

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

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.

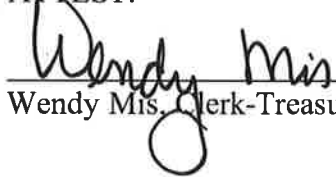
RESOLVED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this 6th day of March, 2023, by a vote of 4 in favor, 0 opposed, and ___ abstaining.

TOWN COUNCIL OF THE TOWN OF
MUNSTER, INDIANA



Chuck Gardiner, President

ATTEST:



Wendy Mis, Clerk-Treasurer