COUNCIL MEETING MINUTES
March 25th, 2019

The Common Council of the City of Kokomo, Indiana met Monday March 25th, 2019 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 Allison from Lutheran Church of our Redeemer.

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

Absent: Miklik

The minutes of the Public Hearings & Council Meeting Minutes March 11th, 2019 were declared approved as presented.

COMMUNICATIONS: President Hayes states, we need to set a Public Hearing for Resolution #2726 for April 8th, 2019 at 6:00 P.M. in the Council Chambers.

I also would like to acknowledge that each of the Council Members, have received a List of the Annual Report. This is for the Kokomo Redevelopment Commission’s activities, and finances during the calendar year 2018 1/1/18 - 12/31/18.

There were no committee reports given at this regular meeting.
MAYORAL APPOINTMENT: President Hayes states, we need to acknowledge that there are some Mayoral Appointments to the Historic Review Board. They are as follows: Reappointed Harry Beard, Charles Duncan, Diana Wentzel, New appointment Susan Hinesley with their terms expiring 12-31-21. These appointments were unanimous by the Council.

ORDINANCE 6931: Rezoning: C1 to C2
Location: 919 East Markland Ave.
Petitioner: Charles Wainwright
First reading

Ordinance 6931 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules, and pass ordinance #6931 on first, and second reading; seconded by Councilman Wyant.

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

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

Councilwoman Young moved for passage on ordinance #6931 on second reading; seconded by Councilman Wyant.

Councilwoman Young states, Charles Wainwright is the petitioner. He is requesting change in zone classification from C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial) for property located at 919 East Markland Ave. The plan use is to sale fire arms, and ammunition. There were no remonstrators at the Plan Commission Meeting. This change is comparable to that area.

Vote for passage follows:
Aye: All
Nay: None

The vote was 8 to 0 for passage on first, and second reading.
RESOLUTION 2726:

DECLARATORY RESOLUTION
OF THE COMMON COUNCIL OF
THE CITY OF KOKOMO, INDIANA,
DESIGNATING PROPERTY AS AN
ECONOMIC REVITALIZATION AREA
AND PRELIMINARY PROPERTY TAX
ABATEMENT RESOLUTION FOR
REAL PROPERTY TAXES
(UNION AT WASHINGTON
PROJECT)

Resolution 2726 was read by the Clerk by title only. Councilman Kennedy moved for passage on resolution #2726; seconded by Councilman Wyant.

Councilman Kennedy states, Washington at Union, LP has proposed the construction of a new residential development on the north side of Kokomo near Washington, and Buckeye Streets. This will be located behind the Kentucky Fried Chicken in that area. This will be this developer’s third project in Kokomo in the last 8 years. The Kingston project, and IUK annex were the other two. This particular project will be constructed on one of the city’s brownfields and has sat vacant for many, many years. The project will consist of 51 new apartments, and amenities for low to middle income families in Kokomo.

In November 2018, Washington at Union, LP received significant tax credits from the State of Indiana to help support, and fund this project. That award was given, in part, due to the anticipation of strong support, and a partnership with the community, including the City. While this type of abatement is a first of its kind for Kokomo, they are on the rising trend in Indiana for these types of projects due to the very difficult nature of redeveloping a brownfield area. On April 8th, 2019 we will have a Public Hearing; and a Confirmatory Resolution which will set this particular project in motion.
Cont. Resolution #2726.
We do have representatives here; if anyone has any questions. I do urge Council to pass this resolution tonight.

President Hayes states, understanding that we will be re-visiting this at the next Council Meeting with a Public Hearing, and a Confirmatory Resolution.

Councilman Whikehart states, first I think it’s important to recognize the commitment that Kyle Bach, and the Annex Group have had on Kokomo. Over the years, they have made major improvements for our community. I truly believe this is just another example of that. I also think it’s important to consider the ask. A 10 year tax abatement on a property that is underutilized, an eye sore, and currently not generating taxes. It’s also important to acknowledge that this project serves two fold: it means a very real demand of three-bedroom housing; and it meets an even greater need for affordable housing.

For any community to continue to thrive, it must grow its population. Every day we have roughly 10,000 people who drive into Howard County in order to work, but leave to go home. A home where they spend their money at local restaurants, theaters, and shops.

With creative economic development partnerships, we have a chance to meet the demand for three-bedroom housing, the demand for affordable housing, to grow our population, and to increase our tax base. We can look at communities like Bloomington, who recognize that it takes innovative measures to continue progress. Abatements of the past are just that; they’re outdated. It’s time we continue looking for partnerships that helps us to meet the demands of our community.
Cont. Resolution #2726.
When the council, and administration work together to think beyond what we have always done, we have a chance to, yet again, transform the horizon of this community; so I will be supporting this resolution.

President Hayes states, I think it’s also good to point out this type of affordable housing has a 97% occupy rate; which makes it’s very attractive. The other two properties that they have here are doing quite well.

Vote for passage.
Aye: All
Nay: None
The vote was 8 to 0 for passage.

RESOLUTION 2727: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA DECLARING SURPLUS PROPERTY TO BE SOLD
Resolution 2727 was read by the Clerk by title only. Councilman Whikehart moved for passage on resolution #2727; seconded by Councilwoman Sanders.
Councilman Whikehart states, the Kokomo Fire Department wishes to sell a 1996 102’ platform fire truck that has been out of service for emergency use for approximately 2 years. This is the first fire truck that has been sold in nearly twenty years. Yet, the Fire Department has added 4 additional fire apparatus in the last 11 years. Indiana law allows the city to sell personal property when it is no longer needed or is unfit for the purpose for which it was intended.
Cont. Resolution #2727.
KFD has used an internet auction site to sell the fire truck for $25k to a woman-owned business in Yuma, AZ called DopplerTech, Inc.
DopplerTech works with such entities as the U.S. Army, Navy, Air Force, and NASA to support their missions. It intends to use the ladder on the fire truck to assist with target practice. I would urge Council to sell this fire truck.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.

President Hayes states, this marks the end of this Council Meeting, and our next Council Meeting will be April 8th, 2019; with an Informational Meeting at 5:30 P.M. in the Louks Room. Public Hearing at 6:00 P.M. in the Council Chambers; and Council Meeting immediately following.

Adjourned at 6:50 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. PUBLIC HEARING AT 6:00 P.M. IN THE
COUNCIL CHAMBERS. COUNCIL MEETING IMMEDIATELY
FOLLOWING. APRIL 8TH, 2019
COUNCIL CHAMBERS CITY HALL 100 SOUTH UNION STREET

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting Minutes March 25th 2019

COMMUNICATIONS:

COMMITTEE REPORTS:

COUNCIL APPOINTMENT: HUMAN RIGHTS COMMISSION:
Susan Geiselman (2) Year Term
Cont. agenda

ORDINANCE 6932: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, AMENDING ORDINANCE 6471 OF THE KOKOMO CODE OF ORDINANCES REGARDING FEES
First reading

RESOLUTION 2726: DECLARATORY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, DESIGNATING PROPERTY AS AN ECONOMIC REVITALIZATION AREA AND PRELIMINARY PROPERTY TAX ABATEMENT RESOLUTION FOR REAL PROPERTY TAXES (UNION AT WASHINGTON PROJECT)

RESOLUTION 2728: CONFIRMATORY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KOKOMO, INDIANA SETTING FORTH FINAL ACTION IN DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET, APPROVING REAL ESTATE TAX ABATEMENT, AND CONFIRMING RESOLUTION NO. 2726 REGARDING UNION AT WASHINGTON PROJECT (UNION AT WASHINGTON PROJECT)
VERIFIED PETITION FOR VACATION OF THE 16' ALLEY LYING BETWEEN LOTS 20 AND 35 IN J.O. HEATON'S SECOND ADDITION TO THE CITY OF KOKOMO, INDIANA
(Common Address: 707 and 713 North Purdum St.)
CALL TO ORDER:

ROLL CALL:

RESOLUTION 2726: DECLARATORY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, DESIGNATING PROPERTY AS AN ECONOMIC REVITALIZATION AREA AND PRELIMINARY PROPERTY TAX ABATEMENT RESOLUTION FOR REAL PROPERTY TAXES (UNION AT WASHINGTON PROJECT)
April 4th, 2019

TO: Council Members, Council Attorney, Controller, News Media

From: Brenda Ott, City Clerk

The following is the scheduling of all Council Meetings for April 8th, 2019.

Informational Meeting: 5:30 P.M.
Public Hearing: 6:00 P.M.
Council Meeting: Immediately following:

Thank you,
Brenda Ott
City Clerk
KOKOMO COMMON COUNCIL
OF HOWARD COUNTY, INDIANA

ORDINANCE NO. 6932

AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF KOKOMO, INDIANA, AMENDING ORDINANCE 6471 OF THE
KOKOMO CODE OF ORDINANCES REGARDING FEES

WHEREAS, it is the purpose of the Department of Engineering, Traffic and Inspection Services to administer a wide variety of programs and administrative services for the City of Kokomo; and

WHEREAS, the administration of a wide variety of these programs and services results in the necessity of establishing reasonable fees and charges because these services require professional expertise in proportion to the amount of service consumed; and

WHEREAS, it is appropriate to establish such fees in a manner that insures those individuals, groups and organizations which benefit from the service are responsible for compensating for the service; and

WHEREAS, it is the desire of the City of Kokomo to assess equitable fees and charges for the provision of these programs and services; and

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Kokomo, Howard County, Indiana, that pursuant to this ordinance, Chapter 161 of the Kokomo Code of Ordinances shall be amended to read as follows:

(A) § 161.8 Schedule of fees and charges. The Department of Engineering, Traffic and Inspection Services is authorized to implement the following schedule of fees for services provided.

CITY OF KOKOMO STORMWATER PERMIT FEES TOTAL FEES

<table>
<thead>
<tr>
<th>Type</th>
<th>Fees</th>
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<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>• Single Family Dwelling</td>
<td>$325</td>
</tr>
<tr>
<td>• Multi-Family Dwelling</td>
<td>$550 per Building</td>
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<tr>
<td>• Demolition</td>
<td>$150</td>
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<tr>
<td>• Additions</td>
<td>$150</td>
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<tr>
<td>• Declaration of Responsibility for</td>
<td>$50</td>
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<tr>
<td>Individual Lots</td>
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<tr>
<td><strong>Subdivision</strong></td>
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<td>----------------</td>
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<tr>
<td>• 2-4 Lots</td>
<td>$450</td>
</tr>
<tr>
<td>• 5 Lots or more</td>
<td>$300+$50/Lot</td>
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<tr>
<td>• Planned Unit Development</td>
<td>$300+$50/Lot</td>
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<tr>
<th><strong>Commercial/Industrial</strong></th>
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<tr>
<td>• Principal</td>
<td>$950+$50/Acre</td>
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<tr>
<th><strong>Utility</strong></th>
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<tr>
<td>• Per Acre Disturbed</td>
<td>$150</td>
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<tr>
<th><strong>Pond</strong></th>
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<tbody>
<tr>
<td>• Per Acre Disturbed</td>
<td>$150</td>
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<table>
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<tr>
<th><strong>Notes</strong></th>
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<tr>
<td>• RETURNED CHECK FEE</td>
<td></td>
</tr>
<tr>
<td>• Please make check or money orders payable to the City of Kokomo</td>
<td></td>
</tr>
<tr>
<td>• If a check is returned due to insufficient funds, the plan will NOT be reviewed.</td>
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<tr>
<td>• Any land disturbing activity requiring its own NOI (Notice of Intent) will be subject to the above fees.</td>
<td></td>
</tr>
<tr>
<td>• Fees are Non-Refundable.</td>
<td></td>
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<tr>
<td>• Fees cover costs of Plan Reviews &amp; Inspections for Life of the Permit &amp; MS4 Software System Maintenance.</td>
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* * * * *
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
this ___ day of ________________, 2019.

__________________________
Presiding Officer

ATTEST:

__________________________
City Clerk

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this ___ day of ________________, 2019, at ___:______ ___.m.

__________________________
City Clerk

APPROVED by me, as Mayor of the City of Kokomo, Indiana, this ___ day of ________________, 2019, at ___:______ ___.m.

Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

__________________________
STATE OF INDIANA

) SS:

COUNTY OF HOWARD

VERIFIED PETITION FOR VACATION OF THE 16’ ALLEY LYING BETWEEN LOTS 20 AND 35 IN J. O. HEATON’S SECOND ADDITION TO THE CITY OF KOKOMO, INDIANA

Kokomo Community Development Corporation, by its authorized and sworn officer, petitions the Common Council of the City of Kokomo for the vacation of the 16’ alley lying between Lots 20 and 35 of J. O. Heaton’s Second Addition to the City of Kokomo, Indiana and in support of the petition shows as follows:

1. PETITIONER:

1.1 The Petitioner is the Kokomo Community Development Corporation (“KCDC”), whose principal place of business is 107 W. Mulberry Street, Kokomo, Indiana 46901.

1.2 The President is Robert Stephenson.

2. CIRCUMSTANCES:

2.1 KCDC is the owner of real estate adjoining the alley proposed to be vacated.

2.2 KCDC desires to utilize the vacated alley in conjunction with the adjoining real estate it owns, and specifically plans to utilize the vacated alley for development of real estate in the affected block.

3. EFFECT

3.1 The alley when vacated will be attached to the petitioner’s real estate.

4. LEGAL DESCRIPTION OF THE STREET PROPOSED TO BE VACATED:

4.1 A site plan and legal description of the alley proposed to be vacated, certified by a land surveyor registered in the State of Indiana, is attached hereto as Exhibit “A.”

5. ADJACENT OWNERS:

5.1 The names, addresses and zip codes of owners of land abutting and near the
property proposed to be vacated are attached hereto as Exhibit “B”

5.2 We have confirmed with City of Kokomo Plan Commission that there are no active neighborhood associations affiliated with this address and therefore we are not notifying any neighborhood associations.

5. MAPS:

5.1 A location map in the form of an aerial photograph depicting the vicinity of the proposed vacation and existing conditions is attached hereto as Exhibit “C.”

6. EASEMENTS:

6.1 The following utilities have consented to the proposed vacation and do not require easements, as evidenced by their written replies attached hereto as Exhibit “D.”

Duke Energy Corp.
Indiana American Water Company, Inc.
NIPSCO

6.2 The following utilities have consented to the proposed vacation provided that they are granted easements within the vacated street, as evidenced by their letters attached hereto as Exhibit “E.”

AT&T

The legal description for this easement will be the south eight (8) feet of the legal description of the alley proposed to be vacated.

Comcast Corporation

The legal description for this easement will be the same as the legal description of the alley proposed to be vacated.

7. VACATION IS APPROPRIATE:

7.1 Vacation of the alley is appropriate for the following reasons:

7.1.1 Petitioner owns an interest in real estate adjoining the alley to be vacated.

7.1.2 Vacating the alley will not hinder or interfere with the public’s access to any of the adjoining real estate.
7.1.3 The proposed vacation of the alley will not hinder the growth or development of the neighborhood, but will allow the petitioner to redevelop and grow within the neighborhood.

7.1.4 Vacating the alley will facilitate the development of real estate in the affected block.

8. WHEREFORE PETITIONER REQUESTS:

8.1 Vacation of the alley is appropriate for the following reasons:

8.1.1 A hearing on this petition be set within thirty (30) days after it is received by the Council.

8.1.2 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 “F” hereto.

8.1.3 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.

This petition for vacation of a public way is executed on behalf of KCDC by its authorized and sworn officer, in the city of Kokomo, Indiana on this ____ day of ________, 2019.

Kokomo Community Development Corporation

By: __________________________

Robert Stephenson, President

STATE OF INDIANA

) SS:

COUNTY OF HOWARD

Signed and sworn to before me, a notary public, on this ____ day of ________, 2019.

________________________________________
Notary Public

Attorney for Petitioner:

Beth Copeland
EXHIBIT ALLEY VACATION
J.O. Heaton's 2nd Addition, Kokomo, Indiana

LEGAL DESCRIPTION:
A 16 foot alley right-of-way lying between Lots 20 and 35 in J.O. Heaton's Second Addition to the City of Kokomo as recorded in Plat Book 1, page 70, described as follows:

Beginning at the northeast corner of said Lot 20; thence West 132 feet along the north line of said Lot 20 to the northwest corner thereof; thence North 16 feet to the southwest corner of said Lot 35; thence East 132 feet along the south line of said Lot 35 to the southeast corner thereof; thence South 16 feet to the point of beginning, containing 0.05 acres, more or less.
ADJACENT LANDOWNERS LIST

34-04-30-356-003.000-002
34-04-30-356-006.000-002
34-04-30-356-007.000-002
34-04-30-356-008.000-002
34-04-30-357-003.000-002
Kokomo Community Development Corporation
107 W. Mulberry St.
Kokomo, IN 46901

34-04-30-357-002.000-002
City of Kokomo
100 S. Union St.
Kokomo, IN 46901

34-04-30-356-002.000-002
James R. Cannon
821 E. Dixon Rd.
Kokomo, IN 46901
No, we do not.

---

Ryan Smith
Operations Superintendent
Indiana American Water
Kokomo Operations
1700 E. Superior St.
Kokomo, IN. 46901
W: 765-494-6985
C: 765-860-2999
E: ryan.smith@amwater.com

From: Chad Burchard <cmb@lockyearlaw.com>
Sent: Friday, December 7, 2018 4:42 PM
To: Ryan S Smith <Ryan.Smith@amwater.com>
Subject: RE: Advantix Notice of Petition to Vacate Alleys

EXTERNAL EMAIL - "Think before you click!"

Ok, so you don’t need an easement? In an earlier email you had indicated that your company would need one.

Chad M. Burchard, Esq.
LOCKYEAR LAW, LLC
COMMERCIAL TITLE, LLC
101 SE FIRST STREET, SUITE 224
P.O. BOX 1345
EVANSVILLE, INDIANA 47706
O: (812) 962-6690 | M: (812) 598-1586

LOCKYEAR LAW

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From: Ryan S Smith <Ryan.Smith@amwater.com>
Sent: Friday, December 7, 2018 3:34 PM
To: Chad Burchard <cmb@lockyearlaw.com>
Subject: FW: Advantix Notice of Petition to Vacate Alleys

Chad...INAW is okay with this vacation of the alley way.

Thanks.

Ryan Smith  
Operations Superintendent  
Indiana American Water  
Kokomo Operations  

1700 E. Superior St.  
Kokomo, IN. 46901

W: 765-454-6985  
C: 765-860-2980  
E: ryan.smith@amwater.com

From: Ezat Nayeri <Ezat.Nayeri@amwater.com>
Sent: Friday, December 7, 2018 4:33 PM
To: Ryan S Smith <Ryan.Smith@amwater.com>
Subject: RE: Advantix Notice of Petition to Vacate Alleys

Ryan – Based on GIS, it doesn’t seem like we have any assets in the alley so the vacation of the R/W will not impact us.

Ezat Nayeri, P.E.  
Engineering Manager  
Indiana American Water  
153 N. Emerson Ave  
Greenwood, IN 46143

P: (317) 885-2447  
C: (317) 225-0316  
F: (317) 885-2431  
ezat.nayeri@amwater.com  
www.amwater.com

From: Ryan S Smith <Ryan.Smith@amwater.com>
Sent: Monday, December 03, 2018 5:01 PM
To: Ezat Nayeri <Ezat.Nayeri@amwater.com>
Subject: FW: Advantix Notice of Petition to Vacate Alleys

Ezat...

Can you please take a look at this one as well and respond to Chad Burchard ASAP.
EXTERNAL EMAIL - "Think before you click!"

Mr. Smith,

Please find the attached letter and other documents associated with the above-referenced matter.

Best Regards,

Chad M. Burchard, Esq.
LOCKYEAR LAW, LLC
COMMERCIAL TITLE, LLC
101 SE FIRST STREET, SUITE 224
P.O. BOX 1345
EVANSVILLE, INDIANA 47706
O: (812) 962-6690 | M: (812) 598-1586

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Mr. Burchard,

I apologize for the delayed response. Duke Energy can and will remove the currently un-used overhead low voltage wires in the area of this easement vacation. The poles however do belong to AT&T as well as the communications lines. See the attached sheet to verify what facilities we are able to remove.

Let me know if there are any questions.

Thank you,

Brian Funk
Duke Energy
Manager Customer Delivery
E&TCR Indiana North
765-454-6175

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Mr. Funk,

Please find the attached letter and other documents associated with the above-referenced matter.

Best Regards,

Chad M. Burchard, Esq.
LOCKYEAR LAW, LLC
COMMERCIAL TITLE, LLC
101 SE First Street, Suite 224
P.O. Box 1345
Evansville, Indiana 47706
O: (812) 962-6690 | M: (812) 598-1586
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Mr. Burchard,

Based on the information you provided, we have no objection to the proposed vacation of the 16' alley lying between Lots 20 and 35 at the southwest corner of Madison and Purdum St. Kokomo.

Thanks,

Michael Sun | Gas Engineer
NIPSCO | 900 E Boulevard St. | Kokomo, IN 46902
O: 765.451.6129 | C: 219.575.3510 | FSun@nisource.com

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USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Mr. Becker,

Called your office today and left a voicemail. Just following up on my 11/5 email below regarding the referenced alley vacation petition. Have you been able to look into this matter?

Best Regards,

Chad M. Burchard, Esq.
Lockyear Law, LLC
Commercial Title, LLC
101 SE First Street, Suite 224
P.O. Box 1345
Evansville, Indiana 47706
O: (812) 962-6690 / M: (812) 598-1586

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From: Chad Burchard  
Sent: Monday, November 5, 2018 3:30 PM  
To: kbecker@nlsource.com  
Subject: Advantix Notice of Petition to Vacate Alley

Mr. Becker,

Please find the attached letter and other documents associated with the above-referenced matter.

Best Regards,

Chad M. Burchard, Esq.  
Lockyear Law, LLC  
Commercial Title, LLC  
101 SE First Street, Suite 224  
P.O. Box 1345  
Evansville, Indiana 47706  
O: (812) 962-6690  |  M: (812) 598-1586

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[attachment “NIPSCO Letter.docx” deleted by Faming Sun/NCS/Enterprise] [attachment “Alley Vacation Exhibit.pdf” deleted by Faming Sun/NCS/Enterprise] [attachment “City Engineer’s Map.pdf” deleted by Faming Sun/NCS/Enterprise] [attachment “City Engineer’s Map showing City Utilities.pdf” deleted by Faming Sun/NCS/Enterprise]
Chad Burchard

From: MCMANUS, RYAN D <rx1623@att.com>
Sent: Thursday, January 17, 2019 10:48 AM
To: Chad Burchard
Subject: FW: Advantix Notice of Petition to Vacate Alley

Mr. Burchard

I forwarded your request to our right of way person and his response is below.

Could you please send me a copy of the completed alley vacation.

Please let me know if you have any additional questions.

Ryan D McManus
Mgr. OSP Engineering Design Construction & Engineering
ATO, Midwest C&E

AT&T
116 E Taylor Street, Kokomo, IN 46901
o 765.454.4149 | rx1623@att.com

MOBILIZING YOUR WORLD

---

From: HEWITT, JOSHUA P
Sent: Wednesday, January 16, 2019 1:18 PM
To: MCMANUS, RYAN D <rx1623@att.com>
Subject: RE: Advantix Notice of Petition to Vacate Alley

"The easement area description being all of the South Eight(8) feet of the alley right of way vacation as depicted on the attached vacation exhibit."

Our legal entity is Indiana Bell Telephone Company, Incorporated dba AT&T Indiana, an Indiana Corporation

Let me know if you need anything else

Josh Hewitt
Manager, Right of Way -OSP Engineering and Design
ATO, Midwest C&E

AT&T
5870 N. College Ave., Indianapolis, IN 46220
O 317.252.5072 | M 317.292.3888 | jh6813@att.com

EXHIBIT E
From: MCMANUS, RYAN D  
Sent: Wednesday, January 16, 2019 12:23 PM  
To: HEWITT, JOSHUA P <JH6813@att.com>  
Subject: FW: Advantix Notice of Petition to Vacate Alley  

Josh  

I was hoping you could help me out with this alley vacation request in KOKMIN01. I have attached the documents that the customer sent along with a copy of our ARAMIS records for the described area. The customer is looking for a letter attachment describing the easement AT&T will need to reserve.  

AT&T currently has a 200 pair aerial cable running east/west on poles through the alley they were requesting to vacate so I indicated we would need to reserve an easement so they are now asking for a letter setting forth the description of the easement.  

I will try and give you a call to see if you need anything else.  

Thanks again for the help.

Ryan D McManus  
Mgr. OSP Engineering Design Construction & Engineering  
ATO, Midwest C&E  

AT&T  
116 E Taylor Street, Kokomo, IN 46901  
o 765.454.4149 | rx1623@att.com  

MOBILIZING YOUR WORLD

From: Chad Burchard <cmb@lockyearlaw.com>  
Sent: Friday, January 11, 2019 11:20 AM  
To: MCMANUS, RYAN D <rx1623@att.com>; PARIKH, HARISH <hp9514@att.com>  
Cc: HEWITT, JOSHUA P <JH6813@att.com>  
Subject: RE: Advantix Notice of Petition to Vacate Alley  

Mr. McManus,  

Could you please email me a letter attachment setting forth a description of the easement you wish to reserve? Thank you.

Chad M. Burchard, Esq.  
LOCKYEAR LAW, LLC  
COMMERCIAL TITLE, LLC  
101 SE FIRST STREET, SUITE 224
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From: MCMANUS, RYAN D <rx1623@att.com>
Sent: Tuesday, November 6, 2018 2:11 PM
To: Chad Burchard <cmb@lockyearlaw.com>; PARIKH, HARISH <hp9514@att.com>
Cc: HEWITT, JOSHUA P <JH6813@att.com>
Subject: RE: Advantix Notice of Petition to Vacate Alley

Chad

Upon reviewing the documents outlining the area for the alley vacation I found that AT&T does indeed have aerial facilities located in that area. AT&T currently has an aerial copper cable on poles running east/west through the alley which will need to remain. AT&T will require a reservation of an easement if the vacation is approved.

Thanks

Ryan D McManus
Mgr. OSP Engineering Design Construction & Engineering
ATO, Midwest C&E

AT&T
116 E Taylor Street, Kokomo, IN 46901
o 765.454.4149 | rx1623@att.com

MOBILIZING YOUR WORLD

From: Chad Burchard <cmb@lockyearlaw.com>
Sent: Monday, November 05, 2018 4:23 PM
To: PARIKH, HARISH <hp9514@att.com>; MCMANUS, RYAN D <rx1623@att.com>
Subject: Advantix Notice of Petition to Vacate Alley

Mr. Parikh and Mr. McManus,

Please find the attached letter and other documents associated with the above-referenced matter.

Best Regards,

Chad M. Burchard, Esq.
LOCKYEAR LAW, LLC
COMMERCIAL TITLE, LLC
101 SE FIRST STREET, SUITE 224
P.O. BOX 1345
EVANSVILLE, INDIANA 47706
O: (812) 962-6690 | M: (812) 598-1586

LOCKYEAR LAW

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Chad M. Burchard  
101 SE First Street, Suite 224  
PO Box 1345  
Evansville, Indiana 47706

Mr. Burchard,

Comcast has existing facilities located in the alley lying between Lots 20 and 35 J.O. Heaton's Second Addition in the City of Kokomo. Comcast would require an easement for these facilities.

Sincerely,

John Gayday  
Northern Indiana Area  
Construction Supervisor  
720 Taylor St. Fort Wayne, IN 46802  
260-458-5107
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO. 6921

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

WHEREAS, Kokomo Community Development Corporation 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 ___ day of ________, 2019, at ___: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(c) 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 is hereby vacated:

Legal description:

A 16 foot alley right-of-way lying between Lots 20 and 35 in J. O. Heaton's Second Addition to the
City of Kokomo as recorded in Plat Book 1, Page 70, described as follows:

Beginning at the northeast corner of said Lot 20; thence West 132 feet along the north line of said
Lot 20 to the northwest corner thereof; thence North 16 feet to the southwest corner of said Lot 35;
thence East 132 feet along the south line of said Lot 35 to the southeast corner thereof; thence
South 16 feet to the point of beginning, containing 0.05 acres, more or less.

The right-of-way when vacated will be attached to the petitioner's real estate.
SECTION IV

The right-of-way described in Section III above will remain subject to an easement in favor of Comcast Corporation.

The south eight (8) feet of the right-of-way described in Section III above will remain subject to an easement in favor of AT&T.

SECTION V

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 VI

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 ___ day of ________, 2019.

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 day of 2019 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.
NOTICE OF A PUBLIC HEARING
REGARDING VACATION OF THE 16’ ALLEY LYING BETWEEN
LOTS 20 AND 35 IN J. O. HEATON’S SECOND ADDITION TO THE
CITY OF KOKOMO, INDIANA

_______ , 2019

Dear Property Owner:

Persons owning or having an interest in lots or parts of lots adjoining the 16’ alley lying between Lots 20 and 35 in J. O. Heaton’s Second Addition to the City of Kokomo, Indiana (Common Address: 707 and 713 N. Purdum St.) have petitioned the Common Council of the City of Kokomo to vacate said alley. You are receiving this notice because you are the owner of real estate abutting or located near the alley proposed to be vacated.

It is required by law that a public hearing be held regarding this vacation, at which time any person aggrieved by the proposed vacation may object on the basis of certain grounds which are set forth in I.C. 36-7-3-13.

The Common Council of the City of Kokomo has set a hearing on this petition for the _____ day of ________, 2019, at ____:00 pm in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At this time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
Robert L. Hayes Sr., President
Brenda Ott, Clerk
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO. 6921

NOTICE OF HEARING ON PETITION FOR VACATION OF RIGHT-OF-WAY

Please take notice that pursuant to I.C. 36-7-3-12, Kokomo Community Development Corporation, has filed with the Common Council of the City of Kokomo, a petition for the vacation of a right-of-way described as follows:

Street Address or Common Description:

707 and 713 N. Purdum St.

Legal description:

A 16 foot alley right-of-way lying between Lots 20 and 35 in J. O. Heaton’s Second Addition to the City of Kokomo as recorded in Plat Book 1, Page 70, described as follows:

Beginning at the northeast corner of said Lot 20; thence West 132 feet along the north line of said Lot 20 to the northwest corner thereof; thence North 16 feet to the southwest corner of said Lot 35; thence East 132 feet along the south line of said Lot 35 to the southeast corner thereof; thence South 16 feet to the point of beginning, containing 0.05 acres, more or less.

The Common Council of the City of Kokomo has set a hearing on this petition for the ___ day of _______ 2019, at __:00 pm in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At this time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
Robert L. Hayes Sr., President
Brenda Ott, Clerk
RESOLUTION No. 2726

DECLARATORY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, DESIGNATING PROPERTY AS AN ECONOMIC REVITALIZATION AREA AND PRELIMINARY PROPERTY TAX ABATEMENT RESOLUTION FOR REAL PROPERTY TAXES [UNION AT WASHINGTON PROJECT]

WHEREAS, Union at Washington, LP, an Indiana limited partnership ("Company"), has advised the City of Kokomo, Indiana ("City") that it seeks to undertake certain real property improvements including the construction of an affordable multi-family housing development (the "Real Estate Improvements"), on approximately 1.48 acres of real property identified as Parcel No. 34-03-25-454-013.000-002, 34-03-25-454-014.000-002, 34-03-25-454-015.000-002, 34-03-25-454-016.000-002, 34-03-25-454-017.000-002, 34-03-25-454-018.000-002, located on Washington and Buckeye Streets within the corporate limits of the City and more specifically described in Exhibit "A" attached herein ("Property");

WHEREAS, Company has duly submitted an executed economic revitalization area ("ERA") application and statement of benefits regarding the proposed Real Estate Improvements;

WHEREAS, the proposed Real Estate Improvements will be located in a priority location for multi-family development, as identified in the City’s previously adopted Near Northside Redevelopment Plan;

WHEREAS, the project proposed for the Property has the potential to be a significant, positive, economic driver in the City by attracting new residents, commerce, and investments to the City;

WHEREAS, the Common Council of the City of Kokomo, Indiana (the "Council") acting as the fiscal body of the City and acting as the designating body of the City pursuant to Ind. Code §6-1.1-12.1 et. seq. has the authority to grant certain tax abatements for the Property;

WHEREAS, in order for the City to grant such tax abatement, the Council must take action at two separate public meetings;

WHEREAS, the Council will determine whether to grant a tax abatement to Company at a public meeting, following notice and public hearing, pursuant to Ind. Code § 6-1.1-12.1, el. seq.;

WHEREAS, pursuant to Ind. Code §6-1.1-12.1-3, the Property qualifies for an ERA designation;

WHEREAS, the City desires to establish the Property as an ERA;
WHEREAS, the City will cause this Declaratory Resolution and a statement containing information required by Ind. Code §6-1.1-12.1-2.5(c)(2)(B) to be filed in the Office of the Howard County Assessor;

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

SECTION I. The Council hereby designates the Property, as more specifically described in Exhibit A, as an ERA.

SECTION II. The Council fixes 6:00 p.m. on the 8th day of April, 2019 at City Hall, 100 S. Union Street, Kokomo, Indiana, for the public hearing of remonstrance and objections from persons interested in the designation of the Property as being exempt from property taxation and to consider testimony presented at such Public Hearing. The Council directs the Clerk of the City to publish, or cause to be published, pursuant to the Act, notice (the “Notice”) of the adoption and substance of this Declaratory Resolution in accordance with Indiana Code 5-3-1 one (1) time at least ten (10) days before the date of the public hearing on this matter (the “Public Hearing”), which Notice shall state the date and time for the Public Hearing; that the Council will hear all remonstrance and objections and testimony from interested persons at the Public Hearing; that at the Public Hearing the Council may take final action regarding the proposed exemption to modify, confirm or rescind this Declaratory Resolution, and that a copy of this Declaratory Resolution has been filed with and is available for inspection in the office of the Howard County Assessor. At this public hearing, the Council will take action relative to this Declaratory Resolution and determine whether the Property should be exempt from property taxation and fix the length of the exemption period.

SECTION III. After the notice required by Section II and a public hearing on this Declaratory Resolution, the Council shall take final action and confirm, modify and confirm, or rescind this Resolution.

SECTION IV. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *
The foregoing was passed and adopted by the Common Council this ___ day of April, 2019.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

________________________________________
Presiding Officer

(SEAL)

ATTEST:

________________________________________
Brenda Brunner-Ott, City Clerk
City of Kokomo, Indiana

Presented by me to the Mayor of the City of Kokomo, Indiana this ___ day of April, 2019, at _________ ___. m.

________________________________________
Brenda Brunner-Ott, City Clerk
City of Kokomo, Indiana

Approved and signed by me, Greg Goodnight, Mayor of the City of Kokomo, Indiana this ________ day of April, 2019, at _________ ___. m.

________________________________________
Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

________________________________________
Brenda Brunner-Ott, City Clerk
City of Kokomo, Indiana
Exhibit A

Property Description

LEGAL DESCRIPTION OF REAL ESTATE

Out Lot number thirty-eight (38), Out Lot number thirty-nine (39) and Out Lot number forty (40) to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder’s Plat Book 1 Page 53;

Lot number seventy-six (76), Lot number seventy-seven (77) AND fifteen (15) feet off the entire north side of Lot number seventy-eight (78) in Mills and Richmond's (Railroad) Addition to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder’s Plat Book 1 Page 4;

as particularly shown on survey by E. Robert Martin RLS 12878, certified June 5, 1979 and revised June 8, 1979, recorded June 12, 1979 in Deed Record 243, Page 1601. This deed is subject to all easements and encroachments as shown on survey.

Parcel Numbers: 34-03-25-454-013.000-002 34-03-25-454-014.000-002 34-03-25-454-015.000-002 34-03-25-454-016.000-002 34-03-25-454-017.000-002 34-03-25-454-018.000-002

Parcel Address: 910 1/2 N. Washington, 821-905 N. Buckeye & N. Richmond
STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residually distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:
1. 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 the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable.
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1
TAXPAYER INFORMATION

Name of taxpayer
Union at Washington, LP

Address of taxpayer (number and street, city, state, and ZIP code)
409 Massachusetts Avenue, Suite 300, Indianapolis, IN 46204

Telephone number
(317) 584-8442

E-mail address
kyle@theannexgrp.com

SECTION 2
LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body
City of Kokomo

Location of property
910 1/2 N Washington Street, Kokomo, IN 46901

County
Howard

DLGF taxing district number
002-0001

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)
Development of 51 multi-family low income housing tax credit units on 1.48 acres of property with associated parking.

SECTION 3
ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number
Salary
Number retained
Salaries
Number additional
Salaries
0.00
$0.00
0.00
$0.00
2.00
$26,850.00

SECTION 4
ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

REAL ESTATE IMPROVEMENTS

Cost
Assessed Value

Current values

0.00
7,700.00

Plus estimated values of proposed project

7,395,276.00

Less values of any property being replaced

0.00

Net estimated values upon completion of project

7,395,276.00

SECTION 5
WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds)
0.00

Estimated hazardous waste converted (pounds)
0.00

Other benefits
Union at Washington is located near the Near Northside Redevelopment Plan's top priority location for multifamily development, trail corridors, and roadway improvements. The City of Kokomo has stated in the NNRP that the location of the project site is an area targeted for new investment, new industry, and new high paying jobs.

SECTION 6
TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative

Printed name of authorized representative
Kyle Bach

Date signed (month, day, year)
2/19/19

Manager
We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

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
   2. Residentially distressed areas

   □ Yes    □ No

C. The amount of the deduction applicable is limited to $ ___________.

D. Other limitations or conditions (specify)__________________________

E. Number of years allowed: □ Year 1 □ Year 2 □ Year 3 □ Year 4 □ Year 5 □ Year 6 □ Year 7 □ Year 8 □ Year 9 □ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  
   □ Yes    □ No
   If yes, attach a copy of the abatement schedule to this form.
   If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

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.

<table>
<thead>
<tr>
<th>Approved (signature and title of authorized member of designating body)</th>
<th>Telephone number</th>
<th>Date signed (month, day, year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed name of authorized member of designating body</td>
<td>Name of designating body</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attested by (signature and title of attester)</th>
<th>Printed name of attester</th>
</tr>
</thead>
</table>

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

1. The total amount of the taxpayer's investment in real and personal property.
2. The number of new full-time equivalent jobs created.
3. The average wage of the new employees compared to the state minimum wage.
4. The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.
RESOLUTION No. 2728

CONFIRMATORY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KOKOMO, INDIANA SETTING FORTH FINAL ACTION IN DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET, APPROVING REAL ESTATE TAX ABATEMENT, AND CONFIRMING RESOLUTION NO. 2726 REGARDING UNION AT WASHINGTON PROJECT [UNION AT WASHINGTON PROJECT]

WHEREAS, Union at Washington, LP, an Indiana limited liability partnership (“Applicant”), has advised the City of Kokomo, Indiana (“City”) that it seeks to undertake certain real property improvements including the construction of an affordable multi-family housing development (the “Real Estate Improvements”), on approximately 1.48 acres of real property identified as Parcel No. 34-03-25-454-013.000-002, 34-03-25-454-014.000-002, 34-03-25-454-015.000-002, 34-03-25-454-016.000-002, 34-03-25-454-017.000-002, 34-03-25-454-018.000-002, located on Washington and Buckeye Streets within the corporate limits of the City and more specifically described in Exhibit “A” attached herein (“Property”);

WHEREAS, Applicant has duly submitted an executed economic revitalization area (“ERA”) application and Statement of Benefits regarding the proposed Real Estate Improvements;

WHEREAS, a duly constituted meeting of the City Council was held on March 25, 2019, the City Council reviewed and approved the Application and preliminarily declared a certain location within the City to be an “Economic Revitalization Area” (the “Area”), and preliminarily approved a real property tax abatement pursuant to the specifications of Resolution No. 2726, adopted and approved that date (the “Declaratory Resolution”);

WHEREAS, pursuant to I.C. 6-1.1-12.1-1, et seq., the City Council has properly published a notice of public hearing in the Kokomo Tribune on March 29, 2019, and filed the required information with the affected taxing units, as required in I.C. 6-1.1-12.1-2.5;

WHEREAS, such hearing was held on this night by the City Council and all persons and organizations wishing to express their views were heard and consideration given to any such views; and

WHEREAS, no remonstrance, written or oral, has been filed stating opposition, of any type or character, to the Declaratory Resolution, the designation of the Area as an “Economic Revitalization Area,” or the approval of real property tax abatement.

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

1. Findings of Fact. The City Council states that the Area is now undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of
growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors that have impaired value or prevent normal development of property. The City Council hereby finds the following:

(a) The estimate of the value of the Applicant’s Project as described in the Application is reasonable;

(b) The employment numbers shown in the Application, if any, are reasonably expected;

(c) The salaries related to such employment, if any, are reasonable;

(d) The Applicant’s project will create additional units of housing for low to moderate income individuals;

(e) The benefits reported in the Application to be received from the Applicant’s project are sufficient to justify the deduction; and

(f) That, unless otherwise approved, any abatement for the Area shall be calculated at 100% for ten (10) years and shall otherwise be in accordance with the Ordinance.

2. Compliance with Indiana Law. It is hereby found by the City Council that the Application complies with Indiana Code 6.1.1-12.1-3.

3. Confirmation of the Declaratory Resolution. It is hereby declared by the City Council that the Declaratory Resolution is in all respects hereby confirmed, and it is hereby stated that the qualifications for an economic revitalization area have been met by the Applicant as to the location described in the Declaratory Resolution, and the real property tax abatement is approved.

4. Final Action. After legally required public notice, and after public hearing pursuant to such notice, the City Council hereby takes “final action,” as that phrase is defined in I.C. 6-1.1-12.1-1 et. seq., on the date hereof, with regard to designation of the Area, approval of the Application and the previous adoption of the Declaratory Resolution.

5. Effective Date. This resolution shall be effective immediately upon its passage, subject to any right of appeal as provided by Indiana law.

6. Filing with Howard County Authorities. Upon the adoption of this resolution, the Clerk of the City shall cause a certified copy of this resolution, including the description of the previously described location and attached map, to be filed with the Howard County Assessor, the Howard County Auditor and/or such other Howard County government officials as shall be necessary to make the Applicant eligible to file for real estate tax abatement as to the real estate contemplated by the Application heretofore reviewed and approved by the Declaratory Resolution and ratified and confirmed by this resolution.
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
this _____ day of ____________, 2019.

___________________________________
Presiding Officer

ATTEST:

_______________________
Brenda Brunnemer-Ott, City Clerk
City of Kokomo, Indiana
EXHIBIT A

Property Description

LEGAL DESCRIPTION OF REAL ESTATE

Out Lot number thirty-eight (38), Out Lot number thirty-nine (39) and Out Lot number forty (40) to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder’s Plat Book 1 Page 53;

Lot number seventy-six (76), Lot number seventy-seven (77) AND fifteen (15) feet off the entire north side of Lot number seventy-eight (78) in Mills and Richmond's (Railroad) Addition to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder’s Plat Book 1 Page 4;

as particularly shown on survey by E. Robert Martin RLS 12878, certified June 5, 1979 and revised June 8, 1979, recorded June 12, 1979 in Deed Record 243, Page 1601. This deed is subject to all easements and encroachments as shown on survey.

Parcel Numbers: 34-03-25-454-013.000-002 34-03-25-454-014.000-002 34-03-25-454-015.000-002 34-03-25-454-016.000-002 34-03-25-454-017.000-002 34-03-25-454-018.000-002

Parcel Address: 910 1/2 N. Washington, 821-905 N. Buckeye & N. Richmond
The Indiana Legislature, in IC 6-1.1-12.1-2.5(c), effective July 1, 1995, made changes in the way tax abatements are processed. In the change, the government entity ("designating body"), in the case of the Kokomo Common Council, considering a tax abatement must notify each taxing unit that has authority to levy property taxes in the geographic area where the abatement would occur. Information is to be filed with the officers of the taxing unit who are authorized to fix budgets, tax rates and tax levies at least ten days before the date of the public hearing.

Notification is to include 1) a copy of the required notice of the adoption and substance of the resolution and 2) a statement containing substantially the same information as a statement of benefits filed with the designating body. These two items are enclosed.

The taxing units that are notified do not need to make response to the notification nor take action of any sort.

Kokomo Common Council of Kokomo, Indiana

By:
Brenda Ott, City Clerk
City of Kokomo, Indiana

Date: ____________________________
RESOLUTION No. 2726

DECLARATORY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, DESIGNATING PROPERTY AS AN ECONOMIC REVITALIZATION AREA AND PRELIMINARY PROPERTY TAX ABATEMENT RESOLUTION FOR REAL PROPERTY TAXES [UNION AT WASHINGTON PROJECT]

WHEREAS, Union at Washington, LP, an Indiana limited partnership ("Company"), has advised the City of Kokomo, Indiana ("City") that it seeks to undertake certain real property improvements including the construction of an affordable multi-family housing development (the "Real Estate Improvements"), on approximately 1.48 acres of real property identified as Parcel No. 34-03-25-454-013.000-002, 34-03-25-454-014.000-002, 34-03-25-454-015.000-002, 34-03-25-454-016.000-002, 34-03-25-454-017.000-002, 34-03-25-454-018.000-002, located on Washington and Buckeye Streets within the corporate limits of the City and more specifically described in Exhibit "A" attached herein ("Property");

WHEREAS, Company has duly submitted an executed economic revitalization area ("ERA") application and statement of benefits regarding the proposed Real Estate Improvements;

WHEREAS, the proposed Real Estate Improvements will be located in a priority location for multi-family development, as identified in the City's previously adopted Near Northside Redevelopment Plan;

WHEREAS, the project proposed for the Property has the potential to be a significant, positive, economic driver in the City by attracting new residents, commerce, and investments to the City;

WHEREAS, the Common Council of the City of Kokomo, Indiana (the "Council") acting as the fiscal body of the City and acting as the designating body of the City pursuant to Ind. Code §6-1.1-12.1 et. seq. has the authority to grant certain tax abatements for the Property;

WHEREAS, in order for the City to grant such tax abatement, the Council must take action at two separate public meetings;

WHEREAS, the Council will determine whether to grant a tax abatement to Company at a public meeting, following notice and public hearing, pursuant to Ind. Code § 6-1.1-12.1, el. seq.;

WHEREAS, pursuant to Ind. Code §6-1.1-12.1-3, the Property qualifies for an ERA designation;

WHEREAS, the City desires to establish the Property as an ERA;
WHEREAS, the City will cause this Declaratory Resolution and a statement containing information required by Ind. Code §6-1.1-12.1-2.5(c)(2)(B) to be filed in the Office of the Howard County Assessor;

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

SECTION I. The Council hereby designates the Property, as more specifically described in Exhibit A, as an ERA.

SECTION II. The Council fixes 6:00 p.m. on the 8th day of April, 2019 at City Hall, 100 S. Union Street, Kokomo, Indiana, for the public hearing of remonstrance and objections from persons interested in the designation of the Property as being exempt from property taxation and to consider testimony presented at such Public Hearing. The Council directs the Clerk of the City to publish, or cause to be published, pursuant to the Act, notice (the “Notice”) of the adoption and substance of this Declaratory Resolution in accordance with Indiana Code 5-3-1 one (1) time at least ten (10) days before the date of the public hearing on this matter (the “Public Hearing”), which Notice shall state the date and time for the Public Hearing; that the Council will hear all remonstrance and objections and testimony from interested persons at the Public Hearing; that at the Public Hearing the Council may take final action regarding the proposed exemption to modify, confirm or rescind this Declaratory Resolution, and that a copy of this Declaratory Resolution has been filed with and is available for inspection in the office of the Howard County Assessor. At this public hearing, the Council will take action relative to this Declaratory Resolution and determine whether the Property should be exempt from property taxation and fix the length of the exemption period.

SECTION III. After the notice required by Section II and a public hearing on this Declaratory Resolution, the Council shall take final action and confirm, modify and confirm, or rescind this Resolution.

SECTION IV. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *
The foregoing was passed and adopted by the Common Council this ___ day of April, 2019.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

________________________________________
Presiding Officer

(SEAL)

ATTEST:

____________________________
Brenda Brunnermer-Ott, City Clerk
City of Kokomo, Indiana

Presented by me to the Mayor of the City of Kokomo, Indiana this ____ day of April, 2019, at _________ __. m.

____________________________
Brenda Brunnermer-Ott, City Clerk
City of Kokomo, Indiana

Approved and signed by me, Greg Goodnight, Mayor of the City of Kokomo, Indiana this __________ day of April, 2019, at _________ __. m.

____________________________
Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

____________________________
Brenda Brunnermer-Ott, City Clerk
City of Kokomo, Indiana
Exhibit A

Property Description

LEGAL DESCRIPTION OF REAL ESTATE

Out Lot number thirty-eight (38), Out Lot number thirty-nine (39) and Out Lot number forty (40) to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder's Plat Book 1 Page 53;

Lot number seventy-six (76), Lot number seventy-seven (77) AND fifteen (15) feet off the entire north side of Lot number seventy-eight (78) in Mills and Richmond's (Railroad) Addition to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder's Plat Book 1 Page 4;

as particularly shown on survey by E. Robert Martin RLS 12878, certified June 5, 1979 and revised June 8, 1979, recorded June 12, 1979 in Deed Record 243, Page 1601. This deed is subject to all easements and encroachments as shown on survey.

Parcel Numbers: 34-03-25-454-013.000-002 34-03-25-454-014.000-002 34-03-25-454-015.000-002 34-03-25-454-016.000-002 34-03-25-454-017.000-002 34-03-25-454-018.000-002

Parcel Address: 910 1/2 N. Washington, 821-905 N. Buckeye & N. Richmond
STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS
State Form 51767 (R6 / 10-14)

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):
☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residually distressed area (IC 6-1.1-12.1-4-1)

INSTRUCTIONS:
1. 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 the redevelopment or rehabilitation of real property on which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-11/Real Property. The Form CF-11/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable.
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Union at Washington, LP

Address of taxpayer (number and street, city, state, and ZIP code)
409 Massachusetts Avenue, Suite 300, Indianapolis, IN 46204

Name of contact person
Kyle Bach

Telephone number
(317) 584-8442

E-mail address
kyle@theannexgrp.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body
City of Kokomo

Location of property
910 1/2 N Washington Street, Kokomo, IN 46901

County
Howard

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)
Development of 51 multi-family low income housing tax credit units on 1.48 acres of property with associated parking.

Estimated start date (month, day, year)
May 01, 2019

Estimated completion date (month, day, year)
May 01, 2020

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number

Salaries
0.00

$0.00

Number retained
0.00

Salaries
0.00

Number additional
2.00

Salaries
$26,850.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

REAL ESTATE IMPROVEMENTS

COST

Assessed Value

Current values

0.00

7,395,278.00

Plus estimated values of proposed project

7,395,278.00

Less values of any property being replaced

0.00

Net estimated values upon completion of project

7,395,278.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds)

0.00

Estimated hazardous waste converted (pounds)

0.00

Other benefits

Union at Washington is located in the Near Northside Redevelopment Plan's top priority location for multifamily development, trail corridors, and roadway improvements. The City of Kokomo has stated in the NNRP that the location of the project site is an area targeted for new investment, new industry, and new high paying jobs.

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative

Kyle Bach

Date signed (month, day, year)
2/19/19

Printed name of authorized representative

Manager

Page 1 of 2
We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

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. Residentially distressed areas  □ Yes  □ No

C. The amount of the deduction applicable is limited to $ _____________.

D. Other limitations or conditions (specify) ____________________________

E. Number of years allowed:  □ Year 1  □ Year 2  □ Year 3  □ Year 4  □ Year 5 (* see below)  □ Year 6  □ Year 7  □ Year 8  □ Year 9  □ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
   □ Yes  □ No
   If yes, attach a copy of the abatement schedule to this form.
   If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also 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.

<table>
<thead>
<tr>
<th>Approved (signature and title of authorized member of designating body)</th>
<th>Telephone number</th>
<th>Date signed (month, day, year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed name of authorized member of designating body</td>
<td>Name of designating body</td>
<td></td>
</tr>
<tr>
<td>Attested by (signature and title of attester)</td>
<td>Printed name of attester</td>
<td></td>
</tr>
</tbody>
</table>

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 5-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
   (1) The total amount of the taxpayer's investment in real and personal property.
   (2) The number of new full-time equivalent jobs created.
   (3) The average wage of the new employees compared to the state minimum wage.
   (4) The infrastructure requirements for the taxpayer's investment.

   (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

   (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.
PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING

Public notice is given that the Kokomo Common Council will, on the 8th day of April, 2019, at 6:00 p.m., in the City Council Chambers, City Hall, 100 South Union, Kokomo, Indiana, hold a public hearing on Resolution 2726, entitled Declaratory Resolution of the Common Council of the City of Kokomo, Indiana, Designating Property as an Economic Revitalization Area and Preliminary Property Tax Abatement Resolution for Real Property Taxes.

Said resolution, previously approved and adopted by the Kokomo Common Council at its regular meeting on March 25, 2019, designates an area within the City of Kokomo, Indiana, as an Economic Revitalization Area pursuant to the provisions of I.C. 6-1.1-12.1-1, et seq. The Public is advised that a copy of Resolution 2726, said resolution also containing a legal description of the area so designated as an Economic Revitalization Area, is on file in the office of the Howard County Assessor and is open for public inspection in that office.

In substance, the content of the resolution provides that the area described in the resolution be designated as an Economic Revitalization Area for the purpose of qualifying for the deduction available for Union at Washington, LP, as provided at I.C. 6-1.1-12.1, el. seq.

The applicant for the designation is Union at Washington, LP. The area described lies within the boundaries of the City of Kokomo, Indiana, and has a common description as follows: 910 1/2 N. Washington, 821-905 N. Buckeye & N. Richmond, Howard County, Kokomo, Indiana. Public notice is hereby given that at said public hearing, the Kokomo Common Council, as designating body, will receive and hear all remonstrances and objections from interested persons. After hearing all evidence presented, the Kokomo Common Council shall, at its regular meeting on said date and at said place, take final action on Resolution 2726 determining whether the qualifications for an Economic Revitalization Area have been met in the area described in said resolution. The Kokomo Common Council shall either confirm, modify and confirm, or rescind Resolution 2726.

Such action of the Kokomo Common Council shall be final, subject to statutory rights of appeal.

Common Council of the City of Kokomo,
Indiana

________________________________
Presiding Officer

ATTEST:

______________________________
City Clerk

Publish: _________________________
TAX ABATEMENT AGREEMENT

THIS TAX ABATEMENT AGREEMENT (“Agreement”) is executed this ____ day of ____________, 2019, by and between UNION AT WASHINGTON, LP, an Indiana limited liability company (“Developer”), and the CITY OF KOKOMO, INDIANA, a municipal corporation (“City”), the Developer and City sometimes being referred to collectively as the “Parties” on the following terms and conditions:

RECITALS:

WHEREAS, Union at Washington LP, an Indiana limited partnership (“Company”), has advised the City of Kokomo, Indiana (“City”) that it seeks to undertake certain real property improvements including the construction of an affordable multi-family housing development (the “Real Estate Improvements”), on approximately 1.48 acres of real property identified as Parcel No. 34-03-25-454-013.000-002, 34-03-25-454-014.000-002, 34-03-25-454-015.000-002, 34-03-25-454-016.000-002, 34-03-25-454-017.000-002, 34-03-25-454-018.000-002, located on Washington and Buckeye Streets within the corporate limits of the City and more specifically described in Exhibit “A” attached herein (“Property”);

WHEREAS, Developer has duly submitted an executed economic revitalization area (“ERA”) application and statement of benefits regarding the proposed Real Estate Improvements;

WHEREAS, the proposed Real Estate Improvements will be located in a priority location for multi-family development, as identified in the City’s previously adopted Near Northside Redevelopment Plan;

WHEREAS, the project proposed for the Property has the potential to be a significant, positive, economic driver in the City by attracting new residents, commerce, and investments to the City;

WHEREAS, the City Council of the City of Kokomo, Indiana (the “City Council”) acting as the fiscal body of the City and acting as the designating body of the City, pursuant to Ind. Code §6-1.1-12.1 seq., wishes to incentivize Developer in its production of residential units for low/moderate income persons and has the authority to grant certain tax abatements for the Property;

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer and City agree as follows:

1. Project Development.

The Developer shall proceed and use its best efforts to complete the Project as identified in this Agreement and the separate Development Agreement between the Parties, including the
construction of no less than fifty (50) affordable three-bedroom units, one (1) affordable studio unit and no fewer than sixty-seven (67) parking spots in conjunction with the Project.

2. **Tax Abatement.**

   Subject to compliance with and to the fullest extent permitted by applicable laws, the City will provide real property tax abatement to Developer for a period of ten (10) years, the estimated result of which is identified on Exhibit B attached hereto and made a part hereof.

3. **Sale or Assignment of Development**

   The Parties agree that the tax abatement provided by the City for the development is being provided subject to Union at Washington, LP maintaining the ownership of the Project during the period of time that the abatement exists. Should Developer assign or sell the Project to another entity during the ten (10) year abatement period, the abatement shall immediately be terminated by the City and Developer shall reimburse to the City any and all tax abatements provided to the development prior to the assignment or sale and the payment of such reimbursement shall occur no later than the date that the sale of the development or assignment of the development is closed by the parties to the sale or assignment. Developer shall notify the City of any such pending assignment or sale to another entity at least thirty (30) days prior to said event.

4. **Further Action.**

   The Parties acknowledge and understand that (a) the Parties may need to take future actions to implement and maintain their respective obligations under this Agreement, and (b) certain of the representations, performance of the covenants, and agreements of the City are subject and contingent upon compliance with and completion of applicable statutory and administrative procedures, including, without limitation, any applicable public notice and public hearing requirements, official actions by governing bodies, and any remonstrance and appeal rights. Subject to compliance with and to the fullest extent permitted by applicable laws, the City covenants that it shall diligently pursue and use its best efforts to do all things lawfully within its power, to take such further actions and to comply with all applicable statutory and administrative procedures at such times and in such manner as to effectuate and implement the provisions and intent of this Agreement to the fullest extent possible in accordance with the time frame set forth herein.

5. **Severability.**

   If any one or more of the covenants or agreements provided in this Agreement on the part of either party should be determined by a court of competent jurisdiction to be contrary to law, such covenants or agreements shall be null and void and shall be deemed separate from the remaining covenants and agreements herein contained and in shall no way effect the validity of the remaining portions of this Agreement.

6. **Application of Property Tax Caps.**
The Parties hereto expressly agree that for purposes of calculating the gross assessed value of the Real Estate Improvements under IC §6-1.1-20.6-7.5, the gross assessed value “after application of all exemptions under IC §6-1.1-10 or any other provision” as determined under IC §6-1.1-20.6-1.6 shall be net of abatement deductions otherwise available to the Real Estate Improvements, which have been approved by the Parties pursuant to IC §6-1.1-12.1-17.

7. **Applicable Law.**

This Agreement and all transactions contemplated hereby shall be governed by and construed in accordance with and enforced under the laws of the State of Indiana, notwithstanding its choice of law rules to the contrary or any other States choice of law rules, and each party hereby agrees and consents to be subject to the exclusive personal and subject matter jurisdiction of the Howard Circuit and Superior Courts, Howard County, Indiana in connection with any dispute under this Agreement.

8. **Amendment.**

Any covenant or agreement contained in this Agreement may be amended only by written instrument executed by the Parties. Any condition precedent to any party’s obligation hereunder may be waived in writing by such party.

9. **No Other Agreements.**

This Agreement and the Exhibit attached hereto contain the entire understanding of the Parties, and this Agreement supersedes all prior agreements and understandings, oral and written, with respect to the subject matter hereof.

10. **Claims or Disputes.**

In the event that either Party defaults in the performance or obligation of any of the terms, conditions or obligations contained in this Agreement, or in the event of litigation or the assertion of any claim by either of the parties in connection with this Agreement or in any way related to any parties performance hereunder, the prevailing party in any such dispute shall be entitled to recover all reasonable attorneys’ fees and costs incurred in connection therewith, including litigation, post-judgment proceedings and appeals. For the purposes of this Agreement, “Prevailing Party” shall mean the party that receives all or substantially all of the relief sought by the party in the litigation.

11. **Notices.**

All notices, certificates, approvals, consents or other communication desired or required to be given under this Agreement shall be in writing and shall be sufficiently given on the day of personal delivery by messenger or courier service, or on the day on which the same shall have been mailed by registered or certified mail or other reliable overnight delivery service, postage and fees prepaid, as follows:
If to the City: City of Kokomo, Indiana  
100 South Union Street  
Kokomo, Indiana 46901  
Attn: Director of Development  

With a copy to: Taft Stettinius & Hollister LLP  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204  
Attn: Cameron G. Starnes  

If to Developer: Union at Washington, LP  
409 Massachusetts Avenue  
Suite 300  
Indianapolis, IN 46204  
Attn: Julie M. Elliott, General Counsel  

12. Participation and Drafting of Agreement.  

Each of the Parties and their respective legal counsel have considered in detail, and participated in, the drafting of every provision of this Agreement.  

13. Authority to Enter Into Agreement.  

The Parties represent and warrant that each have all requisite power and authority to enter into this Agreement, and that each has taken all necessary actions required as a condition precedent to enter into and execute this Agreement.  

[SIGNATURES ON NEXT PAGE]
IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officers as of the ____ day of __________, 2019.

UNION AT WASHINGTON, LP an Indiana limited partnership

By: _______________________________
Printed: __________________________
Title: ______________________________

CITY OF KOKOMO, INDIANA

By: _______________________________
Printed: __________________________
Title: ______________________________
Exhibit A

Property Description

LEGAL DESCRIPTION OF REAL ESTATE

Out Lot number thirty-eight (38), Out Lot number thirty-nine (39) and Out Lot number forty (40) to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder’s Plat Book 1 Page 53;

Lot number seventy-six (76), Lot number seventy-seven (77) AND fifteen (15) feet off the entire north side of Lot number seventy-eight (78) in Mills and Richmond’s (Railroad) Addition to the city of Kokomo, Center Township, Howard County, Indiana; as recorded in Recorder’s Plat Book 1 Page 4;

as particularly shown on survey by E. Robert Martin RLS 12878, certified June 5, 1979 and revised June 8, 1979, recorded June 12, 1979 in Deed Record 243, Page 1601. This deed is subject to all easements and encroachments as shown on survey.

Parcel Numbers: 34-03-25-454-013.000-002 34-03-25-454-014.000-002 34-03-25-454-015.000-002 34-03-25-454-016.000-002 34-03-25-454-017.000-002 34-03-25-454-018.000-002

Parcel Address: 910 1/2 N. Washington, 821-905 N. Buckeye & N. Richmond
Exhibit B

Abatement Schedule

100% = 10 years

Year 1  100% abatement
Year 2  100% abatement
Year 3  100% abatement
Year 4  100% abatement
Year 5  100% abatement
Year 6  100% abatement
Year 7  100% abatement
Year 8  100% abatement
Year 9  100% abatement
Year 10 100% abatement