

**MINUTES OF THE PROCEEDINGS
OF THE
COMMON COUNCIL**

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, APRIL 10, 2025

The City Council met in Regular Session Thursday, April 10, 2025 at 6:00 P.M. in the City Hall Courtroom with Mr. Nation presiding and Michelle L. Edwards in the City Clerk's desk.

**Moment of Silence and Pledge of Allegiance to the Flag by Councilperson Kandace Hinton
Calling Of the Roll**

PRESENT: George Azar, Tammy Boland, James Chalos, Curtis DeBaun IV, Anthony Dinkel, Kandace Hinton, Cheryl Loudermilk, Todd Nation, Amanda Thompson

Public Comment on Items Not on the Agenda

- a. Herb Rukes commented on events the Council should attend on Saturday. He also commented on he is upset with the political parties for not doing more outreach.
- b. Council President Todd Nation commented on the local protests.
- c. Gary Fowler commented on the water quality situation on Heinel Avenue and the hardship to connect to water utility.
- d. Councilperson James Chalos asked Mayor Sakbun if he could comment on Mr. Fowler's comments.
- e. Mayor Brandon Sakbun responded to Mr. Fowler's statements concerning connection to the water utility.
- f. Carrie Draper comment on the water issues in Phoenix Hills.
- g. Councilperson Amanda Thompson commented on the water issues in her neighborhood.
- h. Report from Redevelopment Commission by Jason Semler
- i. Presentation by Terre Haute Wabash Valley Alumnae Chapter of Delta Sigma Theta Sorority

**No Corrections to the Journal of the Preceding Meeting
Communication from the Mayor**

- a. Mayor Brandon Sakbun commented on the City Wide Clean Up on Saturday. He also commented on the efforts of EPD and City Court concerning ordinance violations. He stated demolition of condemned buildings was moving forward as well as housing projects, in hopes to increase new construction.

Reports from City Officials

- a. Jesse Tohill, Public Works Director, commented on increase in bus riderships, future projects and thanked Anne-Therese Ryan for her assistance with reviewing data for these projects. He also commented on a meeting at the library for a safety action plan and that the light sabers were back around I-70. Finally, he stated a grant for \$10,000 was approved for two fountains at our parks.

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

Items Previously Tabled

SPECIAL ORDINANCE 5, 2025 – Rezoning of property located at 500, 502 and 504 Barton <Dinkel>

SPECIAL ORDINANCE 5, 2025, previously tabled on March 6, 2025, was read by digest. Area Plan Commission certified this ordinance to the Council with a Favorable with Conditions Recommendation on April 9, 2025. Motion was made by Councilperson Dinkel and seconded by Councilperson Boland to amend SPECIAL ORDINANCE 5, 2025. Motion carried. Motion was made by Councilperson Dinkel and seconded by Councilperson Boland to amend SPECIAL ORDINANCE 5, 2025 AS AMENDED. Motion carried. Motion was made by Councilperson Dinkel and seconded by Councilperson Boland to amend SPECIAL ORDINANCE 5, 2025 AS AMENDED. Motion carried. Motion was made by Councilperson Dinkel and seconded by Councilperson Boland to pass SPECIAL ORDINANCE 5, 2025 AS AMENDED. Motion carried.

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 5, 2025
AS AMENDED

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as “Comprehensive Zoning Ordinance for Terre Haute Indiana.”

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the “Comprehensive Zoning Ordinance for Terre Haute” and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Beginning at a point Twenty (20) rods East and Six Hundred Eighty-five (685) feet South of the Northwest corner of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-six (26), Township Twelve (12) North, Range Nine (9) West, running thence East Ten (10) rods, thence South One Hundred (100) feet, thence West Ten (10) rods; thence North One Hundred (100) feet to the place of beginning.

Except Twenty-four (24) feet off the West side thereof for a street and except Eight (8) feet off the East side thereof for an alley.

Commonly known as: 500, 502 & 504 Barton Ave., Terre Haute, IN 47803

Parcel No. 84-06-26-131-001.000-002

Parcel No. 84-06-26-131-002.000-002

Parcel No. 84-06-26-131-003.000-002

be and the same is, hereby established as a C-1 Planned Development, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

That the real estate described shall be a Planned Development in a C-1 Planned Development as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and condition set forth herein.

- (a) That the real estate shall be used for a day care center.
- (b) In the event that this Planned Development has not materialized within six (6) months of approval, it is understood that said Planned Development becomes void and the real estate shall revert back to R-2.
- (c) A variance is hereby granted from Section 10-207 e. (1)(A) which states in part :

“...any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50’) width measured at right

angles to the residential property line.”

- (d) All such rights granted herein shall be fully transferable.
- (e) Said Planned Development shall be recorded in the Vigo County Recorder’s Office within ninety (90) days of the approval by the Council.

That the owners have met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the improvements on the real estate, the physical characteristics of the real estate, the real estate is located near district boundary lines, and that a Planned Development as set forth herein is hereby approved and will be in the public’s interest and in the interest of the neighborhood.

SECTION II. WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 10, 1999, being Division III Planned Development; and

WHEREAS, Special Ordinance No. 5, 2025, has been referred to the Area Planning Commission for its review and consideration and a favorable recommendation has been referred by the Commission to the Common Council; and

WHEREAS, a public hearing on Special Ordinance No. 5, 2025, has been held pursuant to Section 10 of said Ordinance and the owner of the real estate described has demonstrated to the Area Planning Commission and to the Common Council evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that said Planned Development will not adversely affect surrounding property values, and that it will not adversely affect public health, safety and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorizes and approves the uses of the real estate described as a C-1 Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest and that substantial justice will be done.

SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, Anthony Dinkel, Councilperson

Passed in open Council this 10th day of April, 2025.

Todd Nation, President

ATTEST: Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 10th day of April, 2025.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 10th day of April, 2025.

Brandon Sakbun, Mayor

ATTEST: Michelle Edwards, City Clerk

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.

Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

No Tax Abatements for Confirmation

No Items on Second Reading

Council President Todd Nation moves Resolutions 5, 6, and 7, 2025 next on the agenda.

ITEMS ON FIRST READING

Resolutions

RESOLUTION 5, 2025 – Approving an Amendment to the Declaratory Resolution for the 2020 Consolidated Economic Development Area and Declaring an Area as an Economic Development Area <Loudermilk>

RESOLUTION 5, 2025 was read by digest. Motion was made by Councilperson Boland and seconded by Councilperson Chalos to pass RESOLUTION 5, 2025. Motion carried.

RESOLUTION 5, 2025

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA APPROVING CERTAIN MATTERS IN RELATION TO AN AMENDMENT TO THE DECLARATORY RESOLUTION FOR THE 2020 CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND DECLARING AN AREA IN THE CITY OF TERRE HAUTE, INDIANA, AS AN ECONOMIC DEVELOPMENT AREA, AND APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA.

WHEREAS, the City of Terre Haute Redevelopment Commission (the “Redevelopment Commission”) previously adopted and amended resolutions (as amended, the “Declaratory Resolution”) establishing and expanding an economic development area known as the “2020 Consolidated Economic Development Area” (the “Area”), designating a portion of the Area as an “allocation area” for purposes of Section 39 of the Act, known as the “2020 Consolidated Allocation Area” and approving an economic development plan for the Area, pursuant to Indiana Code 36-7-14, as amended (the “Act”); and

WHEREAS, the Redevelopment Commission, on December 18, 2024, approved and adopted its Resolution No. 19-2024 (the "Resolution") which further amended the 2020 Consolidated Declaratory Resolution by removing the area described on Exhibit A attached to the Resolution from the 2020 Consolidated Area and the existing 2020 Consolidated Allocation Area (the “2020 Consolidated Amendment”); and

WHEREAS, the Resolution additionally approved (i) designating the area described on Exhibit B attached to the Resolution as an economic development area to be known as the “New Margaret Economic Development Area” (the “New Margaret Area”), (ii) establishing an allocation area pursuant to Section 39 of the Act to be known as the New Margaret Allocation Area (the “New Margaret Allocation Area”) within the New Margaret Area, and (iii) the adoption of an economic development plan described on Exhibit C attached to the Resolution for the New Margaret Area (the “New Margaret Plan”); and

WHEREAS, on January 8, 2025, the Vigo County Area Plan Commission approved and adopted a resolution (the "Approving Order") approving the Resolution and the Amendment, and determining that the Resolution and the Amendment conform to the plan of development for the City of Terre Haute, Indiana (the “City”), and has submitted the Approving Order to the Common Council of the City (the “Council”); and

WHEREAS, pursuant to Section 16(b) of the Act, the Redevelopment Commission has submitted the Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan to this Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Terre Haute, Indiana, as follows:

1. Pursuant to Section 16(b) of the Act, the Council hereby approves in all respects the Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan, and the Approving Order.
2. This Resolution shall be in full force and effect immediately from and after its passage and in accordance with Indiana law.

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 10th day of April, 2025.
Todd Nation, President

ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.
Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 10th day of April, 2025.
Brandon C. Sakbun, Mayor
ATTEST: Michelle L. Edwards, City Clerk

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RESOLUTION NO. 19, 2024

**RESOLUTION OF THE CITY OF TERRE HAUTE REDEVELOPMENT
COMMISSION AMENDING THE 2020 CONSOLIDATED ECONOMIC
DEVELOPMENT AREA AND AN ALLOCATION AREA, DECLARING AN AREA IN
THE CITY OF TERRE HAUTE, INDIANA, AS AN ECONOMIC DEVELOPMENT
AREA, AND APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA**

(New Margaret Economic Development Area)

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Commission"), governing body of the City of Terre Haute Redevelopment District (the "District"), previously adopted and amended resolutions (collectively, the "2020 Consolidated Declaratory Resolution") establishing and expanding an economic development area known as the "2020 Consolidated Economic Development Area" (the "2020 Consolidated Area"), designating certain portions of the 2020 Consolidated Area as an "allocation area" for purposes of Section 39 of the Act (the "2020 Consolidated Allocation Area"), and approving an economic development plan for the 2020 Consolidated Area (as subsequently amended, the "2020 Consolidated Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, the Commission now desires to further amend the 2020 Consolidated Declaratory Resolution, pursuant to Section 15-17.5 of the Act, to remove the area described on Exhibit A attached hereto from the 2020 Consolidated Allocation Area and the 2020 Consolidated Area (the "2020 Consolidated Amendment"); and

WHEREAS, the Commission, pursuant to the Act, has thoroughly studied that area of the City of Terre Haute, Indiana (the "City"), as described on Exhibit B attached hereto and hereby designated as the "New Margaret Economic Development Area" (the "New Margaret Area"); and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, economic development or redevelopment of the New Margaret Area, and the parts of the New Margaret Area that are to be devoted to public ways, sewerage and other public purposes under the Plan (as defined below); and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the economic development projects as set forth in the Plan; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an economic development plan for the New Margaret Area entitled "Economic Development Plan for the New Margaret Economic Development Area" attached hereto as Exhibit C (the "Plan"); and

WHEREAS, the 2020 Consolidated Amendment and the Plan and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, Section 39 of the Act permits the creation of "allocation areas" to provide for

the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, Sections 41 and 43 of the Act permit the creation of “economic development areas” and provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in an area needing redevelopment or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 39, 41, and 43 of the Act to the Plan and financing of the Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Terre Haute Redevelopment Commission, as the governing body of the City of Terre Haute Redevelopment District, as follows:

1. The 2020 Consolidated Amendment and the Plan for the New Margaret Area promotes significant opportunities for the gainful employment of the citizens of the City, will assist in attracting major new business enterprises to the City, may result in the retention or expansion of significant business enterprises existing in the City, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting the public health, safety and welfare, increasing the economic well-being of the City and the State of Indiana (the “State”), and serving to protect and increase property values in the City and the State.

2. The 2020 Consolidated Amendment and the Plan for the New Margaret Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, or other similar conditions, including without limitation the cost of the projects contemplated by the Plan.

3. The public health and welfare will be benefited by accomplishment of the 2020 Consolidated Amendment and the Plan for the New Margaret Area.

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

5. The 2020 Consolidated Amendment and the Plan for the New Margaret Area conforms to other development and redevelopment plans for the City.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. The findings and determinations set forth in the 2020 Consolidated Declaratory Resolution and the 2020 Consolidated Plan are hereby reaffirmed, except as modified hereby.

8. Except as otherwise set forth in the Plan, the Plan does not contemplate the acquisition of property as a part of the economic development strategy, and the Commission does not at this time propose to acquire any specific parcels of land or interests in land within the

boundaries of the New Margaret Area. If the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication, notice to affected property owners and a public hearing.

9. The Commission finds that no residents of the 2020 Consolidated Area or the New Margaret Area will be displaced by any project resulting from the 2020 Consolidated Amendment and the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

10. The 2020 Consolidated Amendment is hereby approved.

11. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting.

12. The New Margaret Area is hereby designated as an “economic development area” under Section 41 of the Act.

13. The entirety of the New Margaret Area is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes on real property for the purposes and in the manner provided by said Section. Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for said allocation area that may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(4) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(5) of the Act.

Said allocation area is hereby designated as the “New Margaret Allocation Area” (the “New Margaret Allocation Area”) and said allocation fund is hereby designated as the “New Margaret Allocation Area Fund” (the “New Margaret Allocation Fund”). The base assessment date for the New Margaret Allocation Area shall be January 1, 2024. This allocation provisions herein relating to the New Margaret Allocation Area shall expire on the later of twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the New Margaret Allocation Area.

14. Based on a study of the New Margaret Area, the specific findings set forth in the Plan, and information provided by prospective developers related thereto, the Commission hereby specifically finds that the adoption of the allocation provisions as provided herein will result in

new property taxes in the New Margaret Area that would not have been generated but for the adoption of the allocation provision.

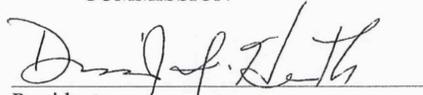
15. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Vigo County Auditor in connection with the creation of the New Margaret Allocation Area.

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

17. This Resolution, together with any supporting data and together with the Plan, shall be submitted to the Vigo County Area Plan Commission (the "Plan Commission") and the Common Council of the City (the "Council"), and if approved by the Plan Commission and the Council shall be submitted to a public hearing and remonstrance as provided in the Act, after public notice all as required by the Act.

Adopted the 18th day of December, 2024.

CITY OF TERRE HAUTE REDEVELOPMENT
COMMISSION



President



Vice President

Secretary



Member



Member

EXHIBIT A

**Description of the area to be removed from the 2020 Consolidated Economic Development
Area and 2020 Consolidated Allocation Area**

PARCEL ID NUMBERS:

84-07-31-300-002.000-009

EXHIBIT B

Description of the New Margaret Economic Development Area and New Margaret Allocation Area

PARCEL ID NUMBERS:

84-06-36-376-001.000-002
84-06-36-400-006.000-002
84-06-36-400-003.000-002
84-06-36-400-004.000-002
84-06-36-400-005.000-002
84-06-36-400-010.000-002
84-06-36-400-009.000-002
84-06-36-400-007.000-002
84-07-31-300-002.000-009
84-09-01-100-017.000-005
84-09-01-100-015.000-005
84-09-01-100-008.000-005
84-09-01-201-002.000-005
84-09-01-201-003.000-005
84-09-01-201-004.000-005
84-09-01-226-002.000-005
84-09-01-226-001.000-005
84-09-01-227-008.000-005
84-09-01-227-001.000-005
84-09-01-227-003.000-005
84-09-01-227-007.000-005
84-09-01-227-005.000-005
84-09-01-227-004.000-005
84-09-01-227-002.000-005
84-09-01-201-009.000-005
84-09-01-201-011.000-005
84-09-01-201-010.000-005
84-09-01-201-001.000-005
84-09-01-201-015.000-005
84-09-01-201-012.000-005
84-09-01-201-013.000-005
84-09-01-201-014.000-005
84-09-01-201-012.000-005

The New Margaret Economic Development Area and Allocation Area shall comprise the area identified in [Color] in the below map:

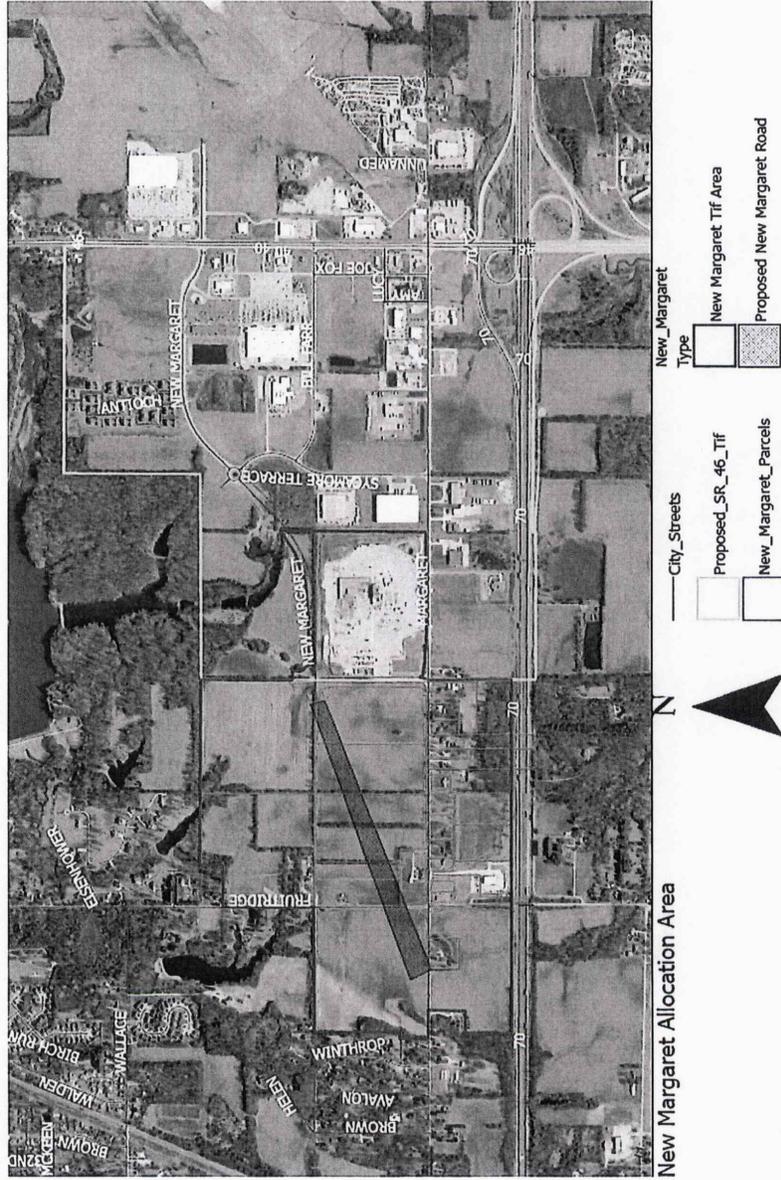


EXHIBIT C

**City of Terre Haute
Redevelopment Commission**

**Economic Development Plan for the
New Margaret Economic Development Area**

Dated: December 18, 2024

PURPOSE AND INTRODUCTION

The City of Terre Haute Redevelopment Commission (the “**Commission**”), the governing body of the Department of Redevelopment and the Redevelopment District (the “**District**”) of City of Terre Haute, Indiana (the “**City**”), proposes to designate and declare an economic development area within the City to be known as the “New Margaret Economic Development Area” (the “**Area**”) and proposes to designate the entire Area as an allocation area to be known as the “New Margaret Allocation Area” (the “**Allocation Area**”). This document is the plan for the Area (the “**Plan**”), provided that this Plan may be amended in the future as provided in Indiana Code 36-7-14, as amended from time to time (the “**Act**”) and in this Plan.

Pursuant to Sections 15 and 16 of the Act, the Plan must be approved by the Commission, the Vigo County Area Plan Commission and the Common Council of the City. Upon such approvals, the Commission will hold a public hearing on the Plan as required under Section 17 of the Act, before confirming (or modifying and confirming) the designation of the Area and the approval of the Plan.

PROJECT OBJECTIVES

This Area has lacked the necessary infrastructure and means to provide the infrastructure necessary in order to attract the private investment needed to spur commercial development within the Area. The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the City; increase the economic well-being of the City and the State of Indiana; and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to (i) promote significant opportunities for the gainful employment of citizens of the City, (ii) assist in the attraction of major new business enterprises to the City, (iii) retain and expand significant business enterprises existing in the City, (iv) provide for local public improvements in the Area, (v) retain and attract permanent jobs, (vi) increase the property tax base, and (vii) improve the diversity of the economic base of the City.

DESCRIPTION OF AREA

A map identifying the parcels comprising the Area is attached to this Plan as Exhibit A hereto.

DESCRIPTION OF PROJECTS

The Commission is establishing the Area in order to provide for infrastructure improvements to cause the development of the Area for commercial uses including, but not limited to, the extension of New Margaret Street. In order to accomplish the Plan, the Commission currently estimates that it will proceed to carry out the design, acquisition, construction, installation, equipping and improvement projects in, serving or benefitting the Area which are necessary to facilitate the orderly development in the Area, including without limitation, (1) transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, bridge improvements, sidewalk and multiuse pathway improvements, street lighting, traffic signals, and site improvements including landscape buffers; (2) utility infrastructure projects including, without limitation, utility relocation, water lines, water wells, water towers, waste water lines, storm water lines, retention ponds, ditches, and storm water basin improvements; and (3) public park improvements and recreational equipment, all of which may be paid for using tax increment revenues from the Allocation Areas or other sources of funds available to the Commission. Although the precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Area.

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

The acquisition or construction of projects to enhance cultural attractiveness.

The acquisition or construction of projects to enhance public safety.

Tax increment revenues from the Allocation Area that are allocated for police and fire services may be used to finance the cost of police or fire services located in or directly serving or benefiting the Area, including the financing of capital expenditures and/or operating expenses of such police or fire services.

The construction and development of a shell building.

All other projects and purposes permitted by law (collectively, the “**Projects**”).

ESTIMATED COSTS OF THE PROJECTS

Because the Commission does not intend to acquire any interests in real property for the Project at this time, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the Projects. The

estimated cost of the Projects is approximately \$15,000,000 to \$20,000,000. The Commission anticipates paying for such Projects with tax increment revenues derived from the Allocation Area or from bonds or leases of the District payable from such tax increment revenues.

ACQUISITION OF PROPERTY

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire any interests in real property in the future, it shall follow procedures set forth in Section 19 of the Act. The Commission may not exercise the power of eminent domain.

DISPOSAL OF PROPERTY

The Redevelopment Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 22 of the Act.

STATUTORY FINDINGS OF FACT

A. The Plan for the Area addresses the statutory requirements under Section 41(b) of the Act, as evidenced by the following findings of fact:

The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the City, attracts new business enterprise to the City, retains or expands a business enterprise existing in the City, or meets other purposes of Sections 2.5, 41 and 43 of the Act.

The Plan will improve the City's infrastructure and will create an important new corridor for both travel and commerce which will foster additional economic development in and serving the Area. The improvement and construction of additional infrastructure in the Area will allow for further development of the Area drawing new business enterprises to this area of the City. These new business enterprises will provide opportunities for employment for the citizens of the City.

The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

The Commission's contribution of the Projects will pave the way for future growth and development in and serving the Area. This Area has experienced the recent construction of a new casino hotel and resort facility but due to a lack of local public improvements the area surrounding this facility has not yet developed. The completion of the Projects will allow new business enterprises to locate in the Area.

The public health and welfare will be benefited by accomplishment of the Plan for the Area.

By creating new opportunities for employment, implementation of the Plan will benefit the public health and welfare for the citizens of the City. Additionally, new or expanded industry and other development will contribute to the overall health of the City by increasing and the diversifying the tax base. The development of new and additional infrastructure in the Area further aids in the public health and welfare of the City.

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

The Projects contemplated by the Plan will be of public utility and benefit by putting in place infrastructure and/or other incentives to support future development, thereby retaining or creating new jobs, maintaining the property tax base and allowing for further economic development and improved diversity of the economic base of the City.

The Plan for the Area conforms to other development and redevelopment plans for the City, if any.

The Plan conforms with the intended plan of development for the area as prescribed by the Vigo County Area Plan Commission. The Plan does not provide for any change in use of the property in the Area, but rather better utilization of the Area for the purposes currently contemplated by the intended plan of development for the City.

B. The Plan for the Area addresses the statutory requirements under Section 39(b) of the Act, as follows:

The adoption of the allocation provisions for the Allocation Area will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision. After discussing the development of the Area with various stakeholders, the Commission finds that the ability to maintain and attract new business by providing high quality housing would not occur but for the availability of tax increment revenues to finance the Projects as contemplated by this Plan.

AMENDMENT OF THE PLAN

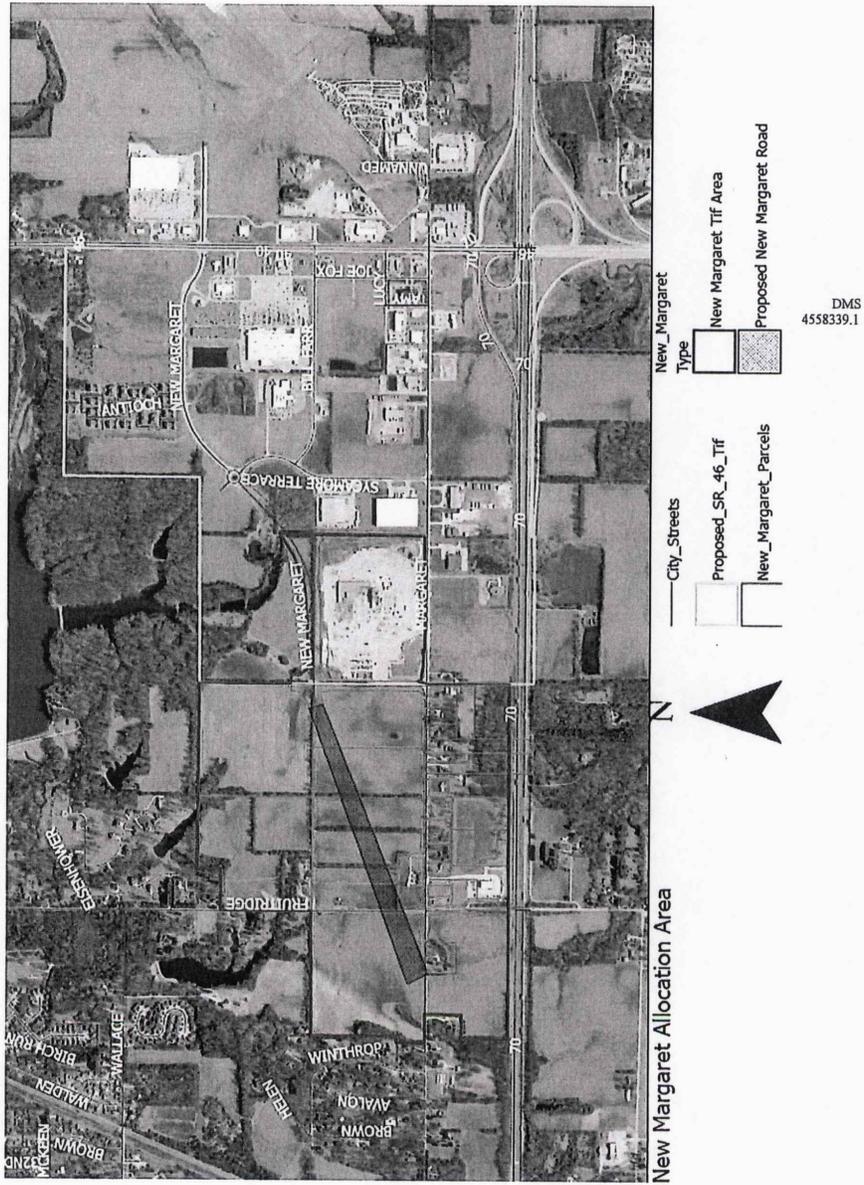
This Plan may be amended by following the procedures described in Sections 15 through 17.5 of the Act.

EXHIBIT A
Description of the New Margaret Economic Development Area and New Margaret Allocation Area

PARCEL ID NUMBERS:

84-06-36-376-001.000-002
84-06-36-400-006.000-002
84-06-36-400-003.000-002
84-06-36-400-004.000-002
84-06-36-400-005.000-002
84-06-36-400-010.000-002
84-06-36-400-009.000-002
84-06-36-400-007.000-002
84-07-31-300-002.000-009
84-09-01-100-017.000-005
84-09-01-100-015.000-005
84-09-01-100-008.000-005
84-09-01-201-002.000-005
84-09-01-201-003.000-005
84-09-01-201-004.000-005
84-09-01-226-002.000-005
84-09-01-226-001.000-005
84-09-01-227-008.000-005
84-09-01-227-001.000-005
84-09-01-227-003.000-005
84-09-01-227-007.000-005
84-09-01-227-005.000-005
84-09-01-227-004.000-005
84-09-01-227-002.000-005
84-09-01-201-009.000-005
84-09-01-201-011.000-005
84-09-01-201-010.000-005
84-09-01-201-001.000-005
84-09-01-201-015.000-005
84-09-01-201-012.000-005
84-09-01-201-013.000-005
84-09-01-201-014.000-005
84-09-01-201-012.000-005

The New Margaret Economic Development Area and Allocation Area shall comprise the area identified in [Color] in the below map:



RESOLUTION NO. 20

RESOLUTION OF THE VIGO COUNTY AREA PLAN COMMISSION APPROVING AN AMENDMENT TO THE DECLARATORY RESOLUTION FOR THE 2020 CONSOLIDATED ECONOMIC DEVELOPMENT AREA WITHIN THE CITY OF TERRE HAUTE, INDIANA AND DECLARING AN AREA IN THE CITY OF TERRE HAUTE, INDIANA, AS AN ECONOMIC DEVELOPMENT AREA, AND APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA

WHEREAS, the Vigo County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Vigo County, Indiana (the "County") including the City of Terre Haute, Indiana (the "City"); and

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Redevelopment Commission") previously adopted a resolution (the "2020 Consolidated Declaratory Resolution") establishing an economic development area known as the "2020 Consolidated Economic Development Area" (the "2020 Consolidated Area") and approving an economic development plan for the Area (the "2020 Consolidated Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, on December 18, 2024, the Redevelopment Commission approved and adopted its Resolution No. 19-2024 (the "Resolution") which further amended the 2020 Consolidated Declaratory Resolution by removing the area described on Exhibit A attached to the Resolution from the 2020 Consolidated Area and the existing 2020 Consolidated Allocation Area (the "2020 Consolidated Amendment"); and

WHEREAS, the Resolution additionally approved (i) designating the area described on Exhibit B attached to the Resolution as an economic development area to be known as the "New Margaret Economic Development Area" (the "New Margaret Area"), (ii) establishing an allocation area pursuant to Section 39 of the Act to be known as the New Margaret Allocation Area (the "New Margaret Allocation Area") within the New Margaret Area, and (iii) the adoption of an economic development plan described on Exhibit C attached to the Resolution for the New Margaret Area (the "New Margaret Plan"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan to this Plan Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE VIGO COUNTY AREA PLAN COMMISSION, as follows:

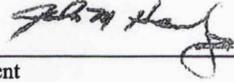
1. The Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan conform to the plan of development for the County and City.

2. This Plan Commission hereby approves the Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan. This resolution hereby constitutes the written order of the Plan Commission approving the Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan pursuant to I.C. § 36-7-14-16.

3. The Secretary of this Plan Commission is hereby directed to file a copy of the Resolution, the 2020 Consolidated Amendment, and the New Margaret Plan with the minutes of this meeting.

SO RESOLVED BY THE VIGO COUNTY AREA PLAN COMMISSION this 8th day of
January, 2024.

VIGO COUNTY AREA PLAN
COMMISSION



President

ATTEST:



Secretary

RESOLUTION 6, 2025 – Approving an Amendment to the Declaratory Resolution and Economic Development Plan for the 2020 Consolidated Economic Area and to the Declaratory Resolution and Economic Development Plan for the New Margaret Economic Development Area <Loudermilk>

RESOLUTION 6, 2025 was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Chalos to pass RESOLUTION 6, 2025. Motion carried.

RESOLUTION 6, 2025

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA APPROVING AN AMENDMENT TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE 2020 CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE NEW MARGARET ECONOMIC DEVELOPMENT AREA.

WHEREAS, the City of Terre Haute Redevelopment Commission (the “Redevelopment Commission”) previously adopted and amended resolutions (as amended, the “Declaratory Resolution”) establishing and expanding an economic development area known as the “2020 Consolidated Economic Development Area” (the “Area”), designating a portion of the Area as an “allocation area” for purposes of Section 39 of the Act, known as the “2020 Consolidated Allocation Area” and approving an economic development plan for the Area, pursuant to Indiana Code 36-7-14, as amended (the “Act”); and

WHEREAS, the Redevelopment Commission previously adopted a resolution (the “New Margaret Declaratory Resolution”) establishing an economic development area known as the “New Margaret Economic Development Area” (the “New Margaret Area”) and approving an economic development plan for the New Margaret Area (the “New Margaret Plan”), pursuant to the Act; and

WHEREAS, the Redevelopment Commission, on December 18, 2024, approved and adopted its Resolution No. 20-2024 (the "Resolution") (i) further amended the 2020 Consolidated Declaratory Resolution and the New Margaret Declaratory Resolution by consolidating each of the 2020 Consolidated Area and the New Margaret Area into a single economic development area to be known as the “2020 Consolidated Economic Development Area” (the “New Consolidated Area”) and (ii) further amended the 2020 Consolidated Plan and the New Margaret Plan (collectively, the “Original Plans”) to combine the Original Plans into an economic development plan for the New Consolidated Area (collectively, the “Amendments”); and

WHEREAS, on January 8, 2025, the Vigo County Area Plan Commission approved and adopted a resolution (the "Approving Order") approving the Resolution and the Amendments, and determining that the Resolution and the Amendments conform to the plan of development for the City of Terre Haute, Indiana (the “City”), and has submitted the Approving Order to the Common Council of the City (the “Council”); and

WHEREAS, pursuant to Section 16(b) of the Act, the Redevelopment Commission has submitted the Resolution, the Amendments to this Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Terre Haute, Indiana, as follows:

3. Pursuant to Section 16(b) of the Act, the Council hereby approves in all respects the Resolution, the Amendments, and the Approving Order.

4. This Resolution shall be in full force and effect immediately from and after its passage and in accordance with Indiana law.

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 10th day of April, 2025.
Todd Nation, President
ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 10th day of April, 2025.
Brandon C. Sakbun, Mayor
ATTEST: Michelle L. Edwards, City Clerk

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RESOLUTION NO. 20, 2024

RESOLUTION OF THE CITY OF TERRE HAUTE REDEVELOPMENT COMMISSION AMENDING THE DECLARATORY RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN FOR EACH OF THE 2020 CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND THE NEW MARGARET ECONOMIC DEVELOPMENT AREA, CONSOLIDATING CERTAIN ECONOMIC DEVELOPMENT AREAS, ADOPTING AN AMENDED AND RESTATED ECONOMIC DEVELOPMENT PLAN FOR THE RESULTING CONSOLIDATED ECONOMIC DEVELOPMENT AREA, AND APPROVING CERTAIN RELATED MATTERS

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Commission") pursuant to IC 36-7-14, as amended (the "Act") serves as the governing body of the City of Terre Haute Redevelopment Department; and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the "2020 Consolidated EDA Declaratory Resolution") which established an economic development area known as the 2024 Consolidated Economic Development Area (the "2020 Consolidated Economic Development Area"), designated certain portions thereof as allocation areas pursuant to Section 39 of the Act, and approved an economic development plan for the 2020 Consolidated Economic Development Area (the "2020 Consolidated Plan") pursuant to the Act; and

WHEREAS, the Commission has previously adopted and reasonably expects to confirm resolutions (collectively, the "New Margaret EDA Declaratory Resolution") which established an economic development area known as the New Margaret Economic Development Area (the "New Margaret Economic Development Area"), designated certain portions thereof as an allocation area pursuant to Section 39 of the Act, and approved an economic development plan for the New Margaret Economic Development Area (the "New Margaret Plan") pursuant to the Act; and

WHEREAS, the Commission now desires to consolidate each of the 2020 Consolidated Economic Development Area and the New Margaret Economic Development Area into a single economic development area (the "Consolidation").

WHEREAS, The economic development area resulting from the Consolidation, shall be designated as the "2020 Consolidated Economic Development Area" (the, "New Consolidated Economic Development Area"); and

WHEREAS, the Commission now desires to amend each of (i) the 2020 Consolidated EDA Declaratory Resolution and 2020 Consolidated Plan and (ii) the New Margaret EDA Declaratory Resolution and New Margaret Plan to (a) incorporate the Consolidation and (b) to adopt a New Consolidated Plan (the "New Consolidated Plan") which New Consolidated Plan combines the 2020 Consolidated Plan and the New Margaret Plan (collectively, the "Amendments"); and

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

WHEREAS, this Commission deems it advisable to apply the provisions of Sections 15-17.5 of the Act to the Amendments; and

WHEREAS, the Commission now desires to approve the Amendments;

NOW, THEREFORE, BE IT RESOLVED by the City of Terre Haute Redevelopment Commission, governing body of the City of Terre Haute Department of Redevelopment, as follows:

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

2. The New Consolidated Plan for the New Consolidated Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, or other similar conditions.

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

4. It will be of public utility and benefit to amend each of 2020 Consolidated EDA Declaratory Resolution and the New Margaret EDA Declaratory Resolution (collectively, the "Declaratory Resolutions") and each of the 2020 Consolidated Plan and the New Margaret Plan (collectively, the "Prior Plans"), as provided in the Amendments and to continue to develop the New Consolidated Economic Development Area under the Act.

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

6. The Declaratory Resolutions and the Prior Plans, as amended by this Resolution and the Amendments, conform to the comprehensive plan of development for the City.

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

8. The findings and determinations set forth in the Declaratory Resolutions and the Prior Plans are hereby reaffirmed, as supplemented and amended hereby.

9. The New Consolidated Plan, which consolidates the Prior Plans in their entireties, is hereby designated as the economic development plan for the New Consolidated Economic Development Area.

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

11. All allocation areas located within each of the former 2020 Consolidated Economic Development Area and the former New Margaret Economic Development Area and all parcels within such allocation areas shall maintain their same pre-existing base assessment dates.

12. The Amendments are hereby in all respects approved.

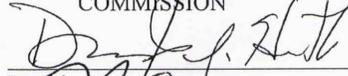
13. This Resolution, together with any supporting data, shall be submitted to the City of Vigo County Area Plan Commission (the "Plan Commission") and the Board of Commissioners of City of Terre Haute, Indiana (the "Board of Commissioners") as provided in the Act, and if approved by the Plan Commission and the Board of Commissioners, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

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

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

Adopted the 18th day of December, 2024.

CITY OF TERRE HAUTE REDEVELOPMENT
COMMISSION

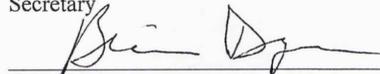


President

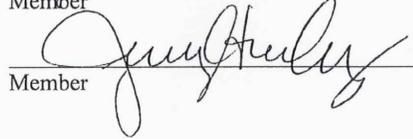


Vice President

Secretary



Member



Member

RESOLUTION NO. 19

RESOLUTION OF THE VIGO COUNTY AREA PLAN COMMISSION APPROVING AN AMENDMENT TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE 2020 CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE NEW MARGARET ECONOMIC DEVELOPMENT AREA

WHEREAS, the Vigo County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Vigo County, Indiana (the "County") including the City of Terre Haute, Indiana (the "City"); and

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Redevelopment Commission") previously adopted and amended resolutions (as amended, the "2020 Consolidated Declaratory Resolution") establishing and amending an economic development area known as the "2020 Consolidated Economic Development Area" (the "2020 Consolidated Area") and approving an economic development plan for the 2020 Consolidated Area (the "2020 Consolidated Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, the Redevelopment Commission previously adopted a resolution (the "New Margaret Declaratory Resolution") establishing an economic development area known as the "New Margaret Economic Development Area" (the "New Margaret Area") and approving an economic development plan for the New Margaret Area (the "New Margaret Plan"), pursuant to the Act; and

WHEREAS, on December 18, 2024, the Redevelopment Commission approved and adopted its Resolution No. 20-2024 (the "Resolution") which (i) further amended the 2020 Consolidated Declaratory Resolution and the New Margaret Declaratory Resolution by consolidating each of the 2020 Consolidated Area and the New Margaret Area into a single economic development area to be known as the "2020 Consolidated Economic Development Area" (the "New Consolidated Area") and (ii) further amended the 2020 Consolidated Plan and the New Margaret Plan (collectively, the "Original Plans") to combine the Original Plans into an economic development plan for the New Consolidated Area (collectively, the "Amendments"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Amendments to this Plan Commission.

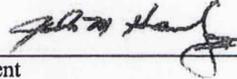
NOW, THEREFORE, BE IT RESOLVED BY THE VIGO COUNTY AREA PLAN COMMISSION, as follows:

1. The Resolution and the Amendments conform to the plan of development for the County and the City.
2. This Plan Commission hereby approves the Resolution and the Amendments. This resolution hereby constitutes the written order of the Plan Commission approving the Resolution and the Amendments pursuant to I.C. § 36-7-14-16.

3. The Secretary of this Plan Commission is hereby directed to file a copy of the Resolution and the Amendments with the minutes of this meeting.

SO RESOLVED BY THE VIGO COUNTY AREA PLAN COMMISSION this 8th day of
January, 2024.

VIGO COUNTY AREA PLAN
COMMISSION



President

ATTEST


Secretary

RESOLUTION 7, 2025 – Approving a Lease Between the City of Terre Haute Redevelopment Authority and the City of Terre Haute Redevelopment Commission <Loudermilk>

RESOLUTION 7, 2025 was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Dinkel to pass RESOLUTION 7, 2025. Motion carried.

RESOLUTION 7, 2025

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA, APPROVING A LEASE BETWEEN THE CITY OF TERRE HAUTE REDEVELOPMENT AUTHORITY AND THE CITY OF TERRE HAUTE REDEVELOPMENT COMMISSION, AND ADDRESSING OTHER MATTERS RELATED THERETO.

(NEW MARGARET STREET PROJECT)

WHEREAS, the City of Terre Haute Redevelopment Commission (the “Commission”) has previously adopted, or is expected to adopt, a resolution approving a proposed Lease Agreement in the form presented at this meeting (the “Lease”) for the purpose of paying the principal and interest on one or more series of lease rental revenue bonds to be issued by the City of Terre Haute Redevelopment Authority (the “Authority”) pursuant to Indiana Code 36-7-14.5 (the “Bonds”), to provide funds for the purposes of financing the acquisition by the Authority from the City of all or any portion of the Leased Premises described in the form of Lease attached hereto as Exhibit A, and the use by the City of Terre Haute, Indiana (the “City”) of the proceeds of such sale to finance or reimburse the costs of the acquisition, design, construction, renovation, improvement and/or equipping of (i) an extension of New Margaret Drive from Sycamore Terrace Street to Margaret Avenue, (ii) repaving and other improvements to each of College Avenue and Hunt Road, (iii) and any related improvements, and (iv) the payment of incidental expenses related thereto (the “Project”); and

WHEREAS, pursuant to Indiana Code § 36-7-14.5-14 and Indiana Code § 36-7-14-25.2, the Commission is expected to adopt a resolution finding that the lease rental payments to be paid by the Commission to the Authority pursuant to the Lease are fair and reasonable, and that the terms of the Lease are based upon the value of the Leased Premises (as defined in the form of Lease) and the use of the Leased Premises and the Project throughout the term of the Lease will serve the public purpose of the City and is in the best interests of its residents; and

WHEREAS, the Common Council desires to approve the Lease pursuant to Indiana Code § 36-7-14-25.2, which provides that any lease approved by a resolution of the Commission must be approved by an ordinance or resolution of the fiscal body of the unit; and

WHEREAS, the City expects to incur or has incurred preliminary costs and expenses in connection with the Project; and

WHEREAS, the City expects such preliminary costs and expenses relating to the Project to be reimbursed from the proceeds of the Bonds; and

WHEREAS, certain preliminary expenses related to the Project have been or will be incurred by the City, or on its behalf, prior to the issuance and delivery of the Bonds; and

WHEREAS, the Common Council of the City (the “Council”) desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of the Bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the United States Treasury Regulations promulgated by the Internal Revenue Service (the “Treasury Regulations”).

NOW, THEREFORE, be it resolved by the Common Council of the City of Terre Haute, Indiana, as follows:

1. Approval of Lease and Bonds. The Common Council hereby approves the issuance of the Bonds, in one or more series, by the Authority pursuant to Indiana Code § 36-7-14.5-19, the execution and delivery of the Lease substantially in the form of Exhibit A hereto pursuant to Indiana Code § 36-7-14-25.2, including the levy by

the Commission of a special benefits tax pursuant to Indiana Code § 36-7-14-27 during the term of the Lease to provide necessary funds from which to pay the Lease Rentals under the Lease. The term of the Lease shall not extend beyond twenty (20) years, commencing from the date of issuance of the Bonds. The maximum annual rentals under the Lease shall not exceed \$2,000,000. The maximum interest rate on the Bonds to be issued by the Authority, which Bonds are hereby approved to be issued in a maximum principal amount not to exceed \$22,000,000, shall not exceed 8.00% per annum. The Common Council hereby approves, pursuant to Indiana Code § 36-7-14.5-21, the trust indenture, to be entered into between the Authority and a trustee to be selected by the Controller of the City (the “Controller”), substantially in the form approved by the Authority with such changes and modifications as the President or any other officer of the Authority deems necessary or appropriate to effectuate these resolutions and to consummate the sale of the Bonds, said officer’s execution and attestation thereof to be conclusive evidence of their approval of such changes (the “Indenture”). The Bonds may be subject to optional redemption prior to maturity, on such dates and with such redemption terms as determined at the time of the sale of the Bonds and approved by the Authority in the purchase agreement for the Bonds, all upon the advice of the municipal advisor to the Commission and the Authority. The Bonds may include a provision for the payment of capitalized interest not to exceed three (3) years, as the Authority shall determine prior to the issuance of such Bonds.

2. Approval of Bond Anticipation Notes. Pending the issuance of the Bonds, the Common Council hereby approves the issuance of bond anticipation notes of the Authority (the “BANs”) in a maximum aggregate principal amount not to exceed \$22,000,000. The BANs shall mature not more than five (5) years from the date of issuance; may be prepayable on terms and conditions determined by the President of the Authority at the time of the sale of the BANs; shall bear interest at a rate not exceeding 8.00% per annum, payable upon maturity or redemption of the BANs and shall be sold at a discount not exceeding 2.00% of the principal amount thereof. Pursuant to Indiana Code 5-1-14-5, it shall not be necessary for the Authority to repeat the procedures for the issuance of the Bonds, as the procedures followed before the issuance of the BANs are for all purposes sufficient to authorize the issuance of the Bonds and to use proceeds thereof to repay the principal of and interest on the BANs.

3. Approval of Pledge of Special Benefits Tax by Commission. Although the Commission reasonably expects to use (but will not formally pledge) tax increment revenues to pay the Lease Rentals under the Lease, the Common Council hereby authorizes the Commission, during the term of the Lease, to levy a special benefits tax to provide for the payment of the Lease Rentals.

4. Declaration of Intent to Reimburse Costs. The Common Council hereby declares that it reasonably expects to reimburse with the proceeds of the Bonds expenditures for the Project made by or on behalf of the City prior to the issuance of the Bonds, which expenditures are expected to be paid initially from other legally available funds of the City or its Redevelopment Commission and it further declares that this Resolution is being adopted for purposes of evidencing compliance with Indiana Code § 5-1-14-6 and Section 1.150-2 of the Treasury Regulations.

5. Authorization of Other Actions. Each of the Mayor of the City (the “Mayor”) and the Controller, individually, is hereby authorized and directed, for and on behalf of the City, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Resolution, such determination to be conclusively evidenced by such person’s execution of such contract, agreement, certificate, instrument or other document or such person’s taking of such action. In addition, the Mayor is hereby authorized to transfer, convey and assign to the Authority, pursuant to Indiana Code § 36-1-11-8, as amended, all interests or rights of the City to the real property subject to the Lease as may be necessary to finance and/or refinance the Project, and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as he determines to be necessary or appropriate to accomplish such transfer, conveyance and assignment.

6. Effective Date. This Resolution shall be in full force and effect from and after its passage by the Common Council as required by law.

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 10th day of April, 2025.

Todd Nation, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 10th day of April, 2025.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

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EXHIBIT A

[attached]

LEASE AGREEMENT

between

CITY OF TERRE HAUTE REDEVELOPMENT AUTHORITY

LESSOR

and

CITY OF TERRE HAUTE REDEVELOPMENT COMMISSION

LESSEE

Dated as of _____, 2025

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and dated as of this ____ day of _____, 2025, by and between the CITY OF TERRE HAUTE REDEVELOPMENT AUTHORITY (the "Lessor"), a separate body corporate and politic organized and existing under Indiana Code 36-7-14.5 as an instrumentality of the City of Terre Haute, Indiana (the "City"), and the CITY OF TERRE HAUTE REDEVELOPMENT COMMISSION (the "Lessee"), the governing body of the City of Terre Haute Department of Redevelopment acting for and on behalf of the City.

WITNESSETH:

WHEREAS, the City has created the Lessor under and in pursuance of the provisions of Indiana Code 36-7-14, Indiana Code 36-7-14.5 and Indiana Code 36-7-25 (collectively, the "Act"), for the purpose of financing, constructing, acquiring and leasing to the Lessee certain local public improvements and redevelopment projects;

WHEREAS, the City has created the Lessee to undertake redevelopment and economic development in the City in accordance with the Act;

WHEREAS, the Lessee has previously adopted and amended resolutions designating a certain area of the City known as the "2020 Consolidated Economic Development Area" (the "Economic Development Area") as an economic development area under Section 41 of the Act and approving an economic development plan for the Economic Development Area;

WHEREAS, to foster economic development in the City, the Lessor and the Lessee desire to provide for the acquisition of certain roads and streets in the City as set forth on Exhibit A hereto (the "Authority Project") and the acquisition, design, construction and improvement of (i) an extension of New Margaret Drive from Sycamore Terrace Street to Margaret Avenue, (ii) repaving and other improvements to each of College Avenue and Hunt Road, (iii) any related improvements, and (iv) the payment of incidental expenses related thereto (the "Project"), which are located in the City and which directly serve or benefit the Economic Development Area;

WHEREAS, the Act authorizes the Lessor to issue bonds for the purpose of obtaining money to pay the cost of acquiring property or constructing, improving, reconstructing or renovating public improvements;

WHEREAS, the costs of the acquisition of the Authority Project will be paid from proceeds of bonds, to be issued by the Lessor in one or more series (the "Bonds");

WHEREAS, the annual rentals to be paid under this Lease by the Lessee will be pledged by the Lessor to pay debt service on and other necessary incidental expenses of the Lessor relating to the Bonds to be issued by the Lessor to finance the Lessor's acquisition of the Authority Project from the City;

WHEREAS, the Lessor has acquired or will acquire the Authority Project (the real estate on which the Authority Project is located (the "Real Estate") and the Authority Project on the Real Estate, collectively, the "Leased Premises");

WHEREAS, the total cost of the Project to the City of Terre Haute Redevelopment District, including, but not limited to, costs of acquisition, construction, improvements, architects' and engineers' fees, consultants' services, legal and financing expenses, certain expenses of operation of the Lessor during construction, interest during construction, debt service reserves and repayment of any funds advanced by the City or Lessee to meet preliminary expenses necessary to be paid prior to the issuance of the Bonds by, is estimated to be not greater than Twenty-Two Million Dollars (\$22,000,000);

WHEREAS, the Lessee has determined, after a public hearing held pursuant to the Act after notice given pursuant to Indiana Code 5-3-1, that the lease rentals provided for in this Lease are fair and reasonable, that the execution of this Lease is necessary, and that the service provided by the Authority Project and the Project will serve the public purpose of the City and is in the best interests of its residents, and the Common Council of the City has by resolution approved this Lease, and the resolution has been entered in the official records of the Common Council; and

WHEREAS, the Lessor has determined that the lease rentals provided for in this Lease are fair and reasonable, that the execution of this Lease is necessary, and that the service provided by the Authority Project and the Project will serve the public purpose of the City and is in the best interests of its residents, and the Lessor has duly authorized the execution of this Lease by resolution, and the resolution has been entered in the official records of the Lessor;

THIS AGREEMENT WITNESSETH THAT:

1. Premises, Term and Warranty. The Lessor does hereby lease, demise and let to Lessee all of the Lessor's right, title and interests in and to the Leased Premises.

TO HAVE AND TO HOLD the Leased Premises with all rights, privileges, easements and appurtenances thereunto belonging, unto the Lessee, beginning on the date the Lessee makes its first lease rental payment hereunder and ending on a date not than later twenty (20) years thereafter. However, the term of this Lease will terminate at the earlier of (a) the exercise by the Lessee of the option to purchase the Leased Premises pursuant to Section 11 and the payment of the option price, or (b) the payment or defeasance of all bonds issued (i) to finance the cost of the Leased Premises, (ii) to refund all or a portion of such bonds, (iii) to refund all or a portion of such refunding bonds, or (iv) to improve the Leased Premises; provided, that no bonds or other obligations of the Lessor issued to finance the Leased Premises remain outstanding at the time of such payment or defeasance. The Lessor hereby represents that it is possessed of, or will acquire, the Leased Premises, and the Lessor warrants and will defend the Leased Premises against all claims whatsoever not suffered or caused by the acts or omissions of the Lessee or its assigns.

Notwithstanding the foregoing, the Leased Premises, as described in Exhibit A, may be amended to add additional property to the Leased Premises or remove any portion of the Leased Premises; provided, however, that following such amendment, the rental payable under this Lease shall be based on the value of the portion of the Leased Premises which is available for use, and the rental payments due under this Lease shall be in amounts sufficient to pay when due all principal of and interest on all outstanding Bonds.

In the event that all or a portion of the Leased Premises shall be unavailable for use by the Lessee, subject to the completion of any process required by law, the Lessor and the Lessee shall amend the Lease to add to and/or replace a portion of the Leased Premises to the extent necessary

to provide for available Leased Premises with a value supporting rental payments under the Lease sufficient to pay when due all principal of and interest on outstanding Bonds.

2. Lease Rental. (a) Fixed Rental Payments. The Lessee agrees to pay rental for the Leased Premises at a rate per year during the term of the Lease not to exceed Two Million Dollars (\$2,000,000), payable in semiannual installments. Each such semiannual installment, payable as hereinafter described, shall be based on the value of the Real Estate together with that portion of the Authority Project which is complete and ready for use by the Lessee at the time such semiannual installment is made. The first rental installment shall be due on the date set forth as endorsed in an addendum to this Lease by the parties as soon as the same can be done after the sale of the Bonds, in the form of Exhibit B attached hereto. Thereafter, such rental shall be payable in advance in semiannual installments on January 15 and July 15 of each year. The last semiannual rental payment due before the expiration of this Lease shall be adjusted to provide for rental at the yearly rate so specified from the date such installment is due to the date of the expiration of this Lease.

After the sale of the Bonds, the annual rental shall be reduced to an amount sufficient to pay principal and interest due in each twelve (12) month period commencing each year on July 15, rounded up to the next One Thousand Dollars (\$1,000), plus Five Thousand Dollars (\$5,000) each year, payable in advance in semiannual installments. In addition, each such reduced semiannual installment shall be based on the value of the Real Estate together with that portion of the Authority Project which is complete and ready for use by the Lessee at the time such semiannual installment is made.

(b) Additional Rental Payments. (i) The Lessee shall pay as further rental in addition to the rentals paid under Section 2(a) for the Leased Premises ("Additional Rentals") the amount of all taxes and assessments levied against or on account of the Leased Premises or the receipt of lease rental payments and the amount required to reimburse the Lessor for any insurance payments made by it under Section 6. The Lessee shall pay as additional rental all administrative expenses of the Lessor, including ongoing trustee fees, relating to the Bonds. Any and all such payments shall be made and satisfactory evidence of such payments in the form of receipts shall be furnished to the Lessor by the Lessee, at least three (3) days before the last day upon which such payments must be paid to avoid delinquency. If the Lessee shall in good faith desire to contest the validity of any such tax or assessment, the Lessee shall so notify the Lessor and shall furnish bond with surety to the approval of the Lessor conditioned for the payment of the charges so desired to be contested and all damages or loss resulting to the Lessor from the nonpayment thereof when due, and the Lessee shall not be obligated to pay the contested amounts until such contests shall have been determined. The Lessee shall also pay as Additional Rentals the amount calculated by or for the Lessor as the amount required to be rebated, or paid as a penalty, to the United States of America under Section 148(f) of the Internal Revenue Code of 1986, as amended and in effect on the date of issue of the Bonds ("Code"), after taking into account other available moneys, to prevent the Bonds from becoming arbitrage bonds under Section 148 of the Code.

(ii) The Lessee may by resolution pay Additional Rentals to enable the Lessor to redeem or purchase Bonds prior to maturity. Rental payments due under this Section 2 shall be reduced to the extent such payments are allocable to the Bonds redeemed or purchased by the Lessor with such Additional Rentals. The Lessee shall be considered as having an ownership

interest in the Leased Premises valued at an amount equal to the amount of the Additional Rentals paid pursuant to this subsection (b)(ii).

(iii) In the event that the Trustee (as defined below) gives notice to the Lessee, pursuant to the terms of the Indenture (as defined below), that the amount on deposit or credited to any Debt Service Reserve Fund (as may be established and defined in the Indenture) is less than the Reserve Requirement (as may be established and defined in the Indenture), the Lessee shall levy the special benefits tax in an amount necessary to provide a sufficient amount of Special Tax Revenues (as defined below) in order to pay as Additional Rentals the amount required to restore the amount on deposit or credited to the Debt Service Reserve Fund to an amount equal to the Reserve Requirement.

(c) Source of Payment of Rentals. The Fixed Annual Rentals and the Additional Rentals shall be payable solely from the revenues of the special benefits tax levied by the Lessee pursuant to Indiana Code 36-7-14-27 (the "Special Tax Revenues"). However, the Lessee may determine to pay the Fixed Annual Rentals and the Additional Rentals or any other amounts due hereunder from tax increment revenues; provided, however, that the Lessee shall be under no obligation to pay any Fixed Annual Rentals, Additional Rentals or any other amounts due hereunder from any moneys or properties of the Lessee except from Special Tax Revenues received by the Lessee.

3. Payment of Rentals. All rentals payable under the terms of this Lease shall be paid by the Lessee to the bank or trust company designated as trustee ("Trustee") under the Trust Indenture between it and the Lessor ("Indenture"), or to such other bank or trust company as may from time to time succeed such bank as Trustee under the Indenture securing the bonds to be issued by the Lessor to finance the acquisition and construction of the Leased Premises. All payments so made by the Lessee shall be considered as payment to the Lessor of the rentals payable hereunder.

4. Abatement of Rent. If any part of the Leased Premises is taken under the exercise of the power of eminent domain, so as to render it unfit, in whole or part, for use by the Lessee, it shall then be the obligation of the Lessor to restore and rebuild that portion of the Leased Premises as promptly as may be done, unavoidable strikes and other causes beyond the control of the Lessor excepted; provided, however, that the Lessor shall not be obligated to expend on such restoration or rebuilding more than the condemnation proceeds received by the Lessor. ; and provided further, however, the Lessor shall not be required to rebuild or restore the Leased Premises if the Lessee instructs the Lessor not to undertake such work because the Lessee anticipates that either (i) the cost of such work exceeds the amount of insurance or condemnation proceeds and other amounts available for such purpose, or (ii) the same cannot be completed within the period covered by rental value insurance. If the Lessee so instructs the Lessor not to undertake such work, the Lessee shall use the insurance or condemnation proceeds and other amounts available to exercise its option to purchase under Section 11 of this Lease.

If any part of the Leased Premises shall be partially or totally destroyed, or is taken under the exercise of the power of eminent domain, so as to render it unfit, in whole or part, for use or occupancy by the Lessee, the rent shall be abated for the period during which the Leased Premises or such part thereof is unfit or unavailable for use, and the abatement shall be in proportion to the percentage of the Leased Premises which is unfit or unavailable for use or occupancy.

5. Maintenance, Alterations and Repairs. The Lessee may enter into agreements with one or more other parties for the operation, maintenance, repair and alterations of all or any portion of the Leased Premises. Such other parties may assume all responsibility for operation, maintenance, repairs and alterations to the Leased Premises. At the end of the term of this Lease, the Lessee shall deliver the Leased Premises to the Lessor in as good condition as at the beginning of the term, reasonable wear and tear only excepted.

6. Insurance. During the full term of this Lease, the Lessee shall, at its own expense, carry combined bodily injury insurance, including accidental death, and property damage insurance with reference to the Leased Premises in an amount not less than One Million Dollars (\$1,000,000) on account of each occurrence with one or more good and responsible insurance companies. Such public liability insurance may be by blanket insurance policy or policies.

The proceeds of the public liability insurance required herein (after payment of expenses incurred in the collection of such proceeds) shall be applied toward extinguishment or satisfaction of the liability with respect to which such insurance proceeds are paid. Such policies shall be for the benefit of persons having an insurable interest in the Leased Premises, and shall be made payable to the Lessor, the Lessee, and the Trustee and to such other person or persons as the Lessor may designate. Such policies shall be countersigned by an agent of the insurer who is a resident of the State of Indiana and deposited with the Lessor and the Trustee. If, at any time, the Lessee fails to maintain insurance in accordance with this Section, such insurance may be obtained by the Lessor, and the amount paid therefor shall be added to the amount of rentals payable by the Lessee under this Lease; provided, however, that the Lessor shall be under no obligation to obtain such insurance, and any action or non-action of the Lessor in this regard shall not relieve the Lessee of any consequence of its default in failing to obtain such insurance.

The insurance policies described in this Section 6 may be acquired by another party and shall satisfy this Section as long as the Lessor, the Lessee and the Trustee are named as additional insureds under such policies. Such coverage may be provided by scheduling it under a blanket insurance policy or policies.

7. Eminent Domain. If title to or the temporary use of the Leased Premises, or any part thereof, shall be taken under the exercise of the power of eminent domain by any governmental body or by any person, firm or corporation acting under governmental authority, any net proceeds received from any award made in such eminent domain proceedings (after payment of expenses incurred in such collection) shall be paid to and held by the Trustee under the Indenture.

Such proceeds shall be applied in one or more of the following ways:

- (a) The restoration of the Leased Premises to substantially the same condition as it existed prior to the exercise of that power of eminent domain, or
- (b) The acquisition, by construction or otherwise, of other improvements suitable for the Lessee's use of the Leased Premises and which are in furtherance of the purposes of the Act and the Plan (with the improvements being deemed a part of the Leased Premises and available for use by the Lessee without the payment of any rent other than as herein provided, to the same extent as if such other improvements were specifically described herein and demised hereby).

Within ninety (90) days from the date of entry of a final order in any eminent domain proceedings granting condemnation, the Lessee shall direct the Lessor and the Trustee in writing as to which of the ways specified in this Section the Lessee elects to have the net proceeds of the condemnation award applied. Any balance of the net proceeds of the award in such eminent domain proceedings not required to be applied for the purposes specified in subsections (a) or (b) above shall be deposited into the sinking fund held by the Trustee under the Indenture and applied to the repayment of the Bonds.

The Lessor shall cooperate fully with the Lessee in the handling and conduct of any prospective or pending condemnation proceedings with respect to the Leased Premises or any part thereof and will, to the extent it may lawfully do, so permit the Lessee to litigate in any such proceedings in its own name or in the name and on behalf of the Lessor. In no event will the Lessor voluntarily settle or consent to the settlement of any prospective or pending condemnation proceedings with respect to the Leased Premises or any part thereof without the written consent of the Lessee, which consent shall not be unreasonably withheld.

8. General Covenant. The Lessee shall not assign this Lease, or mortgage, pledge or sublet the Leased Premises herein described, without the written consent of the Lessor. The Lessee shall contract with the other parties to use and maintain the Leased Premises in accordance with the laws, regulations and ordinances of the United States of America, the State of Indiana, the City and all other proper governmental authorities.

9. Tax Covenants. In order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the Bonds, the Lessee and the Lessor represent, covenant and agree that neither the Lessor nor the Lessee will take any action or fail to take any action with respect to the Bonds, this Lease or the Leased Premises that will result in the loss of the exclusion from gross income for federal tax purposes of interest on the Bonds under Section 103 of the Code, nor will they act in any other manner which will adversely affect such exclusion; and they will not make any investment or do any other act or thing during the period that the Bonds are outstanding which will cause any of the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

The covenants in this Section are based solely on current law in effect and in existence on the date of issuance of the Bonds. It shall not be an event of default under this Lease if interest on any Bonds is not excludable from gross income pursuant to any provision of the Code which is not in existence and in effect on the issue date of the Bonds.

All officers, members, employees and agents of the Lessor and the Lessee are authorized to provide certifications of facts and estimates that are material to the reasonable expectations of the Lessor and the Lessee as of the date the Bonds are issued and to enter into covenants on behalf of the Lessor and the Lessee evidencing the Lessor's and the Lessee's commitments made herein. In particular, all or any members or officers of the Lessor and the Lessee are authorized to certify and enter into covenants regarding the facts and circumstances and reasonable expectations of the Lessor and the Lessee on the date the Bonds are issued and the commitments made by the Lessor and the Lessee herein regarding the amount and use of the proceeds of the Bonds.

Notwithstanding any other provisions hereof, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with if

the Lessee receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

10. Option to Renew. The Lessor hereby grants to the Lessee the right and option to renew this Lease for a further like or lesser term upon the same or like conditions as herein contained, and applicable to the portion of the premises for which the renewal applies, and the Lessee shall exercise this option by written notice to the Lessor given upon any rental payment date prior to the expiration of this Lease.

11. Option to Purchase. The Lessor hereby grants to the Lessee the right and option, on any date, upon sixty (60) days' written notice to the Lessor, to purchase the Leased Premises, or any portion thereof, at a price equal to the amount required to pay all indebtedness incurred on account of the Leased Premises, or such portion thereof (including indebtedness incurred for the refunding of that indebtedness), including all premiums payable on the redemption thereof and accrued and unpaid interest, and including the proportionate share of the expenses and charges of liquidation, if the Lessor is to be then liquidated. In no event, however, shall such purchase price exceed the capital actually invested in such property by the Lessor represented by outstanding securities or existing indebtedness plus the cost of transferring the property and liquidating the Lessor. The phrase "capital actually invested" as used herein shall be construed to include, but not by way of limitation, the following amounts expended by the Lessor in connection with the acquisition and financing of the Leased Premises: organization expenses, financing costs, carry charges, legal fees, architects' fees and reasonable costs and expenses incidental thereto.

Upon request of the Lessee, the Lessor agrees to furnish an itemized statement setting forth the amount required to be paid by the Lessee in order to purchase the Leased Premises in accordance with the preceding paragraph. Upon the exercise of the option to purchase granted herein, the Lessor will upon payment of the option price deliver, or cause to be delivered, to the Lessee documents conveying to the Lessee, or any entity (including the City) designated by the Lessee, all of the Lessor's title to the property being purchased, as such property then exists, subject to the following: (i) those liens and encumbrances (if any) to which title to the property was subject when conveyed to the Lessor; (ii) those liens and encumbrances created by the Lessee and to the creation or suffering of which the Lessee consented, and liens for taxes or special assessments not then delinquent; and (iii) those liens and encumbrances on its part contained in this Lease.

In the event of purchase of the Leased Premises by the Lessee or conveyance of the Leased Premises to the Lessee or the Lessee's designee, the Lessee shall procure and pay for all surveys, title searches, abstracts, title policies and legal services that may be required, and shall furnish at the Lessee's expense all documentary stamps or tax payments required for the transfer of title.

Nothing contained herein shall be construed to provide that the Lessee shall be under any obligation to purchase the Leased Premises, or under any obligation respecting the creditors, members or security holders of the Lessor.

12. Transfer to Lessee. If the Lessee has not exercised its option to renew in accordance with the provisions of Section 10, and has not exercised its option to purchase the Leased Premises, or any portion thereof, in accordance with the provisions of Section 11, and upon the full discharge and performance by the Lessee of its obligations under this Lease, the Leased Premises, or such portion thereof remaining, shall thereupon become the absolute property of the Lessee, subject to

the limitations, if any, on the conveyance of the site for the Leased Premises to the Lessor and, upon the Lessee's request the Lessor shall execute proper instruments conveying to the Lessee, or to any entity (including the City) designated by the Lessee, all of Lessor's title to the Leased Premises, or such portion thereof.

13. Defaults. If the Lessee shall default (a) in the payment of any rentals or other sums payable to the Lessor hereunder, or in the payment of any other sum herein required to be paid for the Lessor; or (b) in the observance of any other covenant, agreement or condition hereof, and such default shall continue for ninety (90) days after written notice to correct such default, then, in any or either of such events, the Lessor may proceed to protect and enforce its rights by suit or suits in equity or at law in any court of competent jurisdiction, whether for specific performance of any covenant or agreement contained herein, or for the enforcement of any other appropriate legal or equitable remedy; or the Lessor, at its option, without further notice, may terminate the estate and interest of the Lessee hereunder, and it shall be lawful for the Lessor forthwith to resume possession of the Leased Premises and the Lessee covenants to surrender the same forthwith upon demand.

The exercise by the Lessor of the above right to terminate this Lease shall not release the Lessee from the performance of any obligation hereof maturing prior to the Lessor's actual entry into possession. No waiver by the Lessor of any right to terminate this Lease upon any default shall operate to waive such right upon the same or other default subsequently occurring.

14. Notices. Whenever either party shall be required to give notice to the other under this Lease, it shall be sufficient service of such notice to deposit the same in the United States mail, in an envelope duly stamped, registered and addressed to the other party or parties at the following addresses: (a) to Lessor: City of Terre Haute Redevelopment Authority, Attention: President, c/o City of Terre Haute Department of Redevelopment, 900 Wabash Avenue, Terre Haute, Indiana, 47807, Suite 201; (b) to Lessee: City of Terre Haute Redevelopment Commission, Attention: President, c/o City of Terre Haute Department of Redevelopment, 900 Wabash Avenue, Terre Haute, Indiana, 47807, Suite 201.

The Lessor, the Lessee and the Trustee may by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

15. Successors or Assigns. All covenants of this Lease, whether by the Lessor or the Lessee, shall be binding upon the successors and assigns of the respective parties hereto.

16. Construction of Covenants. The Lessor was organized for the purpose of acquiring, constructing, equipping and renovating local public improvements and leasing the same to the Lessee under the provisions of the Act. All provisions herein contained shall be construed in accordance with the provisions of the Act, and to the extent of inconsistencies, if any, between the covenants and agreements in this Lease and the provisions of the Act, the Act shall be deemed to be controlling and binding upon the Lessor and the Lessee; provided, however, that any amendment to the Act after the date hereof shall not have the effect of amending this Lease.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed for and on their behalf on the date first written above.

LESSOR:

CITY OF TERRE HAUTE
REDEVELOPMENT
AUTHORITY

President

ATTEST:

Secretary-Treasurer

LESSEE:

CITY OF TERRE HAUTE
REDEVELOPMENT
COMMISSION

President

ATTEST:

Secretary

This instrument was prepared by Thomas Pitman, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

EXHIBIT A

DESCRIPTION OF LEASED PREMISES

The Leased Premises consists of the following roads and streets (or the indicated portions) in the City of Terre Haute as follows:

1. South 13th Street from the intersection with Poplar Street to the intersection with Lockport Road
2. South 14th Street from the intersection with Lockport Road to the intersection with Margaret Avenue
3. Canal Road from the intersection with Margaret Avenue to the intersection with Interstate Highway 70

EXHIBIT B

ADDENDUM TO LEASE BETWEEN
CITY OF TERRE HAUTE REDEVELOPMENT AUTHORITY, LESSOR
AND CITY OF TERRE HAUTE REDEVELOPMENT COMMISSION, LESSEE

THIS ADDENDUM (this "Addendum"), entered into as of this ____ day of _____, 2025, by and between City of Terre Haute Redevelopment Authority, (the "Lessor"), and City of Terre Haute Redevelopment Commission, (the "Lessee");

WITNESSETH:

WHEREAS, the Lessor entered into a lease with the Lessee dated as of _____, 2025 (the "Lease"); and

WHEREAS, it is provided in the Lease that there shall be endorsed thereon the adjusted rental.

NOW, THEREFORE, IT IS HEREBY AGREED, CERTIFIED AND STIPULATED by the parties to the Lease that the adjusted rental is set forth on Appendix I attached hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed for and on their behalf as of the day and year first above written.

LESSOR

LESSEE:

CITY OF TERRE HAUTE
REDEVELOPMENT
AUTHORITY

CITY OF TERRE HAUTE
REDEVELOPMENT
COMMISSION

President

President

ATTEST:

ATTEST:

Secretary-Treasurer

Secretary

This instrument was prepared by Thomas Pitman, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

Appendix I to Addendum to Lease

Rental Schedule

Payment Date	Amount
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Council President Todd Nation moves General Ordinance 1, 2025 next on the agenda.

General Ordinances

GENERAL ORDINANCE 1, 2025 - Amending City Code, Chapter 2, Article 9, Section 2-130, Creating New Margaret Avenue Non-Reverting Fund <Loudermilk>

GENERAL ORDINANCE 1, 2025 was read by digest. Motion was made by Councilperson Hinton and seconded by Councilperson Chalos to take action on GENERAL ORDINANCE 1, 2025. Motion carried unanimously. Motion was made by Councilperson Hinton and seconded by Councilperson Chalos to pass GENERAL ORDINANCE 1, 2025. Motion carried.

GENERAL ORDINANCE NO. 1, 2025

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA, APPROVING THE SALE OF CERTAIN REAL PROPERTY TO THE TERRE HAUTE REDEVELOPMENT AUTHORITY AND AMENDING *TERRE HAUTE CITY CODE* CHAPTER 2, ARTICLE 9, TO CREATE A SPECIAL NON-REVERTING FUND FOR THE NEW MARGARET AVENUE, NON-REVERTING FUND NUMBER 0499.

WHEREAS, the City of Terre Haute Redevelopment Authority (the "Authority") has been created pursuant to Indiana Code 36-7-14.5 as a separate body corporate and politic, and as an instrumentality of the City of Terre Haute, Indiana (the "City") to finance local public improvements for lease to the City of Terre Haute Redevelopment Commission (the "Commission"), as the governing body of the City of Terre Haute Redevelopment District (the "District"); and

WHEREAS, the Authority has adopted, or is expected to adopt, one or more resolutions indicating its intent to issue one or more series of its lease rental revenue bonds, in the maximum aggregate principal amount of Twenty-Two Million Dollars (\$22,000,000) (collectively, the "Bonds"), to provide funds for the purposes of: (a) financing the acquisition by the Authority from the City of all or any portion of the real property consisting of the following roads and streets (or the indicated portions) in the City of Terre Haute: (1) South 13th Street from the intersection with Poplar Street to the intersection with Lockport Road; (2) South 14th Street from the intersection with Lockport Road to the intersection with Margaret Avenue; and, (3) Canal Road from the intersection with Margaret Avenue to the intersection with Interstate Highway 70 (the "Real Property"), and the use by the City of the proceeds of such sale to finance or reimburse the cost of the acquisition, design, construction and improvement of (i) an extension of New Margaret Drive from Sycamore Terrace Street to Margaret Avenue, (ii) repaving and other improvements to each of College Avenue and Hunt Road, (iii) any related improvements, and (iv) the payment of incidental expenses related thereto (the "Projects"); (b) paying capitalized interest on any series of the Bonds, if necessary; and (c) paying all costs incurred on account of or in connection with the issuance and sale of the Bonds, including the premiums for any credit enhancement or credit facility purchased in connection with the issuance of the Bonds (clauses (a) through and including (c), collectively, the "Program"); and

WHEREAS, the Authority and the Commission have adopted, or are expected to adopt, resolutions approving a Lease Agreement between the Authority, as lessor, and the Commission, as lessee, related to the series of Bonds to be issued to provide for funds to pay the costs of the Projects (the "Lease"), for the purpose of paying the principal and interest on the Bonds issued pursuant to Indiana Code 36-7-14.5 to finance the Program.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION 1. The Common Council hereby authorizes the sale to the Authority of the existing Real Property which will comprise or be included in the Leased Premises under the Lease, for a price sufficient to cover the costs of the Program, but in any event not to exceed \$22,000,000. The Mayor, Clerk, Controller and other officers of the City are hereby authorized to take such actions and execute such documents as may be necessary to effectuate such sale and transfer. There shall be appropriated a sum of \$22,000,000, together with all investment earnings thereon, to be provided for out of the Sale Proceeds for the purpose of providing funds to be applied to the

costs of the Program. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the Program. The Mayor, the Controller and the Clerk are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this appropriation, including the filing of a report of this appropriation with the Indiana Department of Local Government Finance.

SECTION 2. Each of the Mayor, any member of the Common Council, the Controller and the Clerk, and any other officer, employee or agent of the City is hereby authorized and directed, for and on behalf of the City, to execute and deliver any contract, deed, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Ordinance, such determination to be conclusively evidenced by such person's execution of such contract, deed, agreement, certificate, instrument or other document or such person's taking of such action.

SECTION 3. The City of Terre Haute wishes to establish a special non-reverting fund for the New Margaret Avenue for the deposit and expenditure of the above described funds.

SECTION 4. Monies deposited into this special non-reverting fund shall be used to fund only the construction of the New Margaret Avenue.

ADDITIONALLY, BE IT FURTHER ORDAINED by the Common Council of the City of Terre Haute, Indiana that Chapter 2, Article 9 of the *Terre Haute City Code* is hereby amended by inserting the following language:

Sec. 2-130 New Margaret Avenue Non-Reverting Fund.

- a. A special non-reverting operating account, entitled New Margaret Avenue Non-Reverting Fund, is established in the Terre Haute Department of Redevelopment.
- b. Deposits into this non-reverting fund shall originate from bonds issued by the City of Terre Haute, Indiana.
- c. Such funds shall be used solely for any and all costs and/or expenses associated with the development and construction of New Margaret Avenue, including administrative fees associated thereof.
- e. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana.

SECTION 5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed

SECTION 6. This ordinance shall be in full force and effect from and after its passage by the Common Council of Tere Haute, Indiana, upon approval of the Mayor and publication as required by law.

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 10th day of April, 2025.
Todd Nation, President

ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.

Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 10th day of April, 2025.
Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

Council President Todd Nation moves Appropriation 4, 2025 next on the agenda.

Appropriations

APPROPRIATION 4, 2025 - \$22,000,000.00 from New Margaret N/R #0499 to Services Contractual (New Margaret N/R) #0499-0000-03-432010 for \$22,000,000.00 <Loudermilk>

APPROPRIATION 4, 2025 was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Boland to take action on APPROPRIATION 4, 2025. Motion carried unanimously. Motion was made by Councilperson Loudermilk and seconded by Councilperson Boland to pass APPROPRIATION 4, 2025. Motion carried.

APPROPRIATION NO. 4, 2025

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2025.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM: New Margaret N/R #0499	\$22,000,000.00	\$22,000,000.00
TO: Services Contractual (New Margaret N/R) #0499-0000-03-432010	\$22,000,000.00	\$22,000,000.00
TOTAL	\$22,000,000.00	\$22,000,000.00

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 10th day of April, 2025.
Todd Nation, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 10th day of April, 2025.
Brandon C. Sakbun, Mayor
ATTEST: Michelle L. Edwards, City Clerk

Council President Todd Nation moves Special Ordinances 12, 13, and 14, 2025 next on the agenda.

Special Ordinances

SPECIAL ORDINANCE 12, 2025 – Rezoning of property located at 1011 Maple Avenue <Chalos>

SPECIAL ORDINANCE 12, 2025 was read by digest. Area Plan Commission certified this ordinance to the Council with a Favorable, with one opposed, and Conditions Recommendation on April 9, 2025. Motion was made by Councilperson Chalos and seconded by Councilperson Boland to take action on SPECIAL ORDINANCE 12, 2025. Motion carried unanimously. Motion was made by Councilperson Chalos and seconded by Councilperson Boland to withdraw SPECIAL ORDINANCE 12, 2025. Motion carried.

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 12, 2025

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lot Number Fifteen (15) in Indiana Lammert's Subdivision of part of Lots 12-13 and 14 of Spencer's,Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West, in Vigo County, Indiana.

Parcel No.: 84-06-15-104-003.000-002
Commonly Known as 1011 Maple Ave., Terre Haute, IN 47804

Be and the same is hereby established as an R-3 General Residence District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Jim Chalos, Councilperson

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.

Richard J. Shagley II

This instrument was prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

WITHDRAWN

SPECIAL ORDINANCE 13, 2025 – Rezoning of property located at 2310 and 2314 Locust Street <Chalos>

SPECIAL ORDINANCE 13, 2025 was read by digest. Area Plan Commission certified this ordinance to the Council with No Recommendation on April 9, 2025. Motion was made by Councilperson Azar and seconded by Councilperson Chalos to take action on SPECIAL ORDINANCE 13, 2025. Motion carried unanimously. Motion was made by Councilperson DeBaun to pass SPECIAL ORDINANCE 13, 2025. Motion defeated due to lack of second.

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 13, 2025

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lots Number Two Hundred Forty-two (242), Two Hundred Forty-three (243) and Two Hundred Forty-four (244) in Locust Street Subdivision of a part of the Southwest quarter (1/4) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, as per recorded plat of the same recorded in Plat Book 6-A, page 79 of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-14-379-026.000-002

Parcel No. 84-06-14-379-017.000-002

Commonly known as 2314 Locust St., Terre Haute, Indiana 47807 and 2310 Locust St., Terre Haute, Indiana 47807

Be and the same is hereby established as a C-6 Strip Business, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Jim Chalos, Councilperson

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.

Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

SPECIAL ORDINANCE 14, 2025 – Amending Special Ordinance 19, 2024, As Amended, Engineering Department and Engineering Non-Reverting Salaries <Loudermilk>

SPECIAL ORDINANCE 14, 2025 was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson Hinton to take action on SPECIAL ORDINANCE 14, 2025. Motion carried unanimously. Motion was made by Councilperson Dinkel and seconded by Councilperson Hinton to pass SPECIAL ORDINANCE 14, 2025. Motion carried.

SPECIAL ORDINANCE NO. 14, 2025

AN ORDINANCE AMENDING SPECIAL ORDINANCE NO. 19, 2024, AS AMENDED, AN ORDINANCE SETTING THE MAXIMUM SALARIES OF ALL EMPLOYEES OF THE CITY OF TERRE HAUTE, INDIANA, EXCEPTING SOME MEMBERS OF THE TERRE HAUTE FIRE DEPARTMENT, THE TERRE HAUTE POLICE DEPARTMENT, THE TERRE HAUTE STREET DEPARTMENT, THE TERRE HAUTE CEMETERY DEPARTMENT, THE TERRE HAUTE WASTEWATER UTILITY, THE TERRE HAUTE TRANSPORTATION UTILITY, THE TERRE HAUTE PARK AND RECREATION DEPARTMENT, AND EXCLUDING ELECTED OFFICIALS AND IN SOME INSTANCES ESTABLISHING CERTAIN BENEFITS FOR THE ABOVE MENTIONED INCLUDED EMPLOYEES, THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE COMMON COUNCIL OF TERRE HAUTE, INDIANA AND APPROVAL OF THE MAYOR.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana:

SECTION 1. Special Ordinance No. 19, 2024 is hereby amended by inserting the underlined text and removing the stricken text as follows:

DEPARTMENT/POSITION **AMOUNT**

ENGINEERING NON-REVERTING:

Construction Inspector I	\$ 45,190	<u>2 @ \$43,000</u>	<u>\$ 86,000</u>
Construction Inspector II	2 @ \$50,546	\$101,092	<u>\$ 45,190</u>
Construction Inspector III	\$ 43,000		<u>\$ 54,092</u>

ENGINEERING:

Staff Engineer Level II	\$ 68,800	<u>2 @ \$73,500</u>	<u>\$147,000</u>
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SECTION 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor

Introduced by: Cheryl Loudermilk, Councilperson
 Passed in open Council this 10th day of April, 2025.
 Todd Nation, President
 ATTEST: Michelle L. Edwards, City Clerk
 Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.
 Michelle L. Edwards, City Clerk
 Approved by me, the Mayor, this 10th day of April, 2025.
 Brandon C. Sakbun, Mayor
 ATTEST: Michelle L. Edwards, City Clerk

Resolutions

RESOLUTION 9, 2025 – Approving the use of Public-Private Agreements per Indiana Code 5-23 <Loudermilk>

RESOLUTION 9, 2025 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to pass RESOLUTION 9, 2025. Motion carried.

RESOLUTION NO. 9, 2025

**A RESOLUTION OF THE COMMON COUNCIL OF TERRE HAUTE
 ADOPTING THE PROVISIONS OF IND. CODE § 5-23**

This resolution is adopted by the Common Council of Terre Haute, the legislative and fiscal body for Terre Haute, Indiana, which is located in Vigo County.

- WHEREAS, Ind. Code § 5-23-1-1 allows political subdivisions to utilize the statutes governing public-private agreements where the legislative body of the political subdivision or if the political subdivision does not have a legislative body, the fiscal body of the political subdivision has adopted the provisions of the statute by resolution or ordinance, and
- WHEREAS, Ind. Code § 36-1-2-6 defines the “fiscal body” as the governing body or budget approval body for any other political subdivision that has a governing body or budget approval body, and

WHEREAS, the Common Council of the City of Terre Haute (“Governing Board”) is the fiscal and legislative body of Terre Haute, Indiana (“Unit”), and

WHEREAS, the Unit desires to adopt and utilize the provisions of Ind. Code § 5-23.

BE IT THEREBY RESOLVED by the Common Council of Terre Haute, Indiana that:

1. It is hereby determined that public-private agreements authorized by and executed pursuant to Ind. Code § 5-23 are a desirable alternative procurement method for the Unit under certain circumstances.
2. All of the provisions of Ind. Code § 5-23 are hereby adopted for purposes of utilizing public-private agreements.
3. The provisions hereby adopted shall be available for any project deemed appropriate by the Common Council of Terre Haute, IN.
4. This Resolution will be available for public inspection at the office of the Unit from, and after, the date of its adoption.
5. This Resolution is in full force and effect upon adoption.
6. All prior actions taken by any officer, employee, or instrumentality of the Unit in connection with or furtherance of any project subject to Ind. Code § 5-23 are hereby approved, ratified, and affirmed in all respects.

Introduced by: Cheryl Loudermilk, Councilperson.

Passed in open Council this 10th day of April, 2025.

Todd Nation, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 10th day of April, 2025.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

RESOLUTION 10, 2025 – Adopting the Riverfront Development Master Plan <Boland>

RESOLUTION 10, 2025 was read by digest. Motion was made by Councilperson Boland and seconded by Councilperson Loudermilk to pass RESOLUTION 10, 2025. Motion carried.

CITY COUNCIL RESOLUTION NO. 10, 2025

A RESOLUTION ADOPTING THE RIVERFRONT DEVELOPMENT MASTER PLAN

WHEREAS, the City Council in Terre Haute, IN, in collaboration with Vigo County and RiverScape, has invested in the development of a comprehensive Riverfront Development Master Plan ("Master Plan") to guide the future use and development of the riverfront area; and

WHEREAS, the Master Plan is designed to achieve three primary objectives: (1) stimulate economic growth by developing and supporting a vibrant, sustainable riverfront community for current and future generations; (2) protect and enhance the natural ecosystems of the riverfront, ensuring long-term environmental sustainability; and (3) provide convenient, safe, and enjoyable access to a variety of quality-of-life and water-related activities for residents and visitors alike; and

WHEREAS, the implementation of the Master Plan is expected to create new business opportunities, drive economic development, enhance public spaces, improve infrastructure, and strengthen the environmental integrity of the riverfront, while also fostering a sense of community and civic pride; and

WHEREAS, the City Council recognizes the importance of a well-planned, sustainable, and accessible riverfront in attracting economic development and enhancing the overall quality of life for current and future generations; and

WHEREAS, public input and stakeholder engagement have been integral in shaping the vision, goals, and strategies outlined in the Master Plan, ensuring that it reflects the needs and aspirations of the community; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Terre Haute that:

1. The Riverfront Development Master Plan is hereby formally adopted as a guiding document for the future development, preservation, and activation of the riverfront area.
2. The City of Terre Haute commits to working in partnership with Vigo County, RiverScape, private sector stakeholders, community organizations, and residents to implement the strategies and recommendations outlined in the Master Plan.
3. The City of Terre Haute shall prioritize initiatives, policies, and potential funding opportunities in collaboration with Vigo County that align with the objectives of the Master Plan and ensure its successful execution for current and future generations.
4. Regular progress reports on the implementation of the Master Plan shall be provided to the City of Terre Haute and the public to ensure transparency and accountability.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage and approval.

Introduced by: Cheryl Loudermilk, Councilperson.

Passed in open Council this 10th day of April, 2025.

Todd Nation, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 10th day of April, 2025.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

RESOLUTION 11, 2025 – Transfer of \$500,000.00 in the Casino Fund Budget <Loudermilk>

RESOLUTION 11, 2025 was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson Thompson to amend RESOLUTION 11, 2025. Motion carried. Motion was made by Councilperson Dinkel and seconded by Councilperson Hinton to pass RESOLUTION 11, 2025 AS AMENDED. Motion carried.

RESOLUTION 11, 2025
AS AMENDED

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the **Casino fund 0180-0000** budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0180-0000-04-445062	Public Pool	\$500,000.00
TO: #0180-0000-03-432010	Services Contractual	\$500,000.00
TOTAL		\$500,000.00

Introduced by: Cheryl Loudermilk, Councilperson.
 Passed in open Council this 10th day of April, 2025.
 Todd Nation, President
 ATTEST: Michelle L. Edwards, City Clerk
 Presented by me to the Mayor this 10th day of April, 2025 at 8:50pm o'clock.
 Michelle L. Edwards, City Clerk
 Approved by me, the Mayor, this 10th day of April, 2025.
 Brandon C. Sakbun, Mayor
 ATTEST: Michelle L. Edwards, City Clerk

RESOLUTION 12, 2025 – A resolution opposing Proposed SB1 <Hinton>

RESOLUTION 12, 2025 was read by digest. Motion was made by Councilperson Hinton and seconded by Councilperson Boland to withdraw RESOLUTION 12, 2025. Motion carried.

RESOLUTION NO. 12, 2025
 RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA OPPOSING
 PROPOSED SB1

WHEREAS, state leaders and lawmakers have advocated for and proposed multiple pieces of legislation during the 2025 legislative session that will cut residential and commercial personal property bills for homeowners and businesses and change how these tax liabilities are calculated; and

WHEREAS, homeowners deserve affordable tax bills and adequate public services in exchange; and

WHEREAS, the proposals garnering the most attention would have an impact on municipal taxing units exceeding \$2 billion; and

WHEREAS, a local income tax adoption option could be a helpful tool for units; however, it is not at all adequate to replace the magnitude of what is being eliminated, making it a necessity rather than an option; and

WHEREAS, with an essentially mandated income tax increase being the only alternative proposed by lawmakers, the homeowners who these tax measures endeavor to assist will be among the same individuals paying the income tax, making businesses the only recipient of the tax cuts; and

WHEREAS, those individuals who do not own a home would see a tax increase; and

WHEREAS, if the proposed measures are adopted, the City of Terre Haute will be forced to make significant cuts to public safety, debt obligations, and potentially other municipal services; and

WHEREAS, with the stress the measures being considered will put on the City's budget, bonding or saving money for new development will be nearly impossible; sending the City of Terre Haute and the State of Indiana several steps back in efforts to attract and retain a talented workforce; and

WHEREAS, these unprecedented cuts in government services are being proposed when, despite the success of Community Crossings, municipalities are imploring legislators to at least preserve the status quo in terms of road funding so as not to compound the well-documented, high percentage of Hoosier roads that continue to be in less than satisfactory condition; and

WHEREAS, as of this date the statewide local impact of the primary tax-related bills is estimated to be over \$2 billion, a staggering figure, that would cause widespread negative effects, increase tax burdens on individuals, while offering even more relief to businesses in an already tax-friendly business state; and

WHEREAS, these significant real property and business personal property tax cuts, along with changes to how property taxed are calculated, could potentially result in an estimated loss of approximately \$3 million in tax revenues for the City of Terre Haute in year one of enactment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Terre Haute, Indiana, that we oppose any tax policy that negatively impacts local units of government without a reasonable corresponding replacement revenue stream implemented by the State of Indiana and does not harm the City's ability to carry out the expectations of local residents now and into the future.

This resolution shall take full effect upon its passage.

Introduced by: Kandace Hinton, Councilperson.

WITHDRAWN

Motion was made by Councilperson Azar and seconded by Councilperson Dinkel that the meeting be adjourned. Motion carried.

Kelley Duggins
Chief Deputy City Clerk

Todd Nation, President

Michelle L. Edwards, City Clerk