

**RESOLUTION NO. 2019-37**

**RESOLUTION OF THE TOWN OF GRIFFITH REDEVELOPMENT COMMISSION  
AMENDING THE DECLARATORY RESOLUTIONS AND THE  
PLAN FOR THE DOWNTOWN ECONOMIC DEVELOPMENT AREA AND  
REDEVELOPMENT AREA**

WHEREAS, the Town of Griffith Redevelopment Commission (the "Commission") pursuant to IC 36-7-14 (the "Act") serves as the governing body of the Town of Griffith Redevelopment District (the "District"); and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the "EDA Declaratory Resolution") which established and amended an economic development area (the "Economic Development Area"), and designated a certain portion thereof as an allocation area pursuant to Section 39 of the Act, known as the Downtown Griffith Redevelopment District (the "Original Downtown Allocation Area"), as expanded in 2015 (the "2015 Expansion Allocation Area") (the Original Downtown Allocation Area as expanded by the 2015 Expansion Allocation Area, the "Downtown Allocation Area"); and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the "RDA Declaratory Resolution") (the EDA Declaratory Resolution and the RDA Declaratory Resolution, collectively, the "Declaratory Resolutions") which established and expanded an area needing redevelopment (the "Redevelopment Area") (the Redevelopment Area and the Economic Development Area, collectively, the "Areas"), and designated certain portions thereof as allocation areas pursuant to Section 39 of the Act, including one which is known as the Cline Avenue Redevelopment Area Allocation Area (the "Cline Avenue Allocation Area"), and another known as the Griffith Mall Redevelopment Area Allocation Area (the "Mall Allocation Area"); and

WHEREAS, the Commission has previously approved the Griffith Amended Redevelopment Plan, integrating the various economic development and redevelopment plans, for the Economic Development Area and the Redevelopment Area (the "Plan") pursuant to the Act; and

WHEREAS, the Commission now desires to amend the Areas to: (i) expand the Economic Development Area to include the entire Town outside the existing Redevelopment Area; (ii) re-characterize the Redevelopment Area as an "economic development area;" and (iii) consolidate the expanded Economic Development Area and the Redevelopment Area, as re-characterized, into a single economic development area designated as the "Consolidated Griffith Economic Development Area" (collectively, the "Consolidation"); and

WHEREAS, the Commission now desires to amend the Declaratory Resolutions and Plan (i) to remove the parcels listed in Exhibit A-1 attached hereto (the "2019 Downtown Parcels") from the Downtown Allocation Area and simultaneously add the 2019 Downtown Parcels back into the Downtown Allocation Area, (ii) to remove the parcels listed in Exhibit A-2 attached hereto (the "2019 Cline Parcels") from the Cline Avenue Allocation Area and simultaneously

add the 2019 Cline Parcels back into the Cline Avenue Allocation Area, (iii) to expand the Downtown Allocation Area to include the area described on Exhibit B attached hereto (the "2019 Expansion Allocation Area") within the existing Economic Development Area, (iv) to consolidate the Cline Avenue Allocation Area and the Mall Allocation Area into a single allocation area designated as the "Consolidated Cline/Mall Allocation Area," (v) to extend the expiration date of the Original Downtown Allocation Area to 25 years after the date on which the first obligation is incurred, as permitted by Section 39(b) of the Act, and (vi) to adopt a supplement to the Plan attached hereto as Exhibit C (the "2019 Plan Supplement") (clauses (i) through and including (vi) and the Consolidation, collectively, the "2019 Amendments"); and

WHEREAS, the 2019 Downtown Parcels shall have a base assessment date of January 1, 2019, and all of the other parcels in the Original Downtown Allocation Area shall maintain their same pre-existing base assessment dates; and

WHEREAS, the 2019 Cline Parcels shall have a base assessment date of January 1, 2019; and

WHEREAS, the respective base assessment dates of the Cline Avenue Allocation Area and Mall Allocation Area (prior to the consolidation thereof), and not including the 2019 Cline Parcels, shall be maintained subsequent to the consolidation of such areas using the existing base assessment date for each; and

WHEREAS, the 2019 Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Sections 15-17, and 39 of the Act to the 2019 Amendments; and

WHEREAS, the Commission now desires to approve the 2019 Amendments; and

WHEREAS, the Commission previously adopted its Resolution No. 2019-28 on October 8, 2019, which also amended the declaratory resolution for the Redevelopment Area; and

WHEREAS, the Commission now desires to rescind Resolution No. 2019-28 in its entirety and replace it with this Resolution; and

WHEREAS, the Commission previously adopted its Resolution No. 2019-29 on October 8, 2019, which also amended the declaratory resolution and economic development plan for the Economic Development Area; and

WHEREAS, the Commission now desires to rescind Resolution No. 2019-29 in its entirety and replace it with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Town of Griffith Redevelopment Commission, governing body of the Town of Griffith Redevelopment District, as follows:

1. The 2019 Amendments promote significant opportunities for the gainful employment of its citizens, attraction of major new business enterprises to the Town of Griffith, Indiana (the "Town"), retention and expansion of significant business enterprises existing in the boundaries of the Town, and meet other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the Town and the State of Indiana (the "State"), and serving to protect and increase property values in the Town and the State.

2. The 2019 Plan Supplement for the 2019 Expansion Allocation Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of development, cessation of growth, deteriorating improvements and age.

3. The public health and welfare will be benefited by the 2019 Amendments.

4. It will be of public utility and benefit to amend the Declaratory Resolutions and the Plan for the Areas as provided in the 2019 Amendments and to continue to develop the Areas as under the Act.

5. The accomplishment of the 2019 Plan Supplement for the 2019 Expansion Allocation Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

6. The Declaratory Resolutions and the Plan, as amended by this Resolution and the 2019 Amendments, conform to the comprehensive plan of development for the Town.

7. The 2019 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolutions, the Plan and the purposes of the Act.

8. The findings and determinations set forth in the Declaratory Resolutions and the Plan are hereby reaffirmed, except as modified hereby.

9. The Economic Development Area is hereby expanded to include the entire Town outside the existing Redevelopment Area, the Redevelopment Area is hereby re-characterized as an "economic development area," and the expanded Economic Development Area and the Redevelopment Area, as re-characterized, is hereby consolidated into a single economic development area designated as the "Consolidated Griffith Economic Development Area."

11. The Plan, as amended by the 2019 Plan Supplement, is hereby designated as the economic development plan for the Consolidated Griffith Economic Development Area.

12. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the 2019 Expansion Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan, as amended by the 2019 Plan Supplement, under the Act will be followed, including notice by publication to affected property owners and a public hearing.

13. The Commission finds that no residents of the Consolidated Griffith Economic Development Area will be displaced by any project resulting from the 2019 Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

14. The 2019 Amendments are hereby in all respects approved.

15. The area described in Exhibit B is hereby added to the Downtown Allocation Area pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the Downtown Allocation Area, as so expanded, and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

16. The foregoing allocation provision shall apply to the 2019 Expansion Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the 2019 Expansion Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit C. The base assessment date for the 2019 Expansion Allocation Area is January 1, 2019.

17. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the 2019 Expansion Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the 2019 Expansion Allocation Area.

18. The 2019 Downtown Parcels shall have a base assessment date of January 1, 2019, and all of the other parcels in the Downtown Allocation Area shall maintain the same pre-existing base assessment dates.

19. The allocation provisions of the Original Downtown Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Original Downtown Allocation Area, as permitted by Section 39(b) of the Act.

20. The Cline Avenue Allocation Area and the Mall Allocation Area are hereby consolidated into a single allocation area designated as the "Consolidated Cline/Mall Allocation Area."

21. The respective base assessment dates for the Cline Avenue Allocation Area and the Mall Allocation Area and all previous expansions thereto shall remain the same as the base assessment dates of each prior to the consolidation of such allocation areas; provided, that the 2019 Cline Parcels shall have a base assessment date of January 1, 2019.

22. This Resolution, together with any supporting data, shall be submitted to the Town of Griffith Plan Commission (the "Plan Commission") and the Town Council of the Town (the "Council") as provided in the Act, and if approved by the Plan Commission and the Council, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

23. The officers of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

22. Resolution No. 2019-28 and Resolution No. 2019-29, each adopted by the Commission on October 8, 2019, are hereby rescinded in their entirety and replaced with this Resolution.

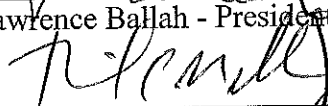
24. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

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Adopted the 18<sup>th</sup> day of November, 2019.

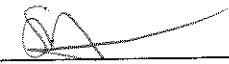
TOWN OF GRIFFITH REDEVELOPMENT  
COMMISSION

  
\_\_\_\_\_  
Lawrence Ballah - President

  
\_\_\_\_\_  
Richard Miller - Vice President

  
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Melissa Robbins - Member

  
\_\_\_\_\_  
Rick Ryfa - Member

  
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Tony Hobson - Member

**EXHIBIT A-1**

**List of the 2019 Downtown Parcels (which have a Base Assessment Date of January 1, 2019)**

<u>Parcel Number</u>	<u>Owner Name</u>
45-07-35-481-004.000-006	1210 Main St - Ready Mix LLC
45-11-02-102-005.000-006	Aurelio LLC
45-11-02-102-003.000-006	Aurelio LLC
45-07-35-226-003.000-006	Scheeringa & Devries Properties
45-11-02-476-003.000-006	Clark, Jack L.
45-11-02-276-002.000-006	ACS Technical Products Inc
45-11-02-105-001.000-006	Brusch, Kathie R Tr uta dtd 04/11/07
45-11-02-226-001.000-006	La Salle Acquiring Company
45-07-26-129-001.000-006	Brauvn Net Investments LLC
45-11-02-452-002.000-006	Aeromet Industries Inc
45-11-02-201-009.000-006	Austgen Properties LLC
45-11-02-104-006.000-006	WJG Properties - Griffith, LLC
45-11-02-401-005.000-006	Djurovic, Zarija
45-07-35-101-027.000-006	CF Net Lease Portfolio VI DST
45-11-02-104-001.000-006	WJG Properties - Griffith, LLC
45-07-34-101-003.000-006	Lake County Trust Company Tr Tr #5578
45-07-34-126-004.000-006	Goodwill Industries of Michiana Inc
45-07-34-101-001.000-006	Lake County Trust Company Tr #P-3262
45-07-34-457-019.000-006	B & C Machining, INC.
45-11-02-476-001.000-006	Clark, Sandra L Tr Tr dated 12/13/00
45-11-02-104-005.000-006	Dystra Family Trust dtd 5-11-15
45-07-34-126-002.000-006	Clint Johnson LLC
45-07-35-327-021.000-006	Burris, John C
45-07-35-154-020.000-006	Centier Bank
45-07-34-203-003.000-006	Berner Real Estate Investments LLC
45-11-02-428-001.000-006	Octogon Corp
45-11-02-106-004.000-006	Blagojevic Ljubomir
45-11-02-104-003.000-006	Allied Partners MK LLC
45-07-34-203-001.000-006	White, Raymond E Jr & Rachelle h&w
45-07-26-479-036.000-006	FAMILY EXPRESS CORPORATION
45-11-03-227-010.000-006	Harry Schwick LLC aka HARRY SCHWICK
45-11-02-126-017.000-006	TICA Properties South LLC
45-11-02-104-002.000-006	Allied Partners MK LLC
45-07-26-132-010.000-006	Entropy Indiana LLC
45-07-35-358-020.000-006	Miller, Richard C Tr Et Al
45-11-03-227-009.000-006	Harry Schwick LLC aka HARRY SCHWICK
45-11-02-105-009.000-006	WJG Properties-Griffith LLC
45-11-02-105-002.000-006	Filic, Alexander
45-11-03-227-011.000-006	RDM IV LLC

45-07-35-358-005.000-006 Pappas, Susan  
45-11-03-227-012.000-006 RDM IV LLC  
45-11-02-129-009.000-006 Zuidema, Donald N & Susan M  
45-07-35-358-029.000-006 Ozzello, William J  
45-11-02-104-004.000-006 Dystra Family Trust dtd 5-11-15  
45-11-03-227-007.000-006 VEG LLC  
45-11-02-352-009.000-006 Drish Properties LLC  
45-11-02-105-005.000-006 J & M Building Fund Inc  
45-11-02-126-005.000-006 Gradek, Larry A (cb)  
45-07-35-358-001.000-006 Peak Properties, Llc  
45-07-35-456-022.000-006 Szot, Michelle R  
45-11-03-228-003.000-006 Nagel Family Trust  
45-11-02-106-007.000-006 Gardahn, Inc.  
45-11-02-126-020.000-006 TICA Properties South LLC  
45-07-35-358-030.000-006 Sidener, Philip and Patricia Sidener  
45-11-02-132-002.000-006 Gonzalez, Bertha  
45-11-03-227-006.000-006 VEG LLC  
45-11-03-228-009.000-006 Burvan, Michael J & Karen  
45-11-03-228-008.000-006 Kurth, David M & Gail A Trs of DG Family  
45-07-35-358-028.000-006 South Ridge Gardens LLC  
45-11-02-103-007.000-006 JBI Enterprises LLC  
45-11-02-126-019.000-006 TICA Properties South LLC  
45-11-02-126-018.000-006 TICA Properties South LLC  
45-11-02-126-002.000-006 Honey Bee Holdings LLC  
45-07-35-304-010.000-006 Bridegroom, Harold E  
45-11-02-126-006.000-006 New Oberpfalz Brewing LLC  
45-11-02-105-004.000-006 J & M Building Fund Inc  
45-11-03-227-002.000-006 VEG LLC  
45-11-02-131-003.000-006 Town of Griffith (Municipal)  
45-11-02-201-001.000-006 435-503 Main St LLC  
45-07-35-226-002.000-006 Gall Enterprises, LLC  
45-11-03-227-005.000-006 Dystra Family Trust dtd 5-11-15  
45-11-02-126-007.000-006 New Oberpfalz Brewing LLC  
45-11-02-103-001.000-006 Anderson, Russell W Et Al  
45-11-02-105-003.000-006 Eloso Construction Inc  
45-07-35-358-004.000-006 Pappas, Susan  
45-11-03-227-003.000-006 Margaret Machine Tool Co Inc  
45-07-35-358-022.000-006 Blythe, Rodger R (1/6 int) & Lester  
45-11-03-228-005.000-006 Dystra Family Trust dtd 5-11-15  
45-07-35-101-002.000-006 7-Eleven Inc  
45-07-35-380-004.000-006 Paul Tusk LLC  
45-11-02-105-008.000-006 J. M. Building Fund, Inc.  
45-11-03-228-002.000-006 505 Industrial LLC  
45-07-34-227-002.000-006 Breclaw, Marge E  
45-07-35-376-012.000-006 RVB Real Estate Series, LLC  
45-07-35-455-020.000-006 Kmetz, Peter



45-11-02-352-008.000-006	Keelen, Kenneth F
45-11-03-227-001.000-006	Hokens, Earl E Jr & Jeanne M h&w
45-11-02-131-004.000-006	Town of Griffith (Municipal)
45-11-02-128-003.000-006	Shamrock Properties LC
45-11-03-226-001.000-006	S B M Co
45-07-35-376-005.000-006	Dalessandro, David
45-07-35-304-020.000-006	Foss, Judy A
45-11-03-228-004.000-006	Hansen Brothers Properties LLC
45-07-35-357-012.000-006	Shawn White Contracting LLC
45-11-01-126-001.000-033	Fernandez, Samuel
45-11-01-101-012.000-033	Gatlin Plumbing & Heating Inc
45-11-01-101-010.000-033	1349 Main Street LLC
45-11-01-126-002.000-033	Bluebird Investments LLC

**EXHIBIT A-2**

**List of the 2019 Cline Parcels (which have a Base Assessment Date of January 1, 2019)**

<u>Parcel Number</u>	<u>Owner Name</u>
45-07-26-102-014.000-006	Jabak LLC
45-07-26-102-013.000-006	Jiffy Lube International Of Maryland Inc
45-07-26-102-016.000-006	Condor Investments LLC

**EXHIBIT B**

**Description of the 2019 Expansion Allocation Area**

The 2019 Expansion Allocation Area consists of the following parcels, together with any and all public rights of way that physically connect each parcel to each other.

**PARCEL ID NUMBERS:**

45-11-03-100-003.000-006	Lakehead Pipeline (Enbridge)
45-11-03-300-001.000-006	Marathon Ashland Petroleum
45-11-02-427-006.000-006	501-525 S Colfax LLC
45-11-02-352-010.000-006	Drish Properties (Shipwreck)
45-07-23-326-002.000-006	Porter's Apparel
45-11-03-451-002.000-006	912 Ave H, LLC
45-07-35-380-002.000-006	Set Em Up
45-07-26-479-018.000-006	Family Express
45-07-35-481-005.000-006	Dollar General

## EXHIBIT C

### SUPPLEMENT, DATED NOVEMBER 18, 2019, TO THE GRIFFITH AMENDED REDEVELOPMENT PLAN

The Griffith Amended Redevelopment Plan (the "Plan") is hereby amended to provide that the base assessment date for the 2019 Downtown Parcels listed in Exhibit A-1 to the Declaratory Resolution and the 2019 Cline Parcels listed in Exhibit A-2 to the Declaratory Resolution shall be January 1, 2019, and to incorporate the 2019 Expansion Allocation Area into the Plan.

The Plan is supplemented to include the following projects on the list of eligible activities within the Consolidated Griffith Economic Development Area:

Tax increment revenues from the allocation areas described in the Plan, the Consolidated Cline/Mall Allocation Area, the Downtown Allocation Area or the 2019 Expansion Allocation Area (collectively, the "Allocation Areas") or other sources of funds available to the Redevelopment Commission may be used to finance the cost of infrastructure improvements in or serving the Allocation Areas (as well as demolition, in, serving or benefiting the Allocation Areas), including without limitation, (1) transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, bridge improvements, sidewalk and multiuse pathway improvements, street lighting, traffic signals, and site improvements including landscape buffers; (2) utility infrastructure projects including, without limitation, utility relocation, water lines, water wells, water towers, waste water lines, storm water lines, retention ponds, ditches, and storm water basin improvements; and (3) public park improvements and recreational equipment. Although the precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Allocation Areas cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Allocation Areas.

Tax increment revenues from the Allocation Areas or other sources of funds available to the Redevelopment Commission may also be used to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Areas. The provision of incentives by the application of tax increment revenues to offset developer promissory notes that secure economic development revenue bonds, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Areas, has become an established financing tool and an increasingly common form of incentive for attracting economic development and redevelopment.

The acquisition or construction of projects to enhance the cultural attractiveness of the entire unit, including the Consolidated Griffith Economic Development Area.

Acquisition or construction of projects to enhance the public safety of the entire unit,

including the Consolidated Griffith Economic Development Area.

The construction and development of a shell building.

The estimated costs related to the projects described above (collectively, the "Projects") is \$1,000,000.

Based on the development profile of the Consolidated Griffith Economic Development Area, of which the economic development area containing the 2019 Expansion Allocation Area is a part, the Commission has determined that the development of the 2019 Expansion Allocation Area will not proceed as planned without the contribution of tax increment revenues derived from the 2019 Expansion Allocation Area to the projects described above.