

FILED

JAN 07 2010

RESOLUTION 4, 2010

**APPROVING AN AMENDING DECLARATORY RESOLUTION
AND ECONOMIC DEVELOPMENT PLAN OF THE
REDEVELOPMENT COMMISSION OF THE
CITY OF TERRE HAUTE, INDIANA, AND APPROVING
AN ORDER OF THE VIGO COUNTY AREA PLANNING COMMISSION**

CITY CLERK

WHEREAS, the Terre Haute ("City") Redevelopment Commission ("Commission") has, on the 15th day of February, 2006, adopted a declaratory resolution ("Declaratory Resolution") initially approving the economic development area known as the "S.R. 46 Economic Development Area" ("Area") as an economic development area subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act"); and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Original Plan") for the Area which Original Plan contained specific recommendations for economic development in the Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 with boundaries coterminous with the Area ("Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the Vigo County Area Plan Commission ("Plan Commission") and the Plan Commission issued its written order approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted a resolution approving the order of the Plan Commission;

WHEREAS, the Commission on April 26, 2006, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearing adopted a resolution ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted a resolution approving the establishment of the Area;

WHEREAS, on December 16, 2009, the Commission adopted its amending Declaratory Resolution ("Amending Declaratory Resolution"), for the purpose of revising the 15 year limit on the allocation provision and amending the Original Plan to add the acquisition of Road Base (as defined in the Amending Declaratory Resolution attached hereto and incorporated herein) ("Amended Plan"); and

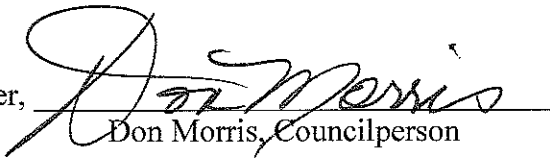
WHEREAS, the Vigo County Area Plan Commission ("Plan Commission"), on the 6th day of January, 2010, approved the Amended Plan and Amending Declaratory Resolution; and

WHEREAS the Act requires approval of the Amending Declaratory Resolution, the Amended Plan and the action of the Plan Commission by the Common Council of the City;

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

1. That the Amended Plan for the Area is in all respects approved, ratified and confirmed.
2. That the action of the Plan Commission approving the Amended Plan and the Amending Declaratory Resolution are in all respects approved, ratified and confirmed.
3. That the Clerk is hereby directed to file a copy of the Amending Declaratory Resolution, the Amended Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.
4. This resolution shall be effective from and after passage by the Common Council and approval by the Mayor.

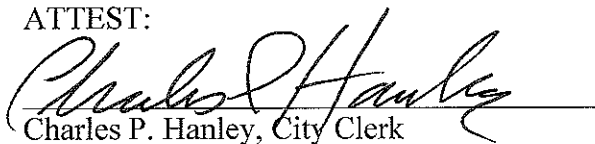
Presented by Council Member,


Don Morris, Councilperson

Passed in open Council this 14 day of January, 2010.


Neil Garrison, President

ATTEST:


Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 15th day of January, 2010.

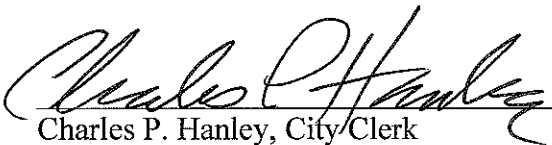

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 15th day of JANUARY,
2010.



Duke A. Bennett, Mayor

ATTEST:



Charles P. Hanley, City Clerk



TERRE HAUTE

Area Planning Department

For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

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CITY CLERK

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DATE: January 7, 2010

REPORT TO THE CITY COUNCIL ON RESOLUTION NO. 1, 2010

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
RESOLUTION NO. 1, 2010

CERTIFICATION DATE: January 6, 2010

TO: The Honorable Common Council of the City of Terre Haute

Dear Members:

The Vigo County Area Plan Commission offers you the following report and certification on Resolution No. 1, 2010. This is a Resolution Amending Declaratory Resolution of the Terre Haute Redevelopment Commission

Resolution No. 1, 2010 was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance.

The Area Plan Commission considered Resolution No. 1, 2010 at a public meeting and hearing held Wednesday, January 6, 2010. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Resolution No. 1, 2010 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Resolution No. 1, 2010 as required by IC 36-7-4-401(a) (7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Resolution No. 1, 2010 was FAVORABLE.



Fred L. Wilson, President, APC



Jeremy Weir, Executive Director

Received this 7th day of January, 2010



TERRE HAUTE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

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ORDER OF THE VIGO COUNTY AREA PLAN COMMISSION

WHEREAS, the City of Terre Haute ("City") Redevelopment Commission ("Commission") has, on the 15th day of February, 2006, adopted a declaratory resolution ("Declaratory Resolution") initially approving the S.R. 46 Economic Development Area ("Area") as an economic development area subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area coterminous with the boundaries of the Area, and the Declaratory Resolution was confirmed by a Confirmatory Resolution adopted on April 26, 2006; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Original Plan") which Original Plan contained specific recommendations for economic development in the Area; and

WHEREAS, on December 16, 2009, the Commission adopted its Amending Declaratory Resolution ("Amending Declaratory Resolution"), for the purpose of revising the 15 year limit on the allocation provision and amending the Original Plan to add the acquisition of Road Base (as defined in the Amending Declaratory Resolution attached hereto and incorporated herein); and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution, by the Vigo County Area Plan Commission ("Plan Commission");


NOW, THEREFORE, BE IT ORDERED BY THE VIGO COUNTY AREA PLAN COMMISSION, AS FOLLOWS:

1. The Plan, as amended, for the Area conforms to the plan of development for the City.
2. The Amending Declaratory Resolution and the Plan, as amended, are in all respects approved.

3. The Secretary of the Plan Commission is hereby directed to file a copy of the Amending Declaratory Resolution and the Plan, as amended, with the permanent minutes of this meeting.

Passed by the Vigo County Area Plan Commission, this 6th day of January, 2010.

VIGO COUNTY AREA PLAN COMMISSION


Fred L. Wilson, President

ATTEST:


Norm Froderman, Secretary

APPLICATION INFORMATION

Petitioner: City of Terre Haute Department of Redevelopment

Property Owner: State Road 46 TIF District

Representative: Rhonda Oldham

Summary: The City of Terre Haute Redevelopment Commission has amended the Economic Development Plan for the S.R. 46 Economic Development Area to remove the 15 year limitation on the allocation provision as provided in Section 2 of the Confirmatory Resolution and to reinstate the statutory expiration date of thirty (30) years after the effective date of the Original Declaratory Resolution and to add the acquisition of Road Base.

The role of the Plan Commission in this process is to confirm that the amendments are in conformance with the Comprehensive Plan

COMPREHENSIVE PLAN GUIDANCE

The Comprehensive Plan is built around five (5) key concepts: Growth Pattern, Neighborhood Development and Redevelopment, Transportation, Economic Development, and Physical Appearance.

Growth Pattern: Regional Commercial and Employment Center

Guiding Policies:

Regional Commercial:

- Spatial containment of commercial activities to existing commercially zoned sites; maintain and reinforce the drawing power of major retail centers including anchor department and discount stores.
- Reduce future traffic congestion and more closely tie existing retail centers with transit operations; expand the opportunities for pedestrian linkage between and among major existing activity centers.
- Increase the Identity of the district as a whole, with improved coordination in urban design elements including directional signage, common landscape elements such as lighting or street furniture; develop a common approach to business signage.
- Encourage reinvestment in and continual upgrading of existing retail space; encourage the intensification of activities for retail comparative shopping purposes. Ancillary activities such as fast-food restaurants or quick stop establishments do not add to the regional character of activity centers. Emphasis

should increasingly be upon multiple-trip purpose activities with regional significance.

- Ensure that future retail commercial development in the area does not detract from the viability of residential Neighborhoods in the vicinity.

Employment Centers:

These areas are to be developed as high intensity, mixed use, planned corporate business parks. Employment Centers may include a wide diversity of use activities including research and development, office buildings, corporate headquarters or corporate “campus” facilities. Office/distribution facilities – so called “flex space” and institutional uses. In addition to these primary uses, complementary, secondary or ancillary activities should be encouraged on a limited basis. These may include open space, recreational amenities, day care centers, business support services like print services or computer service bureaus, and limited retail commercial activities such as restaurants, designed for use by employees. Employment Centers should be developed under a master development plan which provides landscape, lighting, architectural controls, internal vehicle and pedestrian circulation plans, controlled access, parking and loading facilities, common area lighting and standardized signage. Additionally, these areas should offer the protection of performance standards with respect to noise, vibration and environmental quality.

Neighborhood Development and Redevelopment:

The goal of neighborhood development is to preserve and improve the existing residential areas, provide a variety of housing choices, and improve the quality of life in established neighborhoods while maximizing the potential of vacant commercial and industrial sites.

Transportation:

The transportation goal is to recognize the importance of the relationship between land use and roadways through access management and corridor planning.

Economic Development:

The economic development goal is to build local assets such as the airport, existing industrial parks, the universities, and the existing key elements of a life science initiative.

Physical Appearance:

The goal for physical appearance is to establish a strong and viable urban design framework by considering ways to improve those components that have the greatest influence on the physical form and character of a healthy community.

FINDINGS and RECOMMENDATION

Staff Findings: That the amendment to add the acquisition of Road Base and changing the time frame from 15 to 30 years will not discourage or provide for barriers to the development in the S.R. 46 Economic Development Area as proposed by the Comprehensive Plans Growth Pattern Policies.

That care should be taken to ensure that Economic Development Plan actions are in support of new development and not just a redistribution of existing uses to the area, thereby not creating blight in older neighborhoods and commercial centers.

That the projects and inclusion of an addition 540 feet of roads in the projects of the economic development plan are supportive of the Comprehensive Plan's Transportation goals.

That the amendments to the economic development plan do not prohibit the development of cohesive business park centered on what will become Industrial Margaret Avenue.

That the amendments to the economic development plan should help with insuring a cohesive physical appearance to the area.

Recommendation: Favorable to confirm the Amendments for compliance with the Comprehensive Plan for the City of Terre Haute and Vigo County.

FILED

JAN 07 2010

CITY CLERK

RESOLUTION NO. 50, 2009

AMENDING DECLARATORY RESOLUTION OF THE
TERRE HAUTE REDEVELOPMENT COMMISSION

WHEREAS, the City of Terre Haute ("City") Redevelopment Commission ("Commission") has investigated, studied and surveyed economic development areas within the corporate boundaries of the City;

WHEREAS, the Commission has selected an economic development area to be developed under IC 36-7-14 and IC 36-7-25 (collectively, "Act") and did on February 15, 2006, adopt a Declaratory Resolution ("Original Declaratory Resolution") establishing the S.R. 46 Economic Development Area ("Area") and the Original Declaratory Resolution was confirmed and modified by a Confirmatory Resolution adopted on April 26, 2006 ("Confirmatory Resolution");

WHEREAS, the Original Declaratory Resolution and the Confirmatory Resolution are hereinafter collectively referred to as the "Area Resolution";

WHEREAS, the Area Resolution approved the Economic Development Plan ("Plan") which Plan contained specific recommendations for economic development in the Area;

WHEREAS, the Commission now desires to amend the Area Resolution to revise the 15 year limit on the allocation provision and amend the Plan to add the acquisition of approximately 540 feet of road way base ("Road Base") and drainage installed in connection therewith and located as described in Exhibit A; and

WHEREAS, at the time of any proposed acquisition, the Road Base and improvements will be the property of 4780 E. Margaret Ave., LLC and must be in conformance with City standards for comparable road infrastructure except as otherwise agreed by the City; and

WHEREAS, IC 36-7-14-17.5 authorizes the Commission to amend the Area Resolution, after conducting a public hearing, if it finds that:

1. The amendments are reasonable and appropriate when considered in relation to the Area Resolution and the Plan and the purposes of IC 36-7-14; and

2. The Area Resolution and the Plan, with the proposed amendments, conform to the comprehensive plan for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE TERRE HAUTE REDEVELOPMENT COMMISSION THAT:

(1) The Area Resolution is hereby amended to remove the 15 year limitation on the allocation provision as provided in Section 2 of the Confirmatory Resolution and to reinstate the statutory expiration date of thirty (30) years after the effective date of the Original Declaratory Resolution.

(2) The Plan is hereby amended to add the acquisition of the Road Base.

(3) It will be of public utility and benefit to amend the Area Resolution and the Plan.

(4) The Commission finds that the proposed amendments are reasonable and appropriate when considered in relation to the Area Resolution and the Plan. The proposed amendments conform to the comprehensive plan for the City.

(5) The Commission finds that the public health and welfare will be benefited by the amendment of the Area Resolution and the Plan.

(6) The presiding officer of the Commission is hereby authorized and directed to submit this resolution to the Vigo County Area Plan Commission ("Plan Commission") for its approval.

(7) The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Common Council, to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the Board of Public Works, the Park Board, the building commissioner and any other departments or agencies of the City concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the

officer authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-8 for each taxing unit that is either wholly or partly located within the proposed Area.

(8) The Commission also directs the presiding officer to prepare, or cause to be prepared, a statement disclosing the impact of removing the 15 year limitation on the Area, including the following:

(9) The estimated economic benefits and costs incurred by the Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

(10) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Area. A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in Section 7 of this resolution.

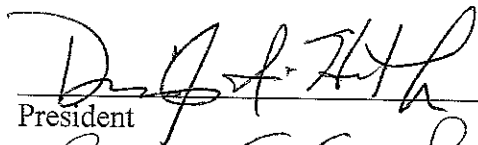
(11) The Commission further directs the presiding officer to submit this resolution to the Common Council for its approval of the amendments to the Area Resolution and Plan.

(12) All other provisions of the Area Resolution and the Plan are hereby ratified and confirmed.

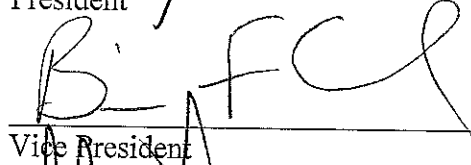
(13) This resolution shall be effective as of its date of adoption.

Adopted December 16, 2009.

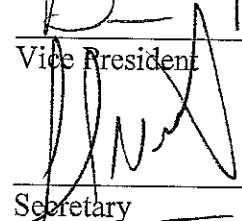
TERRE HAUTE REDEVELOPMENT
COMMISSION



President



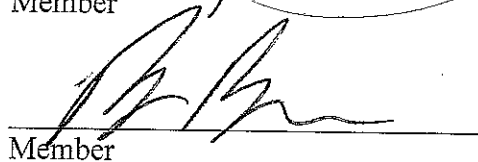
Vice President



Secretary

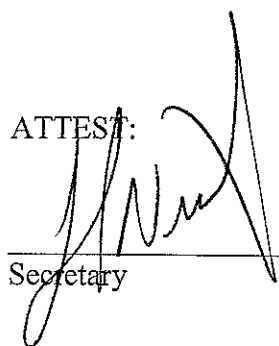


Member



Member

ATTEST:



Secretary

EXHIBIT A

A part of the Southeast Quarter of Section 31, Township 12 North, Range 8 West, Vigo County, Indiana, described as follows: Beginning at a point on the west line of said quarter section approximately 20.00 feet from the southwest corner of said quarter section, which point of beginning is on the north boundary of Margaret Avenue; thence west along the boundary of Margaret Avenue 35 feet thence north 540 feet; thence East 70 feet; thence South to the north boundary of Margaret Avenue; thence West 70.00 feet along the boundary of said Margaret Avenue to the point of beginning. Exact location to be determined by survey.

EXHIBIT A

Description of Project

This project involves approximately 1,500 linear feet of new terrain New Margaret Avenue, 1,350 linear feet of new terrain Bill Farr Drive, and 2,500 linear feet of a new terrain unnamed north south connector road in the State Road 46 TIF District in Terre Haute, Indiana. It also includes the reconstruction of approximately 3,000 linear feet of Margaret Avenue. The project includes design services, roadway construction, sanitary sewer construction, and land acquisition.

STATE ROAD 46 AND DISTRICT BOND IMPROVEMENTS

