COUNCIL MEETING MINUTES
OCTOBER 29th, 2018

The Common Council of the City of Kokomo, Indiana met Monday October 29th, 2018 at 6:00 P.M. in the City Hall Council Chambers.

The meeting was called to order by President Hayes.

President Hayes states, those who wish to stand may stand, or you may remain seated.

Invocation was offered by Pastor Jackie Varnell from Kokomo First Assembly. Councilwoman Janie Young was also mentioned in her prayer for comfort, and her family during this hard time.

President Hayes stated, I would like to have just a moment of silence for the incident we had in Pittsburgh.

Present: Wyant, Cameron, Haworth, Kennedy, Hayes, Whikehart, Sanders, Miklik

Absent: Young

The minutes of the Public Hearing & Council Meeting October 8th, 2018 were declared approved as presented.

COMMUNICATIONS: President Hayes states, Ordinance #6920 is on the agenda tonight for Introduction. First reading will be November 19th, 2018. Public Hearing, and Second reading will be December 10th, 2018.

There were no committee reports given at this regular meeting.
ORDINANCE 6918:  Rezoning: IS & R4 to LI
Location:  713 & 723 N. Elizabeth Street
Petitioner:  Mark McCann
First reading

Ordinance 6918 was read by the Clerk by title only. Councilman Kennedy moved for suspension of the rules, and pass ordinance #6918 on first, and second reading; seconded by Councilwoman Sanders.

Vote for suspension of the rules:
Aye:  All
Nay:  None

The vote was 8 to 0 for suspension of the rules.

Councilman Kennedy moved for passage on Ordinance #6918 on second reading; seconded by Councilman Wyant.

Councilman Kennedy states, this is the petition of Mark McCann to change the zoning from R4 to LI. The address is located at 713 & 723 N. Elizabeth Street. The purpose of this rezoning is to build an Automotive Repair Shop. There were no remonstrators at the Plan Commission.

Vote for passage follows:
Aye:  All
Nay:  None

The vote was 8 to 0 for passage on first and second reading.

ORDINANCE 6919:  Rezoning: M2 to LI
Location:  110 East Morgan Street
Petitioner:  Charles Wainwright
First reading

Ordinance 6919 was read by the Clerk by title only. Councilman Kennedy moved for suspension of the rules, and pass ordinance #6919 on first, and second reading; seconded by Councilman Haworth.
Cont. Ordinance #6919.
Vote for suspension of the rules:
Aye: All
Nay: None
The vote was 8 to 0 for suspension of the rules.
Councilman Kennedy moved for passage on ordinance #6919 on second reading; seconded by Councilman Wyant.
Councilman Kennedy states, this particular ordinance is a request from Charles Wainwright to change the rezoning from M2 to LI in order to construct some Mini Warehouses.

Councilman Whikehart ask, were there any remonstrators for this rezoning?

Councilman Kennedy states, no. I was obviously not at the meeting; but according to Mr. Sheline he indicated there was not.

Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first and second reading.

President Hayes states, this marks the end of this Council Meeting, and our next Council Meeting will be November 19th, 2018 with an Informational Meeting at 5:30 P.M. in the Louks Room. Council Meeting at 6:00 P.M. in the Council Chambers.

Adjourned at 6:10 P.M.  
___________________________  
Presiding Officer

ATTEST:

__________________________
City Clerk
AGENDA
KOKOMO COMMON COUNCIL
CITY OF KOKOMO, INDIANA
PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.
IN THE LOUKS CONFERENCE ROOM LOCATED ON THE
FIRST FLOOR. COUNCIL MEETING AT 6:00 P.M. IN THE
COUNCIL CHAMBERS. NOVEMBER 19TH, 2018
COUNCIL CHAMBERS CITY HALL 100 SOUTH UNION STREET

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting Minutes 10-29-2018

COMMUNICATIONS:

COMMITTEE REPORTS:

ORDINANCE 6920: AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF
Cameron KOKOMO, INDIANA
First reading

RESOLUTION 2721: RESOLUTION OF THE COMMON
Whikehart COUNCIL OF THE CITY OF KOKOMO,
INDIANA, RELATING TO THE
EXPENDITURE OF EDIT FUND
REVENUES FOR PURPOSES RELATED
TO THE KOKOMO HOUSING
AUTHORITY
RESOLUTION 2722: Whikehart

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, RELATING TO THE EXPENDITURE OF REDEVELOPMENT COMMISSION FUNDS
APPERSOHN WAY FAÇADE IMPROVEMENT PROGRAM GUIDELINES

INTRODUCTION

The City of Kokomo, by and through its Department of Development and Redevelopment Commission (the “Commission”) has established the Apperson Way Façade Improvement Program (the “Program”) pursuant to Indiana Code 36-7-14, et. al., as amended. The Program is administered by the Kokomo Community Development Corporation (the “CDC”) and is available to existing and new businesses that fall within the geographic area identified on the map identified herein.

The primary purpose of the Program is to provide financial assistance through a grant to businesses wishing to undertake certain economic development activities within the northeast side of the City. The goals of the Program are to:

1) Attract new business enterprises to the City;
2) Upgrade the appearance of property in the City;
3) Retain and create new jobs in the City;
4) Retain and expand significant business enterprises within the City; and
5) Increase retail sales, property values, and improve the business climate in the City.

INCENTIVE

Applicants whose applications are approved by the CDC may receive from the Commission a grant of funds up to $15,000, which shall be disbursed as hereinafter described. The Incentive is not awarded automatically to Applicants. Applications will be reviewed by the CDC on a case-by-case basis, which will make awards of the Incentive in its sole discretion based upon the Applicant’s ability to meet the hereinafter described Eligibility and Selection Criteria. The Commission has allocated a limited amount of funds for the Program and the Commission anticipates a competitive application process for the Incentives. All funding commitments for the Incentives are contingent upon the availability of Program funds, and the final determination of the CDC for the issuance of Incentives is not subject to challenge by Applicants.

ELIGIBLE USES OF INCENTIVE

The Program is available to existing and new businesses located in the geographic area identified herein desiring to undertake economic development activities in the City. The Incentive may be used for any of the following purposes:

1) Site improvements;
2) Infrastructure improvements;
3) Buildings;
4) Structures;
5) Rehabilitation, renovation, or enlargement of building or structures.

All disbursements of the Incentive shall be made directly to the Applicant’s contractor upon completion of work and is subject in all respects to prior review and approval by the CDC. Applicants who receive an Incentive shall submit a request form to the CDC setting forth the invoices and/or receipts for which the Applicant is seeking payment and/or a draw of its Incentive. The turnaround time to submit a request form and receive payment is anticipated to be not in excess of thirty (30) days.

ELIGIBILITY AND SELECTION CRITERIA

Awards of Incentives will be made by the CDC, in its sole discretion, based upon the Applicant’s ability to satisfy the following eligibility and selection criteria:

1) Location of the improvements;
2) Coordination of the proposed improvement project with related City and private projects;
3) If applicable, the number of jobs being added or retained as a result of the improvements and the estimated salaries relating thereto;
4) Economic impact of the proposed project;
5) The scope of the full improvement project;
6) The Applicant must be in good standing with local enforcement agencies;
7) The Applicant address must be current on property taxes;
8) One Incentive per Applicant address; and
9) Applicant must demonstrate solid credit, proven business track record and ability to complete the full project being undertaken.

The CDC will base its decisions on the approval or denial of Applications upon the above criteria and such other factors as the CDC, in its sole discretion, determines appropriate, including the anticipated economic impact of Applicant’s proposal on the City. The determination of whether to approve an Application for an Incentive is not subject to challenge.

APPLICATION PROCESS

Applicants for the Program must submit the following to the CDC (see contact information below):

1) Complete Program Application;
2) Proposed project plan, including site plan, financial analysis w/cost estimates, operating statement and timeline for completion of improvements;
3) Business history (may include evidence of credit history and business track record); and
4) Signed or pending lease agreement or purchase agreement (if applicable).
Upon receipt of an Application, the CDC staff will make every effort to review the Application (along with all necessary supporting documentation required for the Application review process) within 2 weeks.

For additional information please contact:

Kokomo Community Development Corporation
107 W. Mulberry
Kokomo, IN 46901
Phone: 765-450-8532
APPLICATION FOR THE APPERSON WAY FACADE IMPROVEMENT PROGRAM

1. Proposed/Current Name of Business: ____________________________________________

2. Mailing Address of Proposed/Current Business: ____________________________________

3. Applicant’s Name: __________________________________________________________________

4. Applicant Is: ___________ Business Owner ___________ Property Owner
4a. If Applicant Is Business Owner, Identify Property Owner: ___________________________

5. Applicant’s Mailing Address: ______________________________________________________

6. Applicant’s Phone: ___________ Applicant’s E-Mail: ______________________________

7. Dollar Amount of Incentive Requested (not to exceed $15,000): ______________________

8. Proposed Use of Incentive: ______________________________________________________

9. Financing Plan for Proposed Project/Improvements:
   Total Project Cost: $________________
   Personal Investment: $________________
   Bank or other Financial Commitment: $________________
   Building Rehabilitation: $________________

10. Anticipated Start Date:__________________________________________________________

11. Anticipated Completion Date:___________________________________________________

12. Brief Description and History of Applicant Business: ________________________________
    _____________________________________________________________________________
    _____________________________________________________________________________
    _____________________________________________________________________________
    _____________________________________________________________________________
    _____________________________________________________________________________
    _____________________________________________________________________________

13. Type of Organization (e.g., nonprofit corporation, sole proprietorship, corporation, limited liability company.): ________________________________________________
14. Is the project being undertaken in coordination with any other projects? If yes, please describe: ________________________________________________________________

________________________________________________________________________

Required Attachments:

Please include the following items together with this Application in order for the Kokomo Community Development Corporation (the “CDC”) to make an appropriate decision on this Application:

(i) Project Plan, including (1) site plan, (2) financial analysis w/cost estimates, and (3) timeline for completing improvements.

Certification and Authorization:

I certify that all information set forth in this Application is a true representation of the facts pertaining to the proposed improvements for the purpose of obtaining an Incentive under the Apperson Way Façade Improvement Program (the “Program”). I understand and acknowledge that any willful misrepresentation of the information contained in this Application could result in disqualification from the Program.

I understand that the CDC retains the decision, in its sole discretion, as to whether this Application is approved, disapproved or modified. I certify that I have read and understand the Program Guidelines. I acknowledge that if my application is approved, but I deviate from the Project Plan provided to the CDC, the CDC reserves the right to withhold payment and/or revoke the approval of my Application and deny issuance of the Incentive. It is understood that all funding commitments are contingent upon the availability of Program funds.

I hereby acknowledge and agree that I will not pursue any legal action against the CDC, its staff, the Kokomo Redevelopment Commission or the City of Kokomo should my Application not be approved and funds are not awarded to me. It is my right to accept or decline the grant and terms approved by the Program.
Signatures (If Application Made By Property Owner Only):

All owners, officers or partners must sign this Application.

Applicant/Property Owner: _____________________________  Date: ______________
Applicant/Property Owner: _____________________________  Date: ______________
Applicant/Property Owner: _____________________________  Date: ______________

Signatures (If Application Made By Business Owner; *Signature Of Property Owner Also Required):

All owners, officers or partners must sign this Application.

Applicant/Business Owner: _____________________________  Date: ______________
Applicant/Business Owner: _____________________________  Date: ______________
Applicant/Property Owner: _____________________________  Date: ______________
Applicant/Property Owner: _____________________________  Date: ______________
Submission of Application/Attachments and Requests for Additional Information:

This Application and all supporting attachments should be submitted to:

Kokomo Community Development Corporation
107 W. Mulberry
Kokomo, IN 46901
Phone: 765-450-8532

For additional information or questions concerning this Application, please contact the Kokomo Community Development Corporation at the number listed above.
CONTRACT FOR THE APPERSON WAY
FAÇADE IMPROVEMENT PROGRAM

Applicant:

Applicant Address:

Contractor:

Contractor Address:

This Contract is hereunto entered into this ______________________ by and between, ______________________ (“Applicant”), ______________________ (“Contractor”), and the Kokomo Community Development Corporation (“CDC”).

WHEREAS, the Applicant read the Apperson Way Façade Improvement Program Guidelines and submitted an application with the CDC on ____________ to receive an Incentive under the CDC’s Façade Improvement Program; and

WHEREAS, Applicant is the Business Owner/Property Owner at the Applicant Address and seeks to use the Incentive for site improvements, infrastructure improvements, building and/or structure improvements; or rehabilitation, renovation, or enlargement of a building or structure; and

WHEREAS, Applicant hired Contractor to perform the Scope of Work submitted by Applicant as part of Applicant’s Application; and

WHEREAS, the CDC selected Applicant’s Application to receive an Incentive; and

NOW, THEREFORE, IT IS AGREED by and between Applicant, Contractor, and the CDC as follows:

1. Scope of Work: Applicant and Contractor agree that Contractor will furnish all material and perform all work described in the project plan and site plan, attached hereto, and made a part of this Contract for the improvements on the structure located at __________________________, Kokomo, Indiana, 46901.

2. Incentive Award: The total Incentive shall be in the amount of __________________________.

3. Time To Proceed And Time Of Completion: Upon full execution of the Contract by all of the parties hereto, the Contractor shall proceed with the work to be performed under this Contract within ________ days from the execution of this Contract. It is the understanding of the parties that the approximate start date will be the ______________, and that the approximate date of
completion shall be ______________________. It is further understood that certain factors, including but not limited to inclement weather or the availability of materials, could constitute grounds for material changes that may extend the actual date of completion with no fault to the Contractor.

4. **Payment:** Upon completion of the Scope of Work, Contractor shall submit a request form with all invoices attached for the CDC’s review and approval. Said form must contain the Applicant’s signature as proof the Scope of Work was completed. The CDC will confirm all invoices are for work approved and completed by the Contractor in accordance with the Applicant Application. If approved, the CDC shall pay the Contractor the full contract amount. The CDC will withhold payment if (1) the Applicant’s signature is missing from the request form; (2) the work performed by the Contractor was not part of the Applicant’s approved Application package; and/or (3) the CDC determines the work is incomplete.

5. **Indemnification:** The Contractor agrees, but not by way of limitation, to protect, defend, indemnify and hold harmless the Applicant and the CDC, its program partners, its officers, and members against any and all loss, claims or suits, including costs and attorney’s fees, for or on account of conduct resulting in injury or death of persons, sickness, disease or loss, damage or destruction of property belonging to either the Applicant or others (the Contractor hereby agrees to repair or replace such property if requested to do so by the Applicant) occurring by reason of the act or neglect of the Contractor, his/her employees or agents (including Subcontractors) in connection with the performance of this Contract.

6. **Changes in the Work:** No modifications of this Contract shall be made except by written instrument signed by the Applicant, Contractor, and CDC. Payment of all change orders will be processed in accordance with paragraph 4, “Payment.”

7. **General Guarantee:** The Contractor shall remedy any defects due to faulty material or workmanship and pay for any damage to other work resulting there from which shall appear within a period of one year from date of completion. Furthermore, the Contractor will furnish the CDC, for the Applicant, with all manufacturers and supplier’s written guarantees and warranties covering materials and equipment furnished under this Contract. Unless otherwise specified all materials shall be new, and both materials and workmanship shall be of good quality. The Contractor shall not employ any unfit person on the premises nor anyone unskilled in the work assigned to him.

8. **Assignment:** No assignment of this Contract shall be made without the written consent of all parties to this Contract.

9. **Permits and Codes:** The Applicant and/or Contractor will secure at his/her own expense all necessary permits and licenses required to do the work and shall comply with all building codes, regulations and ordinances whether or not covered by the specifications and drawings for the work.

10. **Zoning.** Any rezoning and/or variances needed to satisfy the Scope of Work shall be the responsibility of the Applicant and/or Contractor.

11. **Responsibilities of Owner:** The Applicant will permit the Contractor to use existing
utilities such as light, heat, power, and water, without cost, as needed to complete the work. The Applicant will be responsible for the moving of any obstacles from the work area.

12. **Condition of Premises:** The Contractor agrees to keep the premises clean and orderly during the course of the work and remove all debris at the completion of the work. Materials and equipment that have been removed and replaced as part of the work shall belong to the Contractor unless stated otherwise.

13. **Non-discrimination:** The Contractor agrees that in the hiring of employees for the performance of work under this Contract or any Subcontract hereunder, no Contractor, Subcontractor, nor any person acting on behalf of such Contractor or Subcontractor shall discriminate against any employee or applicant for employment, with respect to his/her hire, tenure, terms conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, national origin, age or handicap. Breach of this covenant may be regarded as a material breach of contract.

14. **Benefit:** This Contract shall be binding upon the parties hereto, their heirs, personal representatives and successors and may be enforced in equity or at law by all parties.

15. **Termination:** Any party to this contract has the right to terminate the contract with thirty (30) days written notice to the other parties. Any work performed by the Contractor up to that date will be reviewed by the CDC and payment issued in accordance with Paragraph 4.

16. **Severability:** Should any clause, portion or section of this Contract be unenforceable or invalid for any reason, such unenforceability or invalidity shall not affect the enforceability or validity of the remainder of this contract. Should any provision in this Contract be held invalid or unenforceable for any reason, then such provision shall be given effect and enforced to whatever extent would be reasonable and enforceable under applicable law.

17. **Compliance with Law.** Contractor agrees to comply in all material respects with all applicable laws related to the construction, development and use.

18. **Costs.** In the event the Scope of Work performed by Contractor exceeds the Incentive provided by the CDC, the Applicant understands and acknowledges he/she is responsible for any additional amounts owed to the Contractor, unless Contractor receives prior written approval for additional work from the CDC.

19. **No Agency, Partnership or Joint Venture.** Nothing contained in this Contract nor any act of the Applicant, Contractor or CDC, or any other person, shall be deemed or construed by any person to create any relationship of third-party beneficiary, or if principal and agent, limited or general partnership, or joint venture between the parties.

20. **Notice:** All notices required to be given under this Contract shall be mailed by certified mail, return receipt requested, or deposited with a nationally recognized overnight delivery service, properly addressed to the party to be notified, at the address set forth below:
21. **Indiana Law.** This Agreement and all Exhibits attached hereto shall be construed in accordance with the laws of the State of Indiana.

22. **Venue.** The parties agree that if any litigation arises out of this Agreement that such litigation shall be brought in a court of competent jurisdiction in Howard County, Indiana.

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SIGNATURE PAGE

APPLICANT

Date: ________________  By:  ________________________________

Printed: ____________________________

CONTRACTOR

Date: ________________  By:  ________________________________

Printed: ____________________________

Title: ____________________________

KOKOMO COMMUNITY DEVELOPMENT COMMISSION

Date: ________________  By:  ________________________________

Printed: ____________________________

Title: ____________________________
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO.6920

PETITION FOR VACATION

East Sycamore LLC petitions the Common Council of the City of Kokomo for the vacation of a right-of-way and in support of the Petition shows the Council as follows:

1. Petitioner proposes to vacate:

Beginning at the northwest corner of Lot #24 in David Foster’s East Addition to Kokomo, as recorded in Recorder’s plat book 1 Page 2; thence east 132 feet along the North line of said lot 24 to the northeast corner thereof; thence South 132 feet along the East lines of Lots 23 and 24 to the North boundary of Superior Street; thence East 16 feet along said north boundary to the Southwest corner of Lot 14 in said David Foster’s East Addition; thence north 280 feet along the west lines of Lots 14 and 27 in said David Foster’s East Addition to the South Boundary of Sycamore Street; thence west 16 feet along the South Boundary of Sycamore Street to the northeast corner of Lot 26 in said David Foster’s East Addition; thence South 132 feet along the East lines of Lots 25 and 26 to the southeast corner of said lot 25; thence west 132 feet along the south line of said lot 25 to the east boundary of Apperson Way; thence south 16 feet to the place of beginning.

2. The right-of-way when vacated will be attached to the adjoining real estate.

3. The names and addresses of the owners of real estate abutting or near the said public way are as follows:

   Albright LLC                           329 N Main St            Kokomo    IN    46901
   Gilead House Inc.                    406 E Sycamore St  Kokomo IN 46901-4825
   Housing Authority Of The City Of Kokomo  PO Box 1207            Kokomo IN 46903-1207

4. The utility companies that may be affected include the following:

   NIPSCO; 2000 Home Avenue, Kokomo, IN 46901
   Indiana American Water Company, Inc.; 1700 East Superior Street; P.O. Box 740; Kokomo IN 46903-0740
   Comcast; 1002 East Center Road; Kokomo, IN 46902
   Duke Energy Corp.; 1619 W Deffenbaugh St.; Kokomo IN 46902
   AT&T Indiana; Right-Of-Way Dept.; 302 W Washington Street, Floor 1; Lebanon, IN 46052

5. Vacating the above right-of-way is appropriate for the following reasons:

   A. Petitioner owns an interest in real estate adjoining the right-of-way to be vacated.
   B. Vacating the right-of-way will not hinder or interfere with the public's access to any of the adjoining real estate.
   C. The proposed vacation of the right-of-way will not hinder the growth or development of the neighborhood, but will allow the petitioner to redevelop and grow within the neighborhood.
   D. Vacating the right-of-way will facilitate the development of all of the real estate in the affected block.
   E. Recorder’s Plat Book 3 page 117 for the vacation of an alley east and adjacent to the proposed vacation, notes that the alley described in this Ordinance 6920 had been vacated in 1861. That 1861 record, if it exists, has not been located.

Wherefore Petitioner requests:

1. A hearing on this petition be set within thirty (30) days after it is received by the Council.
2. The Clerk of the Council to publish notice of the hearing on this petition as required by I.C. 36-7-3-12 (c) in the manner prescribed in I.C. 5-3-1 in the form and content as attached as Exhibit A hereto.
3. After such notice and hearing, the Council approves the proposed ordinance attached to this petition vesting the entire vacated right-of-way to the adjoining property owners as set forth above.

Dated this 19th day of November, 2018. City of Kokomo, By: Beth Copeland, Corporation Counsel
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO. 6920

AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF KOKOMO, INDIANA

WHEREAS, East Sycamore LLC has petitioned this body to vacate a portion of a certain right-of-way located in the City of Kokomo, more particularly described hereafter, and
WHEREAS, this Council conducted a public hearing on the 11-26-2018, at 6:00 p.m., pursuant to the provisions of I.C 36-7-3-12(c) following presentation of proof of publication pursuant to I.C 5-3-1; and
WHEREAS, notice of the proposed vacation was served on all necessary parties; and
WHEREAS, the vacation of the right-of-way would not limit access to any real estate or hinder the growth or development of the neighborhood in which it is located; and
WHEREAS, there are no public utilities maintained in the right-of-way, or if any be in said right-of-way then per statute an easement is maintained over said utility line; and
WHEREAS, the Common Council of the City of Kokomo deems it appropriate and necessary to vacate said right-of-way as it no longer serves any public purpose.

NOW, THEREFORE, be it ordained by the Common Council of the City of Kokomo, Indiana, that:

SECTION I

It is hereby found that the portion of right-of-way hereafter described should be vacated. Said right-of-way is not currently used for access to any real estate and will not hinder the public's access to a church, school, or other public building or place, or make access to any real estate by the public difficult or inconvenient. It is determined that such proposed vacation of the right-of-way complies with the purposes and provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16.

SECTION II

It is hereby found that proper notice was given in accordance with I.C. 36-7-3-12(e) and I.C. 5-3-1.

SECTION III

It is hereby found that the following described right-of-way located in the City of Kokomo, Indiana, should be, and it is hereby vacated:
Legal description:

Beginning at the northwest corner of Lot #24 in David Foster’s East Addition to Kokomo, as recorded in Recorder’s plat book 1 Page 2; thence east 132 feet along the North line of said lot 24 to the northeast corner thereof; thence South 132 feet along the East lines of Lots 23 and 24 to the North boundary of Superior Street; thence East 16 feet along said north boundary to the Southwest corner of Lot 14 in said David Foster’s East Addition; thence north 280 feet along the west lines of Lots 14 and 27 in said David Foster’s East Addition to the South Boundary of Sycamore Street; thence west 16 feet along the South Boundary of Sycamore Street to the northeast corner of Lot 26 in said David Foster’s East Addition; thence South 132 feet along the east lines of Lots 25 and 26 to the southeast corner of said lot 25; thence west 132 feet along the south line of said lot 25 to the east boundary of Apperson Way; thence south 16 feet to the place of beginning.

The right-of-way when vacated will be attached to the adjoiner’s real estate.

SECTION IV

The City Clerk of the City of Kokomo, Indiana is instructed to furnish a copy of this vacation Ordinance to the Howard County Recorder for recording and to the Howard County Auditor.

SECTION V

This Ordinance shall be in full force and effect from and after its passage by this Council and its approval and signing by the Mayor of the City of Kokomo.

PASSED AND ADOPTED THIS 10th day of December, 2018.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

By______________________________________________
ROBERT L. HAYES SR., PRESIDENT

ATTEST:

_________________________
CLERK: BRENDA OTT

Presented by the Clerk of the Common Council of the City of Kokomo to the Mayor of the City of Kokomo, Indiana on this 10th day of December, 2018 at Kokomo, Indiana, for approval by his signature below.

By ______________________________________________
GREG GOODNIGHT

Mayor of the City of Kokomo, Indiana

ATTEST:

_________________________
CLERK: BRENDA OTT

This instrument prepared by: Beth Copeland, Corporation Counsel
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Beth Copeland
RESOLUTION #2721

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, RELATING TO THE EXPENDITURE OF EDIT FUND REVENUES FOR PURPOSES RELATED TO THE KOKOMO HOUSING AUTHORITY

WHEREAS, the City of Kokomo, Indiana (the “City”) is a municipal corporation and political subdivision of the State of Indiana, and by virtue of the constitution and laws of the State, including Indiana Code, Title 36, Article 7, Chapter 19, Section 2, as supplemented and amended (the “Act”), is authorized and empowered, among other things, to “spend public money for and give other aid to a housing authority that operates within the jurisdiction of the political subdivision”;

WHEREAS, Indiana Code 36-7-19-3 grants the City with authority to “incur the entire expense of any public improvements it makes in exercising the powers granted in this chapter” and/or “provide financial assistance of any nature to a housing authority” upon approval by the Council;

WHEREAS, the City desires to expend resources to aid the Kokomo Housing Authority, and the Kokomo Housing Authority desires to receive those resources;

WHEREAS, in accordance with Indiana Code 36-7-19 et. al., the City may expend certain funds from its Economic Development Income Tax Fund to support a housing authority in the City (“EDIT Fund Revenue”);

WHEREAS, in order to aid the Kokomo Housing Authority, the Common Council approves of the City’s use of funds for the housing authority and desires to expend EDIT Fund Revenues in an amount not to exceed $50,000.00, to ensure the planning, undertaking, construction, or operation of public improvements occurs;

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF CITY OF KOKOMO, INDIANA, AS FOLLOWS:

1. The Common Council hereby finds and determines that the City is authorized per Indiana Code 36-7-19 et. al. to provide assistance to the Kokomo Housing Authority.

2. The Common Council also hereby authorizes an amount of its EDIT Fund Revenues as specified herein in order to ensure the planning, undertaking, construction, or operation of public improvements occurs.

3. This Resolution shall be in full force and effect upon compliance with Indiana Code 36-7-19-5.
PASSED by the Common Council of the City of Kokomo, Indiana this __ day of November, 2018.

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ATTEST:
__________________________________________
City Clerk

PRESENTED to me to the Mayor of the City of Kokomo, Indiana this __ day of November, 2018.

City Clerk

APPROVED by me as Mayor of the City of Kokomo, Indiana this ___ day of November, 2018.

Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:
__________________________________________
City Clerk
RESOLUTION NO. 2722

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, RELATING TO THE EXPENDITURE OF REDEVELOPMENT COMMISSION FUNDS

WHEREAS, the City of Kokomo, Indiana (the “City”) is a municipal corporation and political subdivision of the State of Indiana, and by virtue of the constitution and laws of the State, including Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, as supplemented and amended (the “Act”), is authorized and empowered, among other things, to (a) provide funds for the acquisition, construction, installation and equipping of economic development facilities, (b) enter into agreements with users or developers to construct economic development facilities, and (c) expend and appropriate revenues to support economic development activities; and

WHEREAS, the Redevelopment Commission (the “Commission”) of the City of Kokomo, Indiana (the “City”) pursuant to and in accordance with Indiana Code 36-7-14 and Indiana Code 36-7-25 et seq., as amended (collectively, the “Act”), desires to further redevelop and renovate the northeast area of the City for the benefit of its residents; and

WHEREAS, Kokomo Community Development Corporation, an Indiana nonprofit corporation duly organized and validly existing under and by virtue of the laws of the State of Indiana (“KCDC”), has advised the Commission of its agreement to partner with and oversee a project supported by the City to contribute to the economic development, renovation and beautification of the area identified on Exhibit A; and

WHEREAS, per Indiana Code 36-7-14-3(b), “[a] redevelopment commission and a department of redevelopment are subject to oversight by the legislative body of the unit, including a review by the legislative body of the commission’s and department’s annual budget”;

WHEREAS, the Commission desires to establish a Program (the “Program”), as more particularly described in Exhibit B attached hereto and incorporated herein by reference, to encourage redevelopment in the northeast area of the City through the provision of grant funds for improvements in the City; and

WHEREAS, in order to provide initial funding for the Program, the Common Council finds that the Commission should transfer $50,000.00 from the Commission’s allocation of funds to a fund of the KCDC established in accordance with the laws of the State of Indiana; and

WHEREAS, in order to ensure the success of the Project, the Common Council further authorizes the Commission to expend any additional revenues it determines is needed, in accordance with Ordinances #6865 and #6911, to ensure the success and completion of the Project;

WHEREAS, after being fully advised in the matter,
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF CITY OF KOKOMO, INDIANA, AS FOLLOWS:

1. The Common Council hereby finds and determines that the Project is an economic development project that may attract new business enterprises to the City, and retain or expand significant business enterprises within the City.

2. The Common Council finds that the Commission may provide initial funding for the Program in an amount not to exceed $50,000. The Common Council further finds the Commission may expend additional revenues if it later determines it is needed to ensure the success and completion of the Project.

3. This Resolution shall be in full force and effect upon compliance with Indiana Code 36-4-6 et seq.

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The foregoing was passed and adopted by the Common Council this ___ day of November, 2018.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

_________________________
Presiding Officer
(SEAL)

ATTEST:

_________________________
Brenda Brunnemer-Ott, City Clerk
City of Kokomo, Indiana

Presented by me to the Mayor of the City of Kokomo, Indiana this ___ day of November 2018, at __________ ___. m.

_________________________
Brenda Brunnemer-Ott, City Clerk
City of Kokomo, Indiana

Approved and signed by me, Greg Goodnight, Mayor of the City of Kokomo, Indiana this ________ day of November 2018, at __________ ___. m.

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Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

_________________________
Brenda Brunnemer-Ott, City Clerk
City of Kokomo, Indiana