

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA
Resolution Number 2018-22

A Resolution Waiving Non-Compliance with the Filing Deadline for Compliance with Statements of Benefits Relating to Lake Park Senior Apartments, LP Real Property Deduction for Tax Abatement Purposes

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”), previously granted to Lake Park Senior Apartments, LP, an Indiana Limited Partnership (“Lake Park”), a real property tax abatement pursuant to I.C. §6-1.1-12.1-1, *et seq.* for a parcel of real property located in the City of Hobart at 111 West 10th Street; and

WHEREAS, Lake Park has undertaken the construction of 99 units of senior apartments contained in a three-story building and one-story villas with attached garages, on the subject property, and such construction is nearing completion; and

WHEREAS, said real property tax abatement was first implemented through the adoption by the Council of its Resolution No. 2015-12 on September 16, 2015 declaring said property an Economic Revitalization Area and its Resolution No. 2015-13 on October 21, 2015 confirming said declaration in the manner required by law, and said resolutions were amended by the Council through Resolution No. 2017- 13 adopted on September 6, 2017; and

WHEREAS, the owner of said real property is under a statutory duty to file a Compliance with Statement of Benefits form (Department of Local Government Finance Form CF-1) with the Common Council of the City pursuant to I.C. §6-1.1-12.1-5.1(b) at the same time that the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located, or, if the property owner is not required to file a personal property tax return, on or before May 15 of each year in which said deduction from property taxes is allowed, and

WHEREAS, Lake Park, as property owner, was required to file a Statement of Benefits pursuant to I.C. §6-1.1-12.1-5.1(b), and, pursuant thereto, a property owner who files a deduction application must provide the County Auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits; and

WHEREAS, this information must be updated each year in which the deduction is applicable; and

WHEREAS, the property owner has not timely filed the Compliance with Statement of Benefit form for 2018 taxes payable in 2019, but did file such form with the Clerk-Treasurer of the City of Hobart on or about July 18, 2018, and requests that this form be accepted by the Council as if timely filed; and

WHEREAS, the Council, as said designating body, pursuant to the provisions of I.C. §6-1.1-12.1-9.5 (b), may by resolution waive noncompliance with a filing deadline applicable to a Statement of benefits, or another document that is required to be filed under I.C. §6-1.1-12.1; and

WHEREAS, the property owner has filed the required form with the Council as stated above, and the Council desires to authorize the waiver of the filing deadline for said Statements of Compliance and to spread same upon the public record.

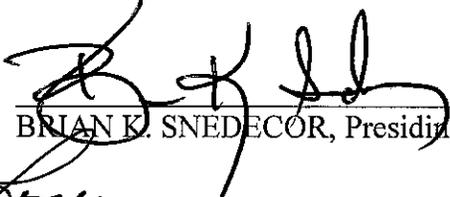
THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart as follows:

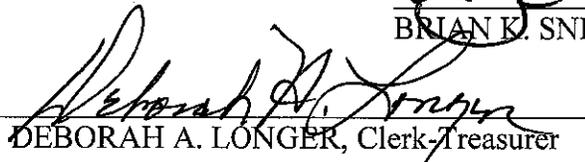
1. The Council finds that the form for Compliance with Statement of Benefits (CF-1) for 2018 pay 2019 for the improvements to the real estate identified above have been filed by the property owner with the Council as of July 18, 2018. Said form is attached hereto and made a part hereof.

2. The Council now waives the filing deadline for said form showing compliance with Statements of Benefits. By this action, the Council intends that the property owner shall be treated as if the property owner had timely complied with the procedural requirements of I.C. §6-1.1-12.1-1, *et seq.*

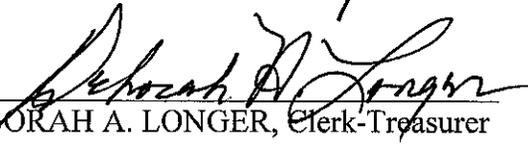
3. The Clerk-Treasurer is directed to provide a certified copy of this Resolution each to the property owner and the Department of Local Government Finance of the State of Indiana, as required by I.C. §6-1.1-12.1-9.5 (c).

ALL OF WHICH is adopted as the Resolution of the Common Council of the City of Hobart on this Third day of October, 2018.


BRIAN K. SNEDECOR, Presiding Officer

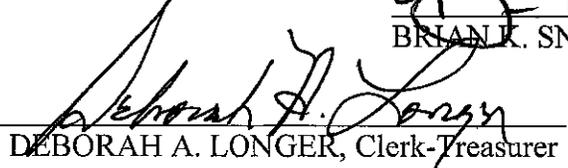
ATTEST: 
DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart, Indiana this 3rd day of October, 2018, at 7:00 p.m. o'clock.


DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, SIGNED, and RETURNED by me as Mayor of the City of Hobart, Lake County, Indiana, to the Common Council of the City of Hobart, Lake County, Indiana, this 3rd day of October, 2018.


BRIAN K. SNEDECOR, Mayor

ATTEST: 
DEBORAH A. LONGER, Clerk-Treasurer



**COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

20 18 PAY 20 19
FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer LAKE PARK SENIOR APARTMENTS, LP	County LAKE
Address of taxpayer (number and street, city, state, and ZIP code) 10501 HAGUE ROAD, FISHERS, INDIANA 46038	DLGF taxing district number 18(27)
Name of contact person KARA B. POLSTON	Telephone number (317) 815-5929

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body CITY OF HOBART	Resolution number 2017-13	Estimated start date (month, day, year) 10/12/2016
Location of property 111 WEST 10TH STREET, HOBART, INDIANA 46342		Actual start date (month, day, year) 08/10/2016
Description of real property improvements DEMOLITION OF THE EXISTING BUILDING AND NEW CONSTRUCTION OF A MULTI STORE BUILDING AND ONE STORY SENIOR VILLAS WITH RELATED AMENITIES AND INFRASTRUCTURE FOR LOW AND MODERATE INCOME SENIORS.		Estimated completion date (month, day, year) 05/01/2019
		Actual completion date (month, day, year) N/A

SECTION 3 EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	0	0
Salaries	0.00	0.00
Number of employees retained	100	35
Salaries	4,400,000.00	5,700,000
Number of additional employees	2	2
Salaries	96,800.00	76,544.00

SECTION 4 COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	290,000	83,700
Plus: Values of proposed project	8,821,844	1,925,000
Less: Values of any property being replaced	290,000	83,700
Net values upon completion of project	8,821,844	1,842,300
ACTUAL	COST	ASSESSED VALUE
Values before project	290,000	83,700
Plus: Values of proposed project	9,598,915	886,200
Less: Values of any property being replaced	290,000	83,700
Net values upon completion of project	9,598,915	886,200

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted	\$0.00 2018 pay 2019	\$0.00 2018 pay 2019
Amount of hazardous waste converted	\$0.00 2018 pay 2019	\$0.00 2018 pay 2019
Other benefits:	\$0.00 2018 pay 2019	\$0.00 2018 pay 2019

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.		
Signature of authorized representative 	Title CONTROLLER	Date signed (month, day, year) 07/18/2018

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:			
<input checked="" type="checkbox"/> the property owner IS in substantial compliance <input type="checkbox"/> the property owner IS NOT in substantial compliance <input type="checkbox"/> other (specify) _____			
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member <i>X. P. King May 95</i>		Date signed (month, day, year) <i>10/3/16</i>	
Attested by: <i>Abraham H. Longen</i>		Designating body <i>Common Council</i>	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)			
Time of hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date of hearing (month, day, year)	Location of hearing
HEARING RESULTS (to be completed after the hearing)			
<input type="checkbox"/> Approved		<input type="checkbox"/> Denied (see instruction 4 above)	
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member		Date signed (month, day, year)	
Attested by:		Designating body	
APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]			
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.			

Exhibit C pg 1 of 4



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 8-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer Lake Park II, LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 10711 America Way, Suite 200, Fishers, IN 46038		
Name of contact person Jeff Ryan	Telephone number (317) 815-5929	E-mail address Jeff@RealAmericaLLC.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of Hobart	Resolution number 2016-12, 2015-13 and 2017-__
Location of property 111 West 10th Street, Hobart, IN 46342	County Lake
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Demolition of the existing buildings and new construction of a 58 unit three story apartment building and 39 units in 1-story villas with related amenities and infrastructure for seniors (55+). Eighty (80) units will be restricted to those who qualify for the Section 42 rental housing tax credit program.	
DLGF taxing district number 18 (27)	
Estimated start date (month, day, year) 10/12/2016	
Estimated completion date (month, day, year) 5/1/19	

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS A RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0.00	\$0.00	100.00	\$4,400,000.00	2.00	\$96,800.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	290,000.00	83,700.00
Plus estimated values of proposed project	8,821,844.00	1,826,000.00
Less values of any property being replaced	290,000.00	83,700.00
Net estimated values upon completion of project	8,821,844.00	1,842,300.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) 0.00	Estimated hazardous waste converted (pounds) 0.00
--	--

Other benefits
Creation of housing affordable to low and moderate income seniors (age 55+).

Please see attached for additional Other Benefits.

**Estimated assessed value set forth above is anticipated to be calculated based upon income calculation approach and in all events consistent with applicable law.

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) July 25, 2017
Printed name of authorized representative Ronda Shrewsbury Weybright	Title President

Exhibit C pg 2 of 4

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify): *Yr one of abatement is tax payable Year 2019; 10yr traditional*
- E. Number of years allowed:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* see below)
<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 - Yes No *as per 8/15/17 Umbaugh analysis attached as pg 4 of SB-1*
 - If yes, attach a copy of the abatement schedule to this form.
 - If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

deduction schedule

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) <i>[Signature]</i>	Telephone number 1219 942-1940	Date signed (month, day, year) 9/6/2017
Printed name of authorized member of designating body TERRY HIRZOG PRESIDENT	Name of designating body Common Council	
Attested by (signature and title of attester) <i>[Signature]</i> Clerk-Treas	Printed name of attester DEBORAH LONGER	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



CITY OF HOBART
Clerk-Treasurer Office

JUN 15 2018

RECEIVED

10501 Hague Road
Fishers, IN 46038
Office 317.815.5929
Fax 317.815.5930

City of Hobart
Common Council
414 Main Street
Hobart, Indiana 46342

RE: City of Hobart – Lake Park Senior Apartments Tax Abatement

To Whom It May Concern,

Lake Park Senior Apartments, LP received approval for tax abatement for 2018 pay 2019 real estate taxes with Resolution No. 2017-13 with the City of Hobart. The entity did not timely file Form CF-1 for 2018 pay 2019 real estate taxes on May 15, 2018 and kindly request Lake County accept this filing without further consequences. I will ensure in the future all reports are filed timely. Please accept my sincere apology.

Should you have any questions or concerns, please do not hesitate to contact me.

Kind regards,

Kara B. Polston, CPA
Kara@RealAmericaLLC.com
(317) 815-5929

Enclosures

Regular meetings are held on the 1st and 3rd Wednesdays of each month in the Council Chambers, 2nd floor, Hobart City Hall

CITY OF HOBART

AGENDA ITEM REQUEST FORM

(Please Print)

Meeting Date: October 3, 2018

Board of Public Works (3:30 p.m.)

Common Council (6:00 p.m.)

Item to be Added to Agenda: Resolution Waiving Non-Compliance with the Filing Deadline for Form CF-1 relating to Real Property Tax Abatement for Lake Park Senior Apartments (Real America, LLC).

Brief Description of Request for Consideration:

Real America, LLC is requesting the Hobart City Council waive non-compliance with the filing deadline for their

CF-1 form. The form, which was to be submitted prior to May 15, 2018, was submitted on July 18, 2018. The project cost estimated on the

SB-1 is \$8,821,844. The actual project cost reported on the CF-1 is \$9,598,915. The AV estimated on the SB-1 is \$1,842,300. The

AV reported on the CF-1 is \$866,200. Please note that this assessment figure is from the January 1, 2018 assessment date and that

the site was last visited by the Assessor in October of 2017. The SB- estimated 100 retained employees and the CF-1 shows 35

employees retained. The salaries for retained employees were estimated on the SB-1 at \$4.4 M, actual salaries shown on the CF-1 were

\$5.7 M. The number of additional employees estimated on the SB-1 was 2, the same was reported on the CF-1. Salaries for additional

employees were estimated on the SB-1 at \$96,800 and reported on the CF-1 at \$76,544.

Supporting Documentation Attached: CF-1 dated 7/18/2018, SB-1 dated 7/25/2017, letter to Council dated 6/15/2018

Request Submitted by: Beth Jacobson

Address (Department): Economic Development

Phone Number (Ext.): 219.942.5517

Date Submitted: September 26, 2018

Turn in Completed Request Form to the Clerk-Treasurer's Office, Hobart City Hall