

*Agenda*

GOSHEN PLAN COMMISSION & GOSHEN BOARD OF ZONING APPEALS

Tuesday, December 20, 2022

**\*\*Plan Commission Meeting to begin at 4:00 PM - Board of Zoning Appeals Meeting to follow\*\***

Council Chambers, 111 E. Jefferson Street

Goshen, Indiana

**Plan Commission**

- I. Roll Call
- II. Approval of Minutes from 11/15/2022
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals
- V. Audience Items
- VI. Staff/Board Items  
*Order of the Goshen Plan Commission Determining that an Amending Declaratory Resolution and Housing Program Approved and Adopted by the Goshen Redevelopment Commission Conform to the Comprehensive Plan and Approving Said Resolution and Housing Program*
- VII. Adjournment

**Board of Zoning Appeals**

- I. Roll Call
- II. Approval of Minutes from 11/22/2022
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals
- V. **Developmental Variance** - public hearing  
**22-36DV** – Elks of Goshen 798, Inc. and Signtech Sign Services request a developmental variance to allow an approximately 24 Sf electronic message center (EMC) in addition to an existing wall sign where EMCs are not permitted in the core Historic District and where only one wall sign per street frontage per establishment is permitted. The subject property is generally located at 220 N Main Street and is zoned Commercial B-2 HD District.
- VI. Audience Items
- VII. Staff/Board Items
  - 6-month extension for 924 E Plymouth Avenue (22-20DV) from 1/26/23 to 7/26/23
  - 6-month extension for 908 E Reynolds & 707 S 13<sup>th</sup> Street (22-23DV) from 1/26/23 to 7/26/23
- VIII. Adjournment

Minutes - Goshen Plan Commission  
Tuesday, November 15, 2022 - 4:00 pm  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

**I.** The meeting was called to order with the following members present: Josh Corwin, Doug Nisley, Hesston Lauver, Rolando Ortiz, Richard Worsham, and Tom Holtzinger. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Aracelia Manriquez, James Wellington, Caleb Morris.

**II.** Approval of Minutes of 9/20/22 – Nisley/Holtzinger 6-0

**III.** The Zoning/Subdivision Ordinances and Official Staff Reports were unanimously filed into the record: Holtzinger/Nisley 6-0

***Mr. Morris joined the meeting at 4:02 pm.***

**IV.** Postponements/Withdrawals – None

**V. Vacations (public hearing)**

**22-02V** – Goshen Community Schools requests vacations of unimproved public right of way for Riverdale School, generally located at 801 W Wilkinson Street, zoned Residential R-2, as follows:

- The east/west alley between Lots 98 and 99 in Hess Riverdale Addition; and
- The north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition.

Both alleys were assumed to have been vacated, are not shown as right of way, and have been incorporated within the existing tax parcel for the subject property. During a recent survey, references for the two alley vacations were not able to be located, and the vacations are being requested to confirm the vacations.

*Staff Report:*

Ms. Yoder explained this vacation request is for two separate alleys, both of which were assumed to have been vacated previously, but during recent survey work, it was discovered that references for these two vacations could not be located. Goshen Community Schools now requests the vacations to confirm the approval. She explained the east/west alley is partially located under the primary building so it's assumed by utility providers that there are no utilities present in that area, and no easement is requested in the area under the building.

She explained the north/south alley right-of-way to be vacated has existing utilities, so a general utility easement is required for this vacated alley.

Ms. Yoder remarked that the right-of-way is unimproved, does not currently provide access, and the vacations will not impact the use of the public way. She went on to say the right-of-way has already been incorporated into the tax parcels owned by Goshen Community Schools, and the vacations will not impact land ownership.

Staff recommends that the Plan Commission forward a favorable recommendation to the Goshen Common Council, including the required easement for the north/south alley.

*Petitioner Presentation:*

John William Davis, Jr., 116 E Clinton Street, spoke on behalf of the petitioner. He stated he is the attorney for Goshen Community Schools, and their position is consistent with the staff report.

*Audience Comments:*

There was no one to speak to the petition.

*Close Public Hearing*

*Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Holtzinger/Lauver, to forward a favorable recommendation for 22-02V to the Goshen Common Council, based on Staff analysis. The motion passed unanimously by a vote of 7-0.

**VI. Vacations (public hearing)**

**22-03V** – Goshen Community Schools requests vacations of unimproved public right of way for Goshen High School, generally located at 501 Lincolnway East, zoned Residential R-1, as follows:

- A north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, west of and adjacent to Lots 57, 58 and 59 in Thomas' 2nd Addition;
- A portion of Purl Street along the east boundary of Wurster's 3rd Addition, between the vacated north/south alley, to confirm a prior vacation; and
- A portion of 10th Street along the north boundary of Wurster's 3rd Addition, between the vacated east/west alley, to confirm a prior vacation.

*Staff Report:*

Ms. Yoder explained this request consists of three components. The north/south alley extending north from Reynolds Street is a new request, and the remaining two requests are to confirm prior vacations of Purl Street and 10<sup>th</sup> Street. She referred to the aerial maps included in Commissioner member's packets, pointing out the areas being vacated. She explained there are existing utilities in the new north/south alley being vacated, and utility easements were required and established as part of the prior vacations of Purl Street and 10<sup>th</sup> Street, so a general utility easement is required for the newly vacated area and the vacated areas of Purl Street and 10<sup>th</sup> Street. The north/south alley right-of-way is currently unimproved and does not provide access and the two vacations to be affirmed are already functioning as vacated areas. The vacations will not impact access or use of the public way. Following the vacation, the vacated north/south alley will be transferred to the adjoining property owner, Goshen Community Schools. For the two vacations being affirmed, the property has already been transferred to the school.

Based upon the analysis, Staff recommends the Plan Commission forward a favorable recommendation to the Council, including retaining easements.

*Petitioner Presentation:*

Bill Davis, 116 E Clinton Street, spoke on behalf of the petitioner. He stated the school corporation has been acquiring properties in the vicinity in order to expand the school campus, and lots were acquired along Reynolds Street, but a vacation of this alley was never obtained. This vacation will affirm their need for the property and clear up the title. The vacations for the other properties are to refine the descriptions and clear up any ambiguities. He asked that the Plan Commission forward a favorable recommendation to the Council.

*Audience Comments:*

There was no one to speak to the petition.

*Close Public Hearing**Staff Discussion:*

There was no discussion amongst Commission members.

*Action:*

A motion was made and seconded, Holtzinger/Morris, to forward a favorable recommendation for 22-03V to the Goshen Common Council, based on Staff analysis. The motion passed unanimously by a vote of 7-0.

**VII. Audience Items - None**

**VIII.** Staff/Board Items

- *2023 Plan Commission & BZA Schedule – Approval*

Ms. Yoder noted that the 2023 Plan Commission/BZA Calendar is included in the packets and a motion is required to approve the calendar.

*Action:*

A motion was made and seconded, Holtzinger/Morris, to approve the 2023 Plan Commission/BZA Calendar. The motion passed unanimously by a vote of 7-0.

- Ms. Yoder advised Commission members that a Plan Commission meeting is scheduled for December 20<sup>th</sup>. It's unknown at this time if we will have an agenda, but asked that if anyone will not be available, to please contact the Planning Office. She noted the Planning Office will provide a status update as soon as possible.

**IX.** Adjournment – 4:12 pm

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Richard Worsham, President

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Tom Holtzinger, Secretary



Rhonda L. Yoder, AICP  
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN  
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## MEMORANDUM

TO: Goshen Plan Commission

FROM: Rhonda Yoder, City Planner

DATE: December 20, 2022

RE: *Order of the Goshen Plan Commission Determining that an Amending Declaratory Resolution and Housing Program Approved and Adopted by the Goshen Redevelopment Commission Conform to the Comprehensive Plan and Approving Said Resolution and Housing Program*

Examples from the City's Comprehensive Plan & Community Vision 2025 demonstrating consistency with the proposed amendment to the Southeast Economic Development Area and establishment of the Southeast Housing TIF Allocation Area include:

### **Land Use**

- L-3.5 Objective: Ensure connectivity between new and infill residential development and existing neighborhoods.
- L-3.6 Ensure connectivity within new development through sidewalks and street connections.

### **Neighborhoods & Housing**

- N-7 Goal: Expand housing options and opportunities

### **Community Services & Facilities**

- C-9.1 Objective: Maintain and upgrade existing utility infrastructure.
- C-13 Goal: Match land uses with existing or potentially available utility services

### **Transportation**

- T-1 Goal: Provide a highly connected network of safe and efficient streets

ORDER OF THE GOSHEN PLAN COMMISSION  
DETERMINING THAT AN AMENDING DECLARATORY  
RESOLUTION AND HOUSING PROGRAM APPROVED AND  
ADOPTED BY THE GOSHEN REDEVELOPMENT  
COMMISSION CONFORM TO THE COMPREHENSIVE PLAN  
AND APPROVING SAID RESOLUTION AND HOUSING  
PROGRAM

WHEREAS, the Goshen ("City") Redevelopment Commission ("Commission") adopted a declaratory resolution on August 14, 2012, as supplemented and amended to date (collectively, as amended "Declaratory Resolution"), as confirmed by a confirmatory resolution adopted on November 13, 2012, as supplemented and amended to date (collectively, as amended, "Confirmatory Resolution"), establishing and consolidating the Southeast Economic Development Area ("Original Area");

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

WHEREAS, the Area Resolution designated, consolidated and expanded the Southeast Allocation Area in accordance with IC 36-7-14-39 ("Original 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, on December 13, 2022 the Commission adopted a resolution amending the Area Resolution ("Amending Declaratory Resolution") to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached thereto and incorporated therein from the Original Allocation Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF Allocation Area; and (ii) pursuant to IC 36-7-14-53 through -56, approve the residential Housing Program attached thereto as Exhibit B ("Housing Program"), including the construction of road infrastructure, utility infrastructure and sidewalks, together with all necessary appurtenances, related improvements and equipment, needed to support the proposed development in the Housing Program in, serving or benefiting the Original Area; and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution and the Housing Program by the Goshen Plan Commission ("Plan Commission");

NOW, THEREFORE, BE IT ORDERED BY THE GOSHEN PLAN COMMISSION, AS FOLLOWS:

1. The Amending Declaratory Resolution and Housing Program conform to the Comprehensive Plan of the City.
2. The Amending Declaratory Resolution and Housing Program 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 Housing Program with the permanent minutes of this meeting.

Passed by the Goshen Plan Commission, this 20th day of December, 2022.

GOSHEN PLAN COMMISSION

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President

ATTEST:

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Secretary

RESOLUTION NO. 60-2022

AMENDING DECLARATORY RESOLUTION OF THE GOSHEN REDEVELOPMENT COMMISSION CREATING A NEW HOUSING ALLOCATION AREA WITHIN THE SOUTHEAST ECONOMIC DEVELOPMENT AREA

WHEREAS, the Goshen ("City") Redevelopment Commission ("Commission") adopted a declaratory resolution on August 14, 2012, as supplemented and amended to date (collectively, as amended "Declaratory Resolution"), as confirmed by a confirmatory resolution adopted on November 13, 2012, as supplemented and amended to date (collectively, as amended, "Confirmatory Resolution"), establishing and consolidating the Southeast Economic Development Area ("Original Area");

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

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

WHEREAS, the Area Resolution designated, consolidated and expanded the Southeast Allocation Area in accordance with IC 36-7-14-39 ("Original 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 has certain outstanding; (i) Redevelopment District Refunding Bonds of 2015, dated February 26, 2015, now outstanding in the amount of \$1,255,000 and maturing annually on January 1 over a period ending January 1, 2025, as authorized by resolution ("2015 Resolution"), payable from tax increment collected in the Original Allocation Area ("Tax Increment"); and (ii) the pledge of the Tax Increment collected in the Original Allocation Area to the payment of lease rentals pursuant to a Lease Agreement, dated April 25, 2015, as amended by Amendment No. 1 to Lease, dated May 18, 2015 (collectively, as amended, "2015 Lease"), between the Goshen Redevelopment Authority ("Authority") and the Commission securing the Authority's Economic Development Lease Rental Refunding Bonds of 2015, dated June 19, 2015, now outstanding in the amount of \$3,440,000, and which 2015 Lease is payable semiannually on January 1 and July 1 over a period ending January 1, 2028 (collectively, "Outstanding Obligations");

WHEREAS, neither the 2015 Resolution nor the 2015 Lease, each authorizing the Outstanding Obligations, prohibit the alteration of the Original Allocation Area if, in the judgment of the Commission, the alteration does not adversely affect the owners of the Outstanding Obligations in any material way;

WHEREAS, the Commission now desires to amend the Area Resolution to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached hereto and incorporated herein from the Original Allocation Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF



Allocation Area; and (ii) pursuant to IC 36-7-14-53 through -56, approve the residential Housing Program attached hereto as Exhibit B ("Housing Program"), including the construction of road infrastructure, utility infrastructure and sidewalks, together with all necessary appurtenances, related improvements and equipment, needed to support the proposed development in the Housing Program ("Projects") in, serving or benefiting the Original Area;

WHEREAS, the Southeast Allocation Area shall maintain the same base assessment date as the Original Allocation Area;

WHEREAS, the Southeast Housing TIF Allocation Area shall have a base assessment date of January 1, 2023; 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:

- (a) The amendments are reasonable and appropriate when considered in relation to the Original Area Resolution and the purposes of IC 36-7-14; and
- (b) The Original Area Resolution conforms to the comprehensive plan for the City;

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

Section 1. The Area Resolution is hereby amended to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached hereto and incorporated herein from the Original Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF Allocation Area; and (ii) approve the Housing Program attached hereto as Exhibit B, including the construction of the Projects, in, serving or benefiting the Original Area

Section 2. The Commission hereby finds that: (i) the current assessed value in the proposed Southeast Housing TIF Allocation Area is \$172,700; (ii) the current estimated property tax revenue from the proposed Southeast Housing TIF Allocation Area is \$0.00; (iii) the Tax Increment estimated to be generated in the Original Allocation Area exceeds 773% of the debt service due on the Outstanding Obligations; and (iv) additional growth has occurred in the Original Allocation Area subsequent to issuance of the Outstanding Obligations and, therefore, the Commission further finds that altering the Original Allocation Area in the manner set forth herein will not adversely affect the owners of the Outstanding Obligations in any material way.

Section 3. The Commission finds that the Housing Program will be of public utility and benefit as measured by the provision of a variety of residential housing and an increase in the property tax base. The Commission further finds that the public health and welfare will be benefited by the accomplishment of the Housing Program by: (i) providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in their community; (ii) increasing the property tax base; and (iii) through the development of an approximately 170 acre area, in two phases, to support residential development



including single-family residential housing, along with townhomes, duplexes, condominiums and apartments, allowing more residents the opportunity to live and work within the City.

Section 4. The Commission now finds and determines that the amendments described in Section 1 above are reasonable and appropriate when considered in relation to the Area Resolution as amended by this amending resolution and to the economic development and redevelopment purposes set forth in IC 36-7-14. The Commission finds that the Projects constitute local public improvements and that the Area Resolution and the Housing Program conform to the comprehensive plan for the City.

Section 5. The Southeast Allocation Area shall maintain its original base assessment date and the Southeast Housing TIF Allocation Area shall have a base assessment date of January 1, 2023.

Section 6. The allocation provision in effect when the Southeast Allocation Area was designated as a part of the Original Allocation Area shall continue to apply to the reduced Southeast Allocation Area.

Section 7. This paragraph shall be considered the allocation provision for the Southeast Housing TIF Allocation Area for purposes of IC 36-7-14-39. The entire Southeast Housing TIF Allocation Area shall constitute an allocation area as defined in IC 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Southeast Housing TIF Allocation Area shall be allocated and distributed in accordance with IC 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 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 revenue generated in the Southeast Housing TIF Allocation Area.

Section 8. The Redevelopment Director is instructed to submit this resolution to the Goshen Plan Commission ("Plan Commission") for approval.

Section 9. The Commission also directs the Redevelopment Director, 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 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 amendments to the Original Allocation Area and will determine the public utility and benefit of the proposed Projects and the amendments to the Original Allocation Area.

Section 10. The Commission also directs the Redevelopment Director to prepare or cause to be prepared a statement disclosing the impact of creating the Southeast Housing TIF Allocation Area including the following:

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

(b) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the new Southeast Housing TIF Allocation 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 9 of this Resolution.

Section 11. The Commission hereby finds that the creation of the Southeast Housing TIF Allocation Area will result in new property taxes that would not have been generated without this new allocation provision because the construction of road infrastructure, utility infrastructure and sidewalks needed to support the proposed development set forth in the Housing Program are required by the developer to construct new residential housing and the tax increment generated by the new residential housing is needed to fund construction of the Projects.

Section 12. The Commission hereby finds that the initial estimated costs of the Projects to be funded by the Commission through the pledge of tax increment from the Southeast Housing TIF Allocation Area is in the approximate amount of \$20,000,000.

Section 13. The Commission hereby finds that all property in the Southeast Housing TIF Allocation Area will positively benefit from the Projects.

Section 14. In all other respects the Area Resolution and the Original Plan are hereby ratified and confirmed.

Section 15. This resolution is effective upon passage.

Adopted at a meeting of the Commission held December 13, 2022 in Goshen, Indiana.

GOSHEN REDEVELOPMENT COMMISSION

Brian Barber  
President

Chelsea Johnson  
Vice President

Bruce  
Secretary

[Signature]  
Member

Absent  
Member

Attest:

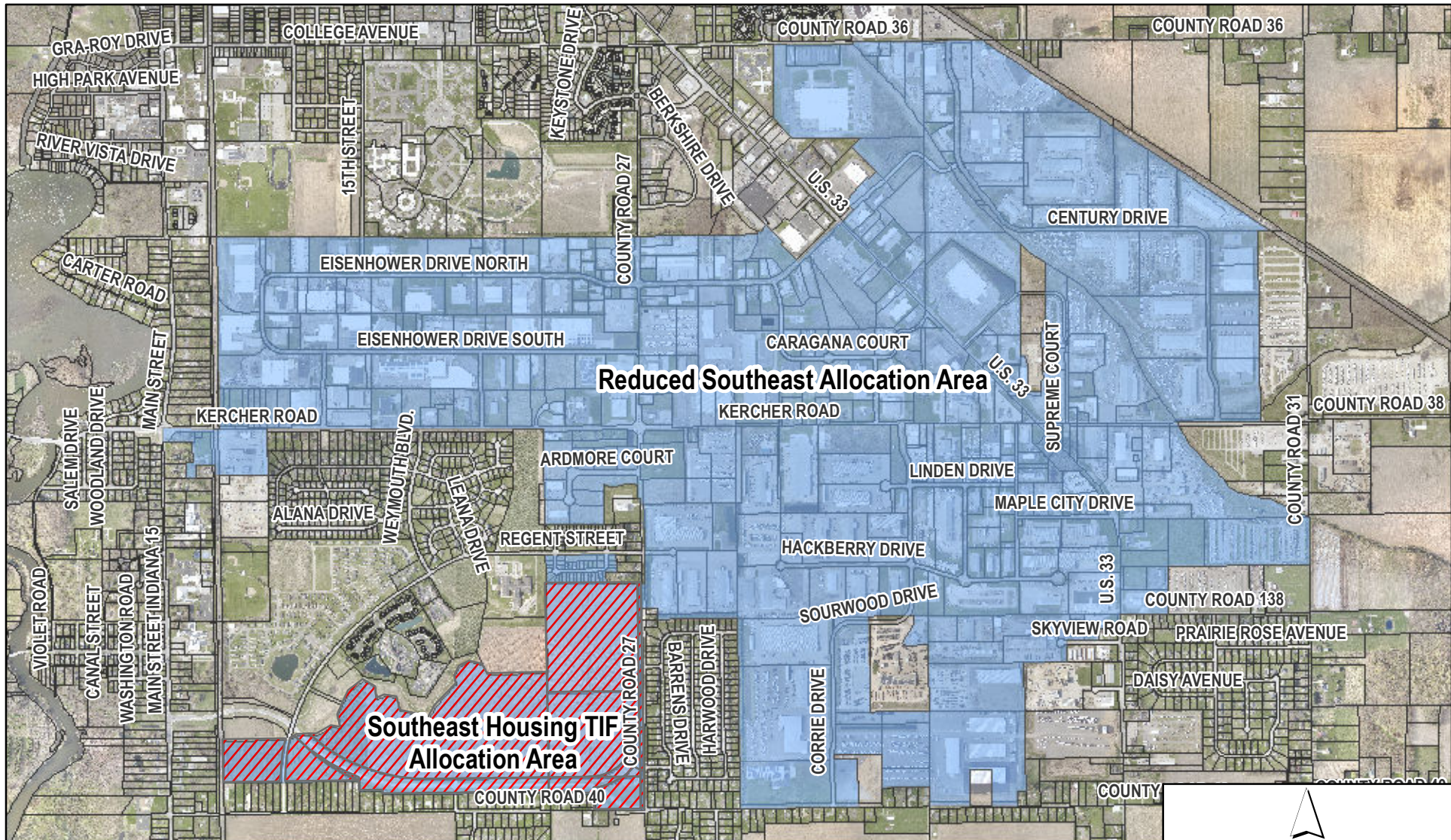
Bruce  
Secretary

EXHIBIT A

Map of Southeast Economic Development Area and  
Southeast Housing TIF Allocation Area

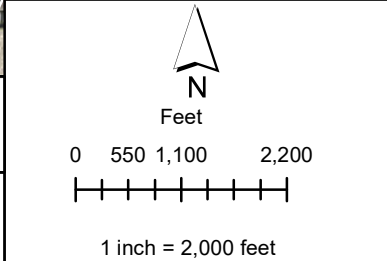
(Attached)





**Exhibit A**  
**Reduced Southeast Allocation Area & New Southeast Housing TIF Allocation Area**

Information as of  
 December 13, 2022



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

**The City of Goshen**  
 Department of Public Works & Safety  
 Office of Engineering  
 204 East Jefferson Street, Goshen, Indiana 46528  
 Phone: 574-534-2201 Fax: 574-533-8626



## EXHIBIT B

### Housing Development Program Southeast Housing TIF Allocation Area Goshen Redevelopment Commission

#### Purpose and Introduction.

This document is the Housing Development Program required by IC 36-7-14-53(b) ("Program") for the Southeast Housing TIF Allocation Area ("Housing Allocation Area") for the City of Goshen, Indiana ("City") and is set forth as the basis for conducting a public meeting or meetings in the area or areas to be affected by the Program prior to formal submittal for approval. It is intended for approval by the Common Council of the City, the School Board of Goshen Community Schools and the Goshen Redevelopment Commission ("Commission") in conformance with IC 36-7-14-53.

#### Program Objectives.

The purposes of the Program are to: (i) benefit the public health and welfare of the citizens of the City by providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in their community; (ii) increase the property tax base; and (iii) through the development of an approximately 170 acre area, in two phases, to support residential development including single family residential housing along with townhomes, duplexes, condominiums and apartments, allowing more residents the opportunity to live and work within the City.

#### Program Criteria.

In the previous three (3) calendar years only 109 new single-family homes have been constructed in the City. No new neighborhood developments have been undertaken by private enterprise. Single family housing development has been stagnant in the City and in order to spur significant growth in this area it will require assistance with required infrastructure to encourage private development.

Phase I of the proposed development will include single-family and multi-family residential housing across approximately 75 acres.

#### Project Description.

The implementation of the Housing Program requires the construction of road improvements, utility improvements, sidewalks and any and all related public improvements and may include the capital improvements described as follows (collectively, "Projects"):

- (1) Construction or reconstruction of roads and bridges
- (2) Site preparation and excavation;
- (3) Construct or repair water towers;
- (4) Construction or reconstruction of water or sewer treatment system;
- (5) Construction, reconstruction or extension of sewer infrastructure;

- (6) Construction, reconstruction or extension of water infrastructure;
- (7) Construction or reconstruction of storm water drainage systems;
- (8) Utility relocation;
- (9) Construction or reconstruction of buffer zones/mounding;
- (10) Purchase or lease of public safety or public works equipment or facilities, which will serve the Area;
- (11) Parking facilities and lighting for parking areas;
- (12) Recreational facilities, including but not limited to, pedestrian trails and pedestrian bridges to improve the quality of place for citizens in the Area.

All Projects will be in or physically connected to the Southeast Economic Development Area and required to serve the Housing Allocation Area.

#### Acquisition of Property.

The Commission has no present plans to acquire any interests in real property.

The Commission may not exercise the power of eminent domain in implementing the Program.

#### Procedures with respect to the Projects.

All contracts for material or labor in the accomplishment of the Projects shall, to the extent required by law, be let under IC 36-1-12.

Any construction work required by the Commission in connection with the Projects may be carried out by the appropriate municipal department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

#### Financing of the Projects.

It is the intention of the Commission to issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 and -56 in order to raise money for completion of the Projects in the Housing Allocation Area. The amount of these bonds may not exceed the total, as estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

- (a) The total cost of all land, rights-of-way, and other property to be acquired and developed;



(b) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;

(c) Capitalized interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and

(d) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to bonds issued by the Commission, the Commission may pledge tax increment pursuant to IC 36-7-14-39(b)(2)(D) to any bonds issued by the City.

Amendment of the Program.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Program for the Housing Allocation Area. However, any enlargement of the boundaries of the Housing Allocation Area must be approved by the Common Council.