

TOWN OF MUNSTER, LAKE COUNTY, INDIANA

RESOLUTION NO. 2105

A RESOLUTION OF THE TOWN OF MUNSTER, INDIANA, WAIVING CERTAIN NON-COMPLIANCE WITH REQUIREMENTS RELATING TO TAX ABATEMENT PROPOSED TO BE GRANTED TO CENTENNIAL VILLAGE LLC, AND/OR ONE OR MORE AFFILIATES OR ASSIGNEES THEREOF, INCLUDING CURRENT OR FUTURE OWNERS OF CONDOMINIUM UNITS AND TOWNHOUSES LOCATED OR TO BE LOCATED WITHIN THE CENTENNIAL VILLAGE DEVELOPMENT

WHEREAS, the Town of Munster, Indiana (the “Town”) entered into that certain Development Agreement, dated September 5, 2013, as previously amended (collectively, the “Development Agreement”), among the Town, the Munster Redevelopment Commission, the Munster Economic Development Commission, and Centennial Village, LLC (the “Developer”), concerning certain incentives to be provided by the Town parties to the Developer in exchange for the Developer’s obligation to undertake its investment in the Centennial Village development project within the Town; and

WHEREAS, pursuant to Section 1.17 of the Development Agreement, upon the application by the Developer or subsequent owners of an application for such property tax deductions, the Town intended to grant the Developer and/or the subsequent owners of the condominium units and/or townhouses to be constructed by the Developer on the Centennial Village development site with a ten (10) year one-hundred percent (100%) deduction from the assessed value of the condominium units and/or townhome units (collectively, the “Residential Units”) which declines by ten percent (10%) per year; however, no such applications were filed and no actions taken to grant such property tax deductions; and

WHEREAS, in reliance on the incentives described in the Development Agreement, the Developer has initiated the construction of the real property comprising a portion of the Residential Units prior to (i) the submission of an application or the statement of benefits to the Town or a public hearing thereon, or (ii) the designation of the area upon which the Residential Units are, or will be, located as an economic revitalization area (the “ERA”) or as an economic development target area (the “Target Area”); and

WHEREAS, pursuant to I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3, as amended, the Town Council is authorized to waive any noncompliance by a party with respect to any filing deadline applicable to an application, statement of benefits, deduction application, or any other document required to be filed under I.C. 6-1.1-12.1, any clerical error, or any other nonconformities with respect to any deduction application, statement of benefits, designation of an ERA or Target Area, or any other document required to be filed under I.C. 6-1.1-12.1, before the initiation of a project otherwise eligible for tax abatement; and

WHEREAS, I.C. 6-1.1-12.1-3(e)(11) requires that a residential facility be located in a Target Area (in addition to being located in an ERA) in order for such residential facility to be eligible for tax abatement, and no such designation has been made prior to the date hereof; and

WHEREAS, the Town Council reasonable expects that the Munster Economic Development Commission will make a favorable recommendation to designate the geographic area upon with the Residential Units are, or will be, located as a Target Area, and that the Town Council will thereafter give favorable consideration to the adoption of an ordinance designating the geographic area upon with the Residential Units are, or will be, located as a Target Area, thereby remedying the procedural defect described herein; and

WHEREAS, the Developer and the owners of the existing Residential Units have requested that the Town Council waive the non-compliance consisting of the procedural defects described above and, subject to the filing of a statement of benefits, findings of fact and completion of all procedures and findings required by law, treat 2023 taxes payable in 2024 as the first year of the 10-year tax abatement period with respect to the existing Residential Units which have been completed and assessed as of the date hereof, and that all future Residential Units receive a 10-year tax abatement period beginning with the first tax year following the date on which such future Residential Units are completed and assessed which declines by ten percent (10%) per year; and

WHEREAS, on March 6, 2023, this Town Council has held a public hearing pursuant to a notice duly published in the *Northwest Indiana Times*, and has heard and considered the testimony of any person interested in the proceedings regarding the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Munster, Indiana, as follows:

Section 1. Subject to the filing of a statement of benefits, making findings of fact and completion of all procedures required by law with respect to the granting of tax abatement for the Residential Units, the Town Council hereby waives any and all errors and nonconformities that are waivable under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 with respect to the award of abatement for the Residential Units, including, without limitation, (i) any noncompliance with the requirement that the ERA also be designated as a Target Area in order to grant a tax abatement for a residential facility (as required by I.C. 6-1.1-12.1-3(e)(11)), (ii) any noncompliance with the requirement for submission of a completed abatement application, deduction application, statement of benefits, designation of the ERA or any document required to be filed under I.C. 6-1.1-12.1 prior to initiation of construction of real property within the ERA, and (iii) any noncompliance with any filing deadline with respect to such documents, including, without limitation any documents required to be filed under I.C. 6-1.1-12.1-3(d)(2) and any filing deadlines with respect thereto.

Section 2. Subject to the filing of a statement of benefits, making findings of fact and completion of all procedures required by law with respect to the granting of tax abatement for the Residential Units, the Town hereby agrees to treat 2023 taxes payable in 2024 as the first year of the 10-year tax abatement period for the Residential Units which have been completed and assessed as of the date hereof, and agrees that all future Residential Units shall receive a 10-year tax abatement period beginning with the first tax year following the date on which such future Residential Units are completed and assessed.

Section 3. After the completion of all procedures required by law with respect to the granting of tax abatement for the Residential Units, the Clerk-Treasurer of the City is hereby directed to submit a copy of this Resolution to the Auditor of Lake County with a request that the Auditor implement the waiver of nonconformities approved in this Resolution.

Section 4. The President of the Town Council, the Clerk-Treasurer and any other officer or member of the Town Council, or any official, employee or representative of the Town, are each hereby authorized, empowered and directed, on behalf of the Town, to take any other action as required or appropriate to effectuate the foregoing Resolution, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 5. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 6. This Resolution shall be in full force and effect immediately upon its passage and signing by the President. All resolutions and orders or parts thereof in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

RESOLVED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this ___ day of _____, 2023, by a vote of ___ in favor, ___ opposed, and ___ abstaining.

TOWN COUNCIL OF THE TOWN OF
MUNSTER, INDIANA

Chuck Gardiner, President

ATTEST:

Wendy Mis, Clerk-Treasurer