

**COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**

**Resolution Number 2016- 13**

**A Resolution to Grant New Project Initiation and Completion Dates  
for the Liberty Heights Residential Subdivision in the City of Hobart**

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”), by and through the adoption of Resolution Number 2007-12 on April 18, 2007 designated Liberty Heights development as an Economic Revitalization Area for the purpose of granting residential tax abatement, and provided that the projects for which such designation was granted be initiated within twelve (12) months of the adoption by the Council of a resolution confirming such designation, and completed within four (4) years of the adoption of said confirming resolution; and

WHEREAS, said resolution and such initiation and completion dates for Liberty Heights were confirmed by the Council through its adoption of Resolution Number 2007-13 on May 16, 2007, so that Liberty Heights’ projects were to be initiated by May 16, 2009 and completed by May 16, 2011. Said dates then affected thirteen (13) undeveloped lots in Liberty Heights; and

WHEREAS, the Council adopted Resolution Number 2009-24 on November 18, 2009 which extended the project initiation and completion dates for Liberty Heights among other developments, but said extension expired on December 31, 2011; and

WHEREAS, the Council adopted Resolution No. 2012-13 which, due to exigent circumstances explained in that resolution, took the following action:

- a. Extended the project initiation deadline to December 31, 2015, and the project completion deadline to December 31, 2016. The Recipients of these tax abatements were required to obtain building permits on or before the above-stated initiation date, and construction of real property improvements upon the Liberty Heights lots affected were to be completed by said completion date; and

b. The Common Council of the City of Hobart determined that such designation is for real property tax abatement for the Liberty Heights projects to be initiated on or before December 31, 2015 and completed by December 31, 2016;

and

WHEREAS, Mr. Randy Hall, the principal of Luxor Homes, Inc. successor developer of Liberty Heights, has informed the City that he has two clients who wish him to construct homes in Liberty Heights in Lot numbers 8 and 18. The developer obtained building permits prior to December 31, 2015, but the developer's customers decided to make substantial changes to the planned designs for these homes so that it will be necessary to have new building permits issued; and

WHEREAS, under the City's residential tax abatement policy, the changes to these homes will require the Developer to obtain a new residential tax abatement for these two lots and that, because the project initiation date as established by Resolution No. 2012-13 has now passed, residential property tax abatement for these two homes will not be available unless reestablished by action of the Council; and

WHEREAS, said developer has applied to reestablish these two lots as an Economic Revitalization Area for real property tax abatement purposes and to establish new project initiation and completion deadlines since the advantages of tax abatement will be lost to the above-described affected properties in Liberty Heights unless a new extension of project initiation and completion dates is granted; and

WHEREAS, no public hearing upon application for extension of project initiation and completion dates is necessary under the Council's policy contained in Resolution No. 99-79 where the request for extension is timely made prior to the expiration of either the initiation or completion dates. Because the application here was made after the expiration of the initiation

date deadline, the Council authorized the publication of notice, in the manner required by law, for public hearing upon the application of the Developer for re-designation of said lots as an Economic Revitalization Area for real property tax abatement purposes and to establish new project initiation and completion deadlines, such hearing was scheduled on May 18, 2016 at 6:00 p.m. at the Council Chamber at Hobart City Hall, 414 Main Street, Hobart, Indiana 46342; and

WHEREAS, having conducted said public hearing and having received no remonstrances, and upon further consideration, the Council now wishes to grant the request to amend the resolutions referenced above for the purpose of re-designating Liberty Heights Lots 8 and 18 as an Economic Revitalization Area and granting such designation for said lots in Liberty Heights, only, and to spread its action upon the public record.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart as follows:

*SECTION ONE.* The findings made in Section One of Resolution Number 2007-12 are hereby incorporated, restated and adopted herein, and said Lots 8 and 18 of Liberty Heights are hereby declared to be an Economic Revitalization Area for real property tax abatement purposes.

*SECTION TWO:* For said Liberty Heights lots only, the project initiation deadline is hereby extended to May 6, 2017, and the project completion deadline to December 31, 2018. The Recipients of these tax abatements shall obtain building permits on or prior to the above-stated initiation date, and construction of real property improvements upon the Liberty Heights lots affected shall be completed by said completion date.

*SECTION THREE:* For the two lots of the Liberty Heights Subdivision development identified above only, the Common Council of the City of Hobart determines that such

designation is for real property tax abatement for the said Liberty Heights projects to be initiated on or before May 6, 2017 and completed by December 31, 2018.

*SECTION FOUR:* This resolution shall have no effect on the residential and commercial project initiation and completion dates of any other development projects previously granted property tax abatement which were in effect as of the date of the adoption of this ordinance.

ALL OF WHICH is adopted as the Resolution of the Common Council of the City of Hobart on this 18th day of May, 2016..

  
PRESIDING OFFICER

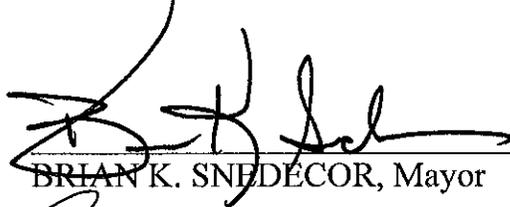
ATTEST:

  
DEBORAH A. LONGER, Clerk/Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 18<sup>th</sup> day of May, 2016 at the hour of 7:15 pm.

  
DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 18<sup>th</sup> day of May, 2016.

  
BRIAN K. SNEDÉCOR, Mayor

ATTEST:

  
DEBORAH A. LONGER, Clerk-Treasurer

**CC RES 2016- 13.Liberty Heights Extension of Project Initiation and Completion dates.Draft 2.04-29-2016**

Tony DeBonis [tony@sd1law.pro]

**Sent:** Friday, April 29, 2016 5:30 PM  
**To:** Clerk-Treasurer; Denarie Kane  
**Cc:** Joshua Huddlestun  
**Attachments:** RES CC 2016-\_\_\_\_.Liberty~1.docx (23 KB)

DEB & DENARIE:

I made some changes to the first draft of the Liberty Heights abatement resolution which I sent you previously. If this second draft meets with your approval, please circulate to the Council. Again, no action is needed on the resolution until after the public hearing on May 18<sup>th</sup>.

**ANTHONY DeBONIS, JR.**  
Hobart City Attorney



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