALLISON, Mayor
City of Bloomington

ATTEST:



PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This Resolution affirms the determination of the Common Council expressed in Resolution 94-32 which designated the property located at 210 and 220 West Allen Street as an "Economic Revitalization Area" for a period of ten (10) years.

*Sign and copy of all forms (2)
Petitioner
Redevelopment
Assessor
A.C.*



INSTRUCTIONS:

- 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 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)
- 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.
 - 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.
 - 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 Bloomington Business Incubator, LLC.	
Address of taxpayer (street and number, city, state and ZIP code) 210-220 West Allen Street, P.O. Box 1302, Bloomington, IN 47402	
Name of contact person David C. Miller, Director	Telephone number (812) 336-6381

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body City of Bloomington Common Council	Resolution number
Location of property 210-220 West Allen	County Monroe
Description of real property improvements and / or new manufacturing equipment to be acquired (use additional sheets if necessary) Remodel two existing buildings and construct a 3000 sq.ft building connecting the two. The overall complex will have a new sprinkler system, building exterior upgrade, new HVAC systems, new restrooms, paved parking lots and landscaping.	Estimated starting date October 1994
	Estimated completion date January 1995

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
2.75	\$ 13-40,000	2.75	\$ 13-40,000	30-300	\$ 10-50,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values	\$ 550,000	\$ 46,800	-	-
Plus estimated values of proposed project	361,670	120,544	-	-
Less values of any property being replaced	0	0	-	-
Net estimated values upon completion of project	\$ 911,670	167,344	-	-

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER
<ul style="list-style-type: none"> Employees of BBI and SBDC receive paid health insurance, holidays & vacations Hiring of new employees will be targeted to Enterprise Zone residents <p>The goal of the BBI is to accelerate the successful development of entrepreneurial companies and produce "graduates" that are financially viable and freestanding. These companies move to larger facilities in the community, expand their markets regionally, nationally and globally, and increase their investments in the local and state economies.</p>

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <i>David C. Miller</i>	Title Director, BBI	Date signed (month, day, year) 08-24-94

STORAGE EXPRESSSM

RECEIVED

APR 01 2005

OFFICE OF THE MAYOR
BLOOMINGTON, INDIANA

March 30, 2005

Mr. Ron Walker
Mayor's Office
City Hall
401 N. Morton St.
Room 210
Bloomington, Indiana 47404

Dear Ron:

Again, thank you for meeting with Brady McGee and me to enable us to better understand the property tax abatement process.

The Star Center does now operate essentially as private office space. Accordingly, Storage Express Holdings wishes to voluntarily relinquish the remainder of the property tax abatement on the buildings located at 216, 220 and 222 West Allen Street.

Cordially,



Jefferson Shreve
Managing Member

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; Yes No
 2. Installation of new manufacturing equipment; Yes No
 3. Residentially distressed areas Yes 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 OF THE REAFFIRMING RESOLUTION
- 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 (812) 331-6408	Date signed (month, day, year) 11.2.94
Attested by: Patricia Williams, City Clerk	Designated body Common Council City of Bloomington	

* 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%



City of Bloomington
Office of the Common Council

July 14, 2005

Mr. Jefferson Shreve
Storage Express Holdings, LLC
222 West Allen Street
Bloomington, IN 47403

Dear Mr. Shreve,

This letter is to notify you that the Common Council will be holding a hearing on Wednesday, August 3, 2005 at 7:30 p.m. in the Council Chambers (401 North Morton Street) to consider Resolution 05-12, which would rescind previous resolutions and terminate the tax abatement for 210, 216 & 220 West Allen Street obtained by Bloomington Business Incubator, LLC in 1994.

The property record card in the Monroe County Assessor's Office indicates that Storage Express Holdings, LLC, now owns this site. The Common Council records indicate that a 10-year period of abatement was granted for the project on conditions that were set forth in Resolution 94-32 and Resolution 94-52. Those conditions, in part, tied the tax abatement to the continued use of the property as a business incubator that would target residents of the Bloomington Urban Enterprise Area (Zone) for employment. (Please see the attached Resolution 94-52 and Statement of Benefits for further information regarding this abatement.)

The decision to terminate this tax deduction was made during the annual review of CF-1 forms which are filed by recipients of tax abatements in order to show compliance with the terms and conditions of their abatements. On June 15, 2005, the Director of Economic Development, Ron Walker, presented a Supplemental Annual Tax Abatement Report to the Common Council and reported that this site was not being used in a manner that complied the conditions imposed on this tax abatement. In particular, he stated that the site "no longer houses an incubator and is now a for-profit office facility." Upon learning this information, the Council adopted a motion that night announcing its intent to rescind this tax abatement.

In accordance with Indiana Code 6-1.1-12.1-5.9, the Common Council is notifying you that it will hold the hearing (noted in the first paragraph of this letter) to consider a resolution that would terminate the tax abatement on this real estate. In order to adopt the resolution, the Council must find that you have not substantially complied with the Statement of Benefits and that this was not because of factors beyond your control.

You are invited to attend and comment on the proposed action. If you have any questions, please feel free to contact me at the Council Office (349-3562).

Sincerely,

Daniel Sherman, Administrator/Attorney
City of Bloomington
Common Council

cc: res05-12
attch: res03-52; statement of benefits

RESOLUTION 05-13

**TO TERMINATE A TAX DEDUCTION
FOR THE INSTALLATION OF NEW MANUFACTURING EQUIPMENT
YET CONTINUE THE ECONOMIC REVITALIZATION AREA DESIGNATION
AUTHORIZED BY RESOLUTION 03-14 AND RESOLUTION 03-15**

**Re: 1300 South Patterson Drive
(PTS Corporation, Initial Petitioner)**

WHEREAS, in 2003 the Common Council adopted Resolution 03-15, which affirmed Resolution 03-14, by designating the property at 1300 South Patterson Drive as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 5-year period of tax abatement for the installation of new manufacturing equipment which would create approximately 296 new jobs; and

WHEREAS, the decision to grant the tax abatement in 2003 was based upon the application for tax abatement, the Statement of Benefits forms, and other material submitted to the Council by the petitioner, PTS Corporation; 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 June 15, 2005, the Director of Economic Development, Ron Walker, presented a Supplemental Annual Tax Abatement Report to the Common Council indicating that the PTS Corporation was “unable to make the investment and create the jobs” at this site and recommended finding that the Project was not in substantial compliance with the terms of the tax abatement; and

WHEREAS, based upon that recommendation, the Council adopted a motion that evening pursuant to Indiana Code 6-1.1-12.1-5.9 which:

- Determined that PTS Corporation had not substantially complied with the Statement of Benefits regarding the installation of new manufacturing equipment and that the failure to do so was not caused by factors beyond their control;
- Announced that the Common Council would hold a hearing at the Regular Session on August 3, 2005, to further consider this petitioner’s compliance with the Statement of Benefits in the context of a resolution terminating the tax abatement; and
- Directed the Council Attorney to mail the statutorily-required written notice to the property owner; and

WHEREAS, the Council Attorney mailed notice of the hearing to the property owner within 30 days of its occurrence and on August 3, 2005, the Common Council held the hearing and determined that PTS Corporation was 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 continues to find that this site qualifies for the designation as an Economic Revitalization Area (ERA) and, in fact, subsequently adopted Resolution 04-08 and Resolution 04-09, which designated this site as an Economic Revitalization Area (ERA), approved a Statement of Benefits, and authorized a 10-year period of deduction for Cook Pharmica, LLC, which will all continue to be in effect after adoption of this resolution;

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

SECTION 1. The tax deduction for the installation of new manufacturing equipment at 1300 South Patterson Drive, Bloomington, Indiana, authorized by Resolution 03-14 and Resolution 03-15 shall be terminated. However, the designation of this site as an Economic Revitalization Area shall continue.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

ANDY RUFF, President
Bloomington Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution terminates the tax deduction for the installation of new manufacturing equipment at 1300 South Patterson Drive authorized by Resolution 03-14 and Resolution 03-15, but continues the designation of an Economic Revitalization Area (ERA) for this site.

(passed 9-0)

RESOLUTION 03-15

**TO CONFIRM RESOLUTION 03-14 WHICH DESIGNATED AN
ECONOMIC REVITALIZATION AREA (ERA)**

**Re: 1300 S. Patterson Drive
(PTS Corporation, Petitioner)**

WHEREAS, Petitioners have filed an application for designation of the property located at 1300 Patterson Drive as an "Economic Revitalization Area"; and

WHEREAS, the application has been reviewed by the Planning Department, and the Economic Development 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, petitioner intends to expand its business by purchasing and installing new manufacturing equipment and wishes to obtain tax abatement for said equipment, which shall be referred to as the Project; and

WHEREAS, pursuant to state law, petitioners seeking designation for their property as an Economic Revitalization Area must complete a Statement of Benefits and must provide information in a timely fashion each year to the County Auditor and the Common Council 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 Application and Statement of Benefits, which are attached and made a part of Resolution 03-14, 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 Planning Department, is consistent with the Growth Policies Plan, is expected to be developed and used in a manner that complies with local code, and provides housing in the downtown area; and
- E. the totality of benefits is sufficient to justify the deduction; and

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

WHEREAS, the Common Council adopted Resolution 03-14 on July 9, 2003, 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 remonstrance to the designation appear before the Common Council at its meeting on August 6, 2003; and

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

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

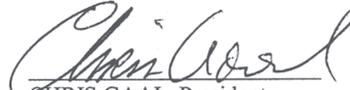
1. Pursuant to Indiana Code 6-1.1-12.1-1 et seq., the Common Council hereby affirms its determination made in Resolution 03-14 that the area described above is an "Economic Revitalization Area" and further finds and determines that the owner of the property shall be

entitled to a deduction from the assessed value of the new manufacturing equipment for the Project for a period of five (5) years, which includes the purchase of new manufacturing equipment.

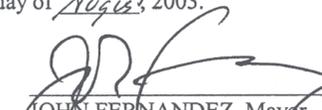
2. In granting this designation and deduction the Council is also expressly exercising the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose reasonable conditions on the rehabilitation or redevelopment. Failures of the property owner to make reasonable efforts to comply with these following conditions 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.

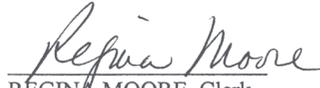
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10th day of August, 2003.


CHRIS GAAL, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 11th day of August, 2003.


JOHN FERNANDEZ, Mayor
City of Bloomington

ATTEST:


REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution affirms the determination of the Common Council expressed in Resolution 03-14 to designate the property located at 1300 S. Patterson Drive as an "Economic Revitalization Area" for a period of five (5) years. The resolution also grants a deduction for the assessed value of new manufacturing equipment over that same period of time. Before it may adopt the resolution, state law requires that the Common Council hold a legally advertised public hearing for the purpose of receiving public comment on this legislation.

Signed Copies to:

ITS
Controller

Ec Dev
Legal - 5

CA/CA
File

**STATEMENT OF BENEFITS**

State Form 27-167 (R7 / 12-01)

Prescribed by the Department of Local Government Finance

**FORM
SB - 1****INSTRUCTIONS:**

- 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 and / or research and development equipment, or BEFORE redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 in areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1-1-12 1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the redevelopment or rehabilitation or prior to installation of the new manufacturing equipment and / or research and development equipment. BEFORE a deduction may be approved.
- To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with a county auditor. With respect to real property, Form 322 ERA must be filed by the filer of: (1) May 10; or (2) thirty (30) days after a notice of increase in a property assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA / PPR & DE must be filed between March 1 and 15 of the assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1-1-12 1-5 6)
- The schedules established under IC 6-1-1-12 1-4(d) and IC 6-1-1-12 1-4 5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1		TAXPAYER INFORMATION					
Name of taxpayer PTS CORPORATION							
Address of taxpayer (street and number, city, state and ZIP code) 5233 HIGHWAY 37 SOUTH							
Name of contact person AMY KETCHAM				Telephone number (812) 824-9331			
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body CITY OF BLOOMINGTON COMMON COUNCIL				Resolution number			
Location of property 1300 S. PATTERSON DRIVE		County MONROE		Taxing district 53008			
Description of real property improvements and / or new manufacturing equipment and / or research and development equipment (use additional sheets if necessary) ELECTRONICS REPAIR EQUIPMENT				ESTIMATED			
				Start Date		Completion Date	
				Real Estate			
				New Mfg Equipment		JUNE 03 JULY 04	
R & DE							
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 845	Salaries 17,446,000	Number retained 845	Salaries 17,446,000	Number additional 296	Salaries 6,104,800		
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
NOTE: Pursuant to IC 6-1-1-12.1-5.1 (d) (2) the COST of the property is confidential		Real Estate Improvements		Machinery		Research and Development Equipment	
		Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values							
Plus estimated values of proposed project				2,632,743			
Less values of any property being replaced							
Net estimated values upon completion of project							
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)					
Other benefits:							
SECTION 6		TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.							
Signature of authorized representative <i>Amy L. Ketcham</i>			Title Controller		Date signed (month, day, year) 6/18/2003		

Tax Abatement Calculations for Personal Property Improvement
 PTS Corporation - IEC Expansion
 Using 2003 Payable 2004 Tax Rate and AV Estimates

Improvements \$ 2,632,740
 2003 Tax Rate 2.1869%
 Annual Taxes without Abatement \$ 57,575

	Abatement Percent	Abatement	Taxes Payable	Taxes Abated
Year 1	100%	\$ 2,632,740	\$ -	\$ 57,575
Year 2	80%	\$ 2,106,192	\$ 11,515	\$ 46,060
Year 3	60%	\$ 1,579,644	\$ 23,030	\$ 34,545
Year 4	40%	\$ 1,053,096	\$ 34,545	\$ 23,030
Year 5	20%	\$ 526,548	\$ 46,060	\$ 11,515

Total Taxes to be Paid: \$ 115,151
Total Value of Abatement: \$ 172,726

5233 Highway 37 South • P.O. Box 272
Bloomington, IN 47402-0272
812-824-9331
Fax: 812-824-2848

Ron Walker, Director of Economic Development
City of Bloomington Common Council
Courthouse

RE: Tax Abatement for New Manufacturing Equipment at 1300 S. Patterson Drive

Dear Mr. Walker,

On August 11, 2003 the City of Bloomington Common Council approved a 5-year property tax abatement for new manufacturing equipment for PTS Corporation at 1300 S. Patterson Drive. At that time, we estimated that we would purchase approximately \$2.6 million in equipment and create 300 new jobs.

For various reasons, including a change in property ownership at 1300 S. Patterson Drive, PTS Corporation will not be making any capital investments nor hiring additional employees at our S. Patterson facility.

We appreciate the support the City of Bloomington has shown towards PTS Corporation.

Sincerely,



Michael Craig
PTS Corporation

RECEIVED

MAY 17 2005

OFFICE OF THE MAYOR
BLOOMINGTON, INDIANA



City of Bloomington
Office of the Common Council

July 14, 2005

Jeff Hamilton
P.O. Box 272
5233 South Highway 37
Bloomington, IN 47402

Dear Mr. Hamilton,

This letter is to notify you that the Common Council will be holding a hearing on Wednesday, August 3, 2005 at 7:30 p.m. in the Council Chambers (401 North Morton Street) to consider Resolution 05-13, which would rescind previous resolutions adopted in 2003 and terminate the tax abatement for the installation of new manufacturing equipment at 1300 Patterson Drive.

The Common Council records indicate that a 5-year period of abatement was granted to PTS Corporation for the installation of new manufacturing equipment on conditions that were set forth in Resolution 03-14 and Resolution 03-15. Those conditions tied the tax abatement to the investment of approximately \$2.63 million in new manufacturing equipment that would result in approximately 296 new jobs. (Please see the attached Resolution 03-15 and Statement of Benefits for further information regarding this abatement.)

The decision to terminate this tax deduction was made during the annual review of CF-1 forms which are filed by recipients of tax abatements in order to show compliance with the terms and conditions of their abatements. On June 15, 2005, the Director of Economic Development, Ron Walker, presented a Supplement to the Annual Tax Abatement Report to the Common Council and reported that PTS Corporation, "was unable to make the investment and create the jobs" at this site. Upon learning this information, the Council adopted a motion that night announcing its intent to rescind this tax abatement if the petitioner was not prevented by factors beyond his control and directing me to send this letter.

In accordance with Indiana Code 6-1.1-12.1-5.9, the Common Council is notifying you that it will hold the hearing (noted in the first paragraph of this letter) to consider a resolution that would terminate the tax abatement on this personal property. In order to adopt the resolution, the Council must find that you have not substantially complied with the Statement of Benefits and that this was not because of factors beyond your control.

You are invited to attend and comment on the proposed action. If you have any questions, please feel free to contact me at the Council Office (349-3562).

Sincerely,


Daniel Sherman, Administrator/Attorney
City of Bloomington
Common Council

cc: res05-13
attach: res03-15; statement of benefits