

ORDINANCE 3760

AN ORDINANCE ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT FOR
THE MAIN STREET BUSINESS DISTRICT

WHEREAS a petition was filed with the Common Council of the City of Goshen requesting the establishment of an economic improvement district, and

WHEREAS petitioners made a presentation to the Common Council describing the need for an economic improvement district, and

WHEREAS a public hearing was held on the issue of an economic improvement district. The Goshen Common Council makes the following findings:

1. A majority of the owners of real property within the proposed economic improvement district have signed the petition requesting the establishment of an economic improvement district.
2. The owners of real estate constituting at least sixty-six and two thirds percent (66 2/3%) of the assessed valuation in the proposed district have signed the petition requesting the establishment of the economic improvement district.
3. The petition requesting the establishment of the economic improvement district proposes projects constituting economic improvement projects as defined by I.C. 36-7-22-6.
4. The property owners within the proposed economic improvement district have been given notice to these proceedings by a first class mailing as required by I.C. 36-7-22-6.
5. Notice of these proceedings have been published in the Goshen News as required by I.C. 36-7-22-6 and I.C. 5-3-1.
6. An assessment based on the real property's assessed valuation at the rate of .015 per dollar of assessed valuation but limiting the maximum assessment to \$1,000 per year is an appropriate assessment formula.
7. The benefits accruing to the parcels of real estate within the economic improvement district will be approximately proportional to the assessed valuation of the real estate except that real estate with an assessed value in excess of \$66,666 will derive no more benefit than parcels of real estate with an assessed value of \$66,666. 109998
8. The economic improvement projects enumerated will provide special benefits to the property owners in the economic improvement district and will be a public utility and

benefit.

9. The benefits to be provided by the economic improvement projects will add new benefits that do to replace benefits now existing.

BE IT THEREFORE ORDAINED BY THE GOSHEN COMMON COUNCIL THAT:

- I. An economic improvement district is established, the boundaries of which are as follows:
 - a. On the North: Pike Street (south side) between the north-south alleys between Main and Fifth Streets on the east and between Main and Third Streets on the west.
 - b. On the East: The north-south alley located between Main and Fifth Streets from Pike to Madison Streets except for Lincoln Avenue where it extends to Fifth Street.
 - c. On the West: The north-south alley located between Main and Third Streets to the southern property line between the NBD Bank and the St. John's Evangelist Catholic Church.
 - d. On the South: The property line between the NBD Bank and St. John's the Evangelist Catholic Church on the west side of Main Street to the north-south alley between Main and Third Streets, and on the East side of Main Street along Madison Street (north side) to the north-south alley between Main and Fifth Streets. The properties located at 318 and 320 South Main Street and 107 and 109 East Madison Streets, being residential in their present use, are excluded from the district.

A map attached to this ordinance as Exhibit A diagrams the district.

2. The district is established for the purpose of coordinating the efforts of the real estate owners within the district to provide capital improvements, maintenance projects and business enhancing projects within the economic improvement district specifically including parking improvements and enhancements; electrical conduit along curbing for lighting, decorations and special event electrical needs; snow removal; purchase and erection of holiday decorations; conducting festivals, special events and tourism; repair and replacement of lighting along tops of buildings; business retention and recruitment; installation of directional or informational signs;

planning, engineering and construction of streetscaping; and weed control.

3. Each parcel of real estate within the district will be annually assessed an amount equal to .015 per assessed dollar of value. However, no parcel of real estate shall pay an assessment in excess of \$1,000 in any assessment year.

4. An economic improvement board is established. The board shall consist of five members. Each member is appointed by Goshen City Common Council for a two year term except that the initial term of two of the members shall be a three year term. All members of the board shall be owners of real estate within the business district at the time of their appointment or directly involved in a business operating within the district.

5. Should at any time, less than a majority of the members of the economic improvement board own real estate within the economic improvement district, members of the board not owning real estate within the district shall be required to tender their resignation beginning with the board member whose term is the closest to completion. Board members shall continue to resign until such time as the board's membership has a majority who own real estate within the economic improvement district.

6. The Goshen Common Council shall appoint the members to the Economic Improvement Board by May 10, 1997. Three of the appointed members shall serve a term which expires on May 9, 1999 and two of the appointed members shall serve a term which expires on May 9, 2000.

7. The board's duties include the following:

- a. To establish priorities among the projects for which the assessment funds are being accumulated.
- b. To provide the administration necessary to see the enumerated projects are carried out in a fashion that will fairly benefit the owners of real estate within the economic improvement district.

- c. To annually determine the percentage of benefit to be receive by each parcel of real estate within the economic improvement district using the formula established by this ordinance.
- d. To determine the special assessment for each parcel of real estate by applying the percentage of benefit determined for each parcel to the property's current assessment.
- e. To promptly mail notice to each owner of property of their assessment. This notice shall include the amount of the proposed assessment, that the propose assessment for each parcel of real estate in the economic improvement district is on file and can be seen in the board's office, the time and place where written remonstrances against the assessment may be filed; the time and place where the board will hear any owner of assessed real estate who has filed a remonstrance, and that the board after hearing evidence may increase or decrease or leave unchanged the assessment on any parcel.
- f. To annually certify to the county auditor the schedule of assessment of benefits.
- g. To establish an economic improvement fund and deposit in that fund all assessments received from the Elkhart County Treasurer and any other funds that are received by the economic improvement board from whatever source.
- h. To prepare and submit to the Goshen Common Council before November first of each year a budget for the following calendar year governing the board's projected expenditures from the economic improvement fund.
- I. To comply with I.C. 36-1-9 when purchasing materials or equipment.
- j. To comply with I.C. 36-1-12 when contracting for public works.
- k. To submit an annual report to the Goshen Common Council before February 15th of each year.
- l. To submit to the Goshen Common Council names of person to replace economic improvement board member who tender a resignation or whose term expires. These names shall be forwarded to the council only after the board has polled the owners of the real estate within the economic improvement district.

7. Amounts deposited in the economic improvement fund may only be used for the projects enumerated in this ordinance.

8. The economic improvement fund may only be used for capital improvements, services and direct expenses incurred in carrying out the projects enumerated in this ordinance.

9. The economic improvement fund may not be used for ongoing administrative costs of the economic improvement board or any other entity such as salaries, rents and utilities. However, subject to the annual approval of the board's budget by the Common Council of the City of Goshen such funds may be used for the planning and management necessary to carry out the projects enumerated in this ordinance.

10. This ordinance is subject to amendment or modification as provided by I.C. 36-7-22-9.

11. The economic improvement assessment will cease in the year 2001.


12. The economic improvement board will continue to operate until such time as funds are no longer available to carry out the projects enumerated in this ordinance or the ordinance or the ordinance is repealed in accordance with I.C. 36-7-22-9.

PASSED AND ADOPTED by the Common Council of the City of Goshen, Indiana on this 25th day of February, 1997.




Presiding Officer

ATTEST:



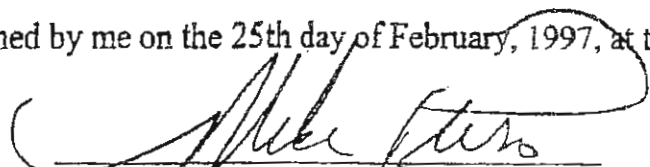
Nancy Hoke, Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the 25th day of February, 1997, at the hour of 6:00 p.m.



Nancy Hoke, Clerk-Treasurer

This resolution approved and signed by me on the 25th day of February, 1997, at the hour of 6:00 p.m.



Mike Puro, Mayor