

GENERAL ORDINANCE NO. 1159

An ordinance for the re-establishment of an Economic Improvement District.

It is ordained by the City of Kendallville, Indiana: that an economic improvement district be re-established in the downtown area of the City of Kendallville, Indiana in response to a petition submitted to the common council. In order that the property owners may collectively undertake economic improvement and maintenance projects which will enhance the business climate in that area, that it is the finding of the common council of the City of Kendallville, Indiana that the petition to establish this Economic Improvement District meets all of the requirements of the statues of the State of Indiana 36-7-22-4, 36-7-22-5, 36-7-22-6 and 36-7-22-7. That the projects to be undertaken will provide special benefits to property owners within the district, and will be of public utility and benefit. That the benefits provided by the products will be new benefits that do not replace benefits existing before the establishment of the district, and that the formula for the assessment of the benefits is appropriate. The common council further finds that a majority of the owners of real property within the proposed district returning ballots have requested the re-establishment of the economic improvement district.

The purpose of this Economic Improvement District is to assess each of the properties, owned by individuals or by corporations, within the district boundaries, at a rate per assessed dollar valuation sufficient to raise money to carry out improvement and maintenance projects within the district which is expected to result in annual tax revenues of approximately \$20,100 each year during the term of this ordinance. The Economic Improvement Projects to be carried out will have a total budget of \$30,100; with the variance between the tax revenues and the budget to be covered by the current approximate balance of \$60,000 in surplus funds in the name of the EID.

BOUNDARIES OF THE PROPOSED DISTRICT

Beginning at the northeast corner of the intersection of the Rush Street and Main Street rights-of-way; thence westerly along the northern right-of-way of said Rush Street to the northeast corner of Rush Street and the north-south alley located between main street and Orchard Street; thence northerly along the east right-of-way of the aforementioned alley to the northwest corner of lot 5 of Mitchell's Addition; thence westerly across the aforementioned alley and along the south line of lot 230 of Mitchell's Addition to the southwest corner of said lot 230; thence northerly along the east right-of-way of Orchard Street to the northeast corner of William Street and Orchard Street rights-of-way; thence westerly along the north right-of-way of William Street to the northeast corner of William Street and Lincoln Street right-of-way; thence northerly along the east right-of-way of Lincoln Street to the southeast corner of Lincoln Street and the east-west alley located between William Street and Mitchell Street; thence easterly along the south right-of-way of the aforementioned alley extended to the east right-of-way of Orchard Street, said point being the northerly along the east right-of-way of Orchard Street to the southeast corner of Orchard Street and the east-west alley located between Mitchell Street and Conrail, said point being the northwest corner of lot 239 of Mitchell's Addition; thence easterly along the south right-of-way of the aforementioned alley to its intersection with the east right-of-way of the north-south alley located between Orchard Street and Main Street; thence northerly along the east right-of-way of the aforementioned north-south alley to the northwest corner of lot 19 of Mitchell's Addition; thence easterly along the north-line of said lot 19 extended to the east right-of-way of Main Street; thence southerly along the east right-of-way of Main Street to the southwest corner of Harris Street and Main Street rights-of-way; thence easterly along the south right-of-way of Harris Street to the southwest corner of Harris Street and the north-south alley located between Main Street and State Street; thence southerly along the west right-of-way of the aforementioned alley to the northwest corner of its intersection with Rush Street right-of-way; thence westerly along the northern right of way of Rush Street to the point of beginning.

All parcels with the district are zoned C-1, general business, or C-2, local business. All parcels contain improvements, or are used for parking.

ECONOMIC IMPROVEMENT PROJECTS TO BE CARRIED OUT

The following economic improvement projects are planned for the economic improvement district, and are not being currently provided by any other governmental unit:

1. Snow removal

Snow be removed from all of the sidewalks within the district whenever it is deemed desirable by the board of directors of the Economic Improvement District (here after referred to as the "Board") consistent with the ordinances of the City of Kendallville.

-It is estimated that annual cost will be \$8,000.

2. Weed control

It is the objective of the district that all weeds within the district, particularly those in the backs of the buildings, be controlled at all times.

-It is estimated that annual cost will be \$1,000.

3. Appropriate street decorations

It is the objective of the district that appropriate street decorations be maintained for community events deemed desirable by the "board".

- It is estimated that there will be an annual cost of \$1,500.00 to accomplish and maintain this objective.

4. Planters and Flower Beds and Trimming Trees

It is the objective of the district to beautify and maintain the attractiveness of the district at such a level so as to be an asset to the community as a whole.

- It is estimated that the cost annually will be \$7,200.00.

5. Promotions

It is the objective of the district to promote such commercial activity or public events and support business recruitment and development which enhance the business climate in the area.

- It is estimated that the annual cost will be \$3,000.00.

6. Planning and Administration

It is the objective of the district to contribute to the cost of the planning and administration of the district.

-It is estimated that the annual cost will be \$500.00.

7. Business Recruitment and Advertising

It is the objective of the district to seek new and maintain any existing businesses in the district.

-It is estimated that the annual cost will be \$10,000.00.

PLAN FOR THE APPLICATION OF ASSESSMENT REVENUES

Since each property owner will benefit equally from the achievement of each of these objectives, the costs should be born equally by each property owner based on each parcel's assessed valuation in proportion to the total assessed valuation of all parcels in the district (parcels owned by the city or other tax exempt entities shall not be included in the total assessed valuation amount), i.e. Owner of parcel A will pay:

Assessed valuation of parcel A divided by the total assessed valuation of all parcels in the district equals the proportion owed, of the total cost, of all economic improvement projects by the owner of parcel A.

MEMBERS OF THE BOARD OF DIRECTORS

The Board of Directors of the Economic Improvement District shall consist of five (5) persons. Each of whom is a property owner, represents a corporation that owns property within the

district, or who operates a business within the district, provided that the majority of the board membership shall consist of property owners, and that each serves for a period of one year, beginning Jan. 1 and ending Dec 31 of each year. Property owners annually, no later than Nov. 1 of each year, shall elect persons who will serve on the Board for the following year.

DUTIES OF THE BOARD OF DIRECTORS

The duties of the Board are:

1. Promulgate necessary by-laws which will govern the operations of the district. These by-laws shall be submitted to the property owners for their concurrence. Any changes in the by-laws also shall be submitted to the property owners for their concurrence.
2. Promulgate a budget for the following year by June 1 of each year. The total of this budget shall be no greater than that projected as the income from the above mentioned tax rate. This budget shall be submitted to all property owners within the district by June 10 of each year. A public meeting shall be held by the board no later than June 20 of each year, in order to consider comments by owners of property within the district.
3. The new budget shall be submitted to the mayor and to the members of the common council no later than July 1 of each year.
4. The Board may shift money between accounts provided that the amount does not exceed 20% of the total amount budgeted for that year.
-Should the Board deem it necessary to shift more than 20% between accounts in a given year, they shall submit their request to the property owners for a decision, and then to the Common Council for their concurrence.
5. The Board will make all decisions on the expenditure of money raised from these property taxes.
6. The city Clerk and Treasurer will make all expenditures from these funds in accordance with the decisions of the Board, and will maintain a complete record of all receipts and expenditures from these funds.
7. The funds received from the economic improvement district are restricted funds, and as such, must remain in the Economic Improvement District account. Can only be spent as authorized by the Board, and may not be diverted into any other account at any time.

TERM


The Economic Improvement District shall be in force for a period of five (5) years.

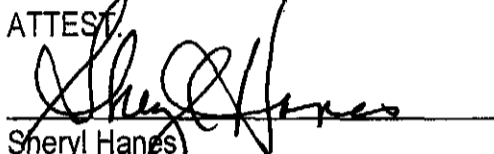
Prior to the end of the term if the Board determines that the EID should be extended for another term it will hold a public meeting to ask for input regarding the specifics of the renewal, such as projects to be carried out in the future, tax rate, number of board members and number of years the next term should be. A ballot will then be sent to all property owners for them to vote if they are in favor of extending the EID. The ballot will include the specifics of the proposed new term for the EID as established at the public meeting. If more than 50% of the returned ballots are in favor of extending the EID, a petition will be presented to the common council of Kendallville.

This ordinance shall be in full force and effect from and after its passage.

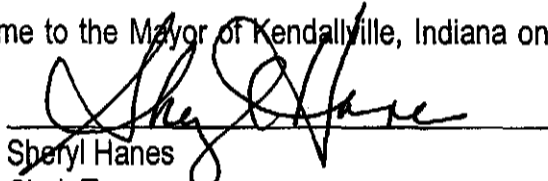
PASSED by the Common Council of the City of Kendallville, Indiana this 19th day of February, 2013.

	YEA	NAY	ABSTAIN	ABSENT
Larry Davis	✓	_____	_____	_____
James C. Dazey II	✓	_____	_____	_____
Regan Ford	✓	_____	_____	_____
Max Franklin	✓	_____	_____	_____
April Waters	✓	_____	_____	_____

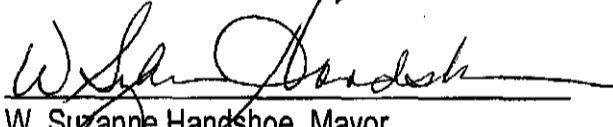

 W. Suzanne Handshoe, Mayor

ATTEST

 Sheryl Hanes
 Clerk-Treasurer

The foregoing ordinance was presented by me to the Mayor of Kendallville, Indiana on the 19th day of February, 2013.


 Sheryl Hanes
 Clerk-Treasurer

APPROVED and signed by me on the 19th day of February, 2013.


 W. Suzanne Handshoe, Mayor

This Ordinance is approved in content by the Law & Ordinance Committee on _____.

Dates read at common council meeting: _____, _____, _____.