

**RESOLUTION 23-12**

**TO RESCIND RESOLUTION 16-11, RESOLUTION 16-12 AND RESOLUTION 17-26  
AND TERMINATE TAX DEDUCTION FOR IMPROVEMENTS TO REAL ESTATE**

**Re: 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue;  
and 404 S. Washington Street  
(New Urban Station, LLC, Owner)**

- WHEREAS, in 2016, the Common Council adopted Resolution 16-11 and Resolution 16-12 (as amended by Resolution 17-26) designating the property at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for real estate improvements; and
- WHEREAS, the decision to grant the tax abatement in 2016 was based upon the application for tax abatement, the Statement of Benefits forms, and other material submitted to the Council by the petitioner, which indicated that the owner was intending to build two four-story mixed use buildings, including approximately 8,000 square feet of retail or commercial space and 54 residential units that included dedicated bedrooms for Workforce Housing; and
- WHEREAS, according to Indiana Code 6-1.1-12.1-5.1, the property owner wishing to keep the abatement on real estate must file a Compliance with Statement of Benefits (“CF-1”) form annually before May 15 indicating what progress has been made in meeting the commitments set forth in the Statement of Benefits; and
- WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with the terms of the resolution and the Statement of Benefits, and if the Council determines that the property owner has failed to make reasonable efforts to comply with the terms of the abatement and has not been prevented by factors beyond its control, then the Council may rescind the tax abatement and terminate the tax deduction; and
- WHEREAS, the City of Bloomington Tax Abatement Program General Standards provide that one factor within the control of the property owner that may contribute to noncompliance is an incomplete, inaccurate, or missing CF-1 form; and
- WHEREAS, on June 14, 2016, the Director of Economic and Sustainable Development, Alex Crowley, along with Assistant Director – Small Business Development, Andrea de la Rosa, presented an Annual Tax Abatement Report to the Common Council indicating that the owner of the property identified above had not filed the required CF-1 form and, for that reason, a recommendation on the property owner’s compliance could not be provided; and
- WHEREAS, at that meeting and based upon the inability of the Economic Development Commission or city staff to provide a recommendation on compliance, the Council adopted a motion to hold a hearing to further consider New Urban Station, LLC’s compliance with the statement of benefits provided as part of the tax abatement granted by Resolution 16-12; and
- WHEREAS, pursuant to Indiana Code 6-1.1-12.1-5.9, the Council Attorney mailed notice of a hearing to the property owner within 30 days of its occurrence and, on June 21, 2023, the Common Council held the hearing and determined that the owners of the improvements to real estate were not in substantial compliance with the statement of benefits and the failure to comply was not the result of factors beyond their control; and
- WHEREAS, the Common Council finds that the property should not be designated as an Economic Revitalization Area (ERA);

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Resolution 16-11, Resolution 16-12, and Resolution 17-26 shall be rescinded and the tax deduction for the improvements to real estate at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street shall be terminated.

SECTION 2. The City Clerk is directed to mail a certified copy of this resolution to the property owner, the Auditor of Monroe County, and the Assessor of Monroe County.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution rescinds Common Council Resolution 16-11, Resolution 16-12, and Resolution 17-26 and, thereby, terminates the tax abatement as well as removes the ERA designation for the improvements to real estate at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue and 404 S. Washington Street.