

COPY

ORDINANCE 4062

AN ORDINANCE TO REDUCE THE  
ECONOMIC IMPROVEMENT ASSESSMENT RATE FOR THE  
GOSHEN DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT

WHEREAS, Ordinance 3760 was adopted February 25, 1997 to establish the Goshen Downtown Economic Improvement District;

WHEREAS, Ordinance 4051 was adopted on November 6, 2001 to extend the number of years in which the economic improvement assessment will be levied;

WHEREAS, the State of Indiana changed the formula for determining the assessed valuation of real property;

WHEREAS, the amount of the economic improvement assessment is based on the assessed valuation of real property; and

WHEREAS, it has been determined necessary to modify the assessment rate because without such modification, the assessment for each parcel of real estate within the district would be substantially greater than in the past.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that:

**Section 1. District Boundaries**

The economic improvement district known as the Goshen Downtown Economic Improvement District established by Ordinance 3760 is continued, and the boundaries are as follows, and as shown on the map attached to this ordinance as Exhibit A:

- A. On the North: The south side of Pike Street between the north-south alleys between Main Street and Fifth Street on the east, and between Main Street and Third Street on the west.
- B. On the East: The north-south alley located between Main Street and Fifth Street from Pike Street to Madison Street except for Lincoln Avenue where it extends to Fifth Street.
- C. On the West: The north-south alley located between Main Street and Third Street from Pike Street to the southern property line between NBD Bank (Bank One) and St. John's Evangelist Catholic Church.
- D. On the South: The property line between NBD Bank (Bank One) and St. John's Evangelist Catholic Church on the west side of Main Street to the north-south alley between Main Street

and Third Street; and on the east side of Main Street along the north side of Madison Street to the north-south alley between Main Street and Fifth Street on the east side of Main Street.

**Section 2. Exclusions**

The properties located at 318 and 320 South Main Street, and 107 and 109 East Madison Street, being residential in their present use, are excluded from the district.

**Section 3. Purpose**

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.

**Section 4. Assessment; Term**

- A. The annual assessment of each parcel of real estate within the district will be reduced from an amount equal to \$0.015 per assessed dollar of value to \$0.0065 per assessed dollar of value.
- B. The economic improvement assessment will cease December 2011.

**Section 5. Economic Improvement Board**

- A. The Economic Improvement Board established by Ordinance 3760 is continued. The Board shall consist of five (5) members. Each member is appointed by the Goshen Common Council for a two (2) 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.
- B. 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.
- C. The Board's duties include the following:
  - 1. To establish priorities among the projects for which the assessment funds are being accumulated.

2. 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.
  3. To annually determine the percentage of benefit to be received by each parcel of real estate within the economic improvement district using the formula established by this ordinance.
  4. 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.
  5. To promptly mail notice to each owner of property of their assessment. This notice shall include the amount of the proposed assessment; that the purpose of the 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.
  6. To annually certify to the Elkhart County Auditor the schedule of assessment benefits.
  7. To continue the economic improvement fund established by Ordinance 3760 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.
  8. To prepare and submit to the Goshen Common Council before November 1 of each year a budget for the following calendar year governing the Board's projected expenditures from the economic improvement fund.
  9. To comply with Indiana Code 5-22 when purchasing materials or equipment.
  10. To comply with Indiana Code 36-1-12 when contracting for public works.
  11. To submit an annual report to the Goshen Common Council before February 15 of each year.
  12. To submit to the Goshen Common Council the names of persons to replace an Economic Improvement Board member who tenders a resignation or whose term expires. These names shall be forwarded to the Council only after the Board has polled the owners of real estate within the economic improvement district.
- D. 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 is repealed in accordance with Indiana Code 36-7-22-9.

#### **Section 6. Economic Improvement Fund**

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

- B. 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.
- C. 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 Goshen Common Council, such funds may be used for the planning and management necessary to carry out the projects enumerated in this ordinance.

**Section 7. Amendment**

This ordinance is subject to amendment or modification as provided by Indiana Code 36-7-22-9.

**Section 8. Savings Clause**

The economic improvement district established by Ordinance 3760 and all prior assessments shall continue without change unless expressly modified by the terms of this ordinance.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on February 5, 2002.

Allan Kauffman  
Presiding Officer

Attest:

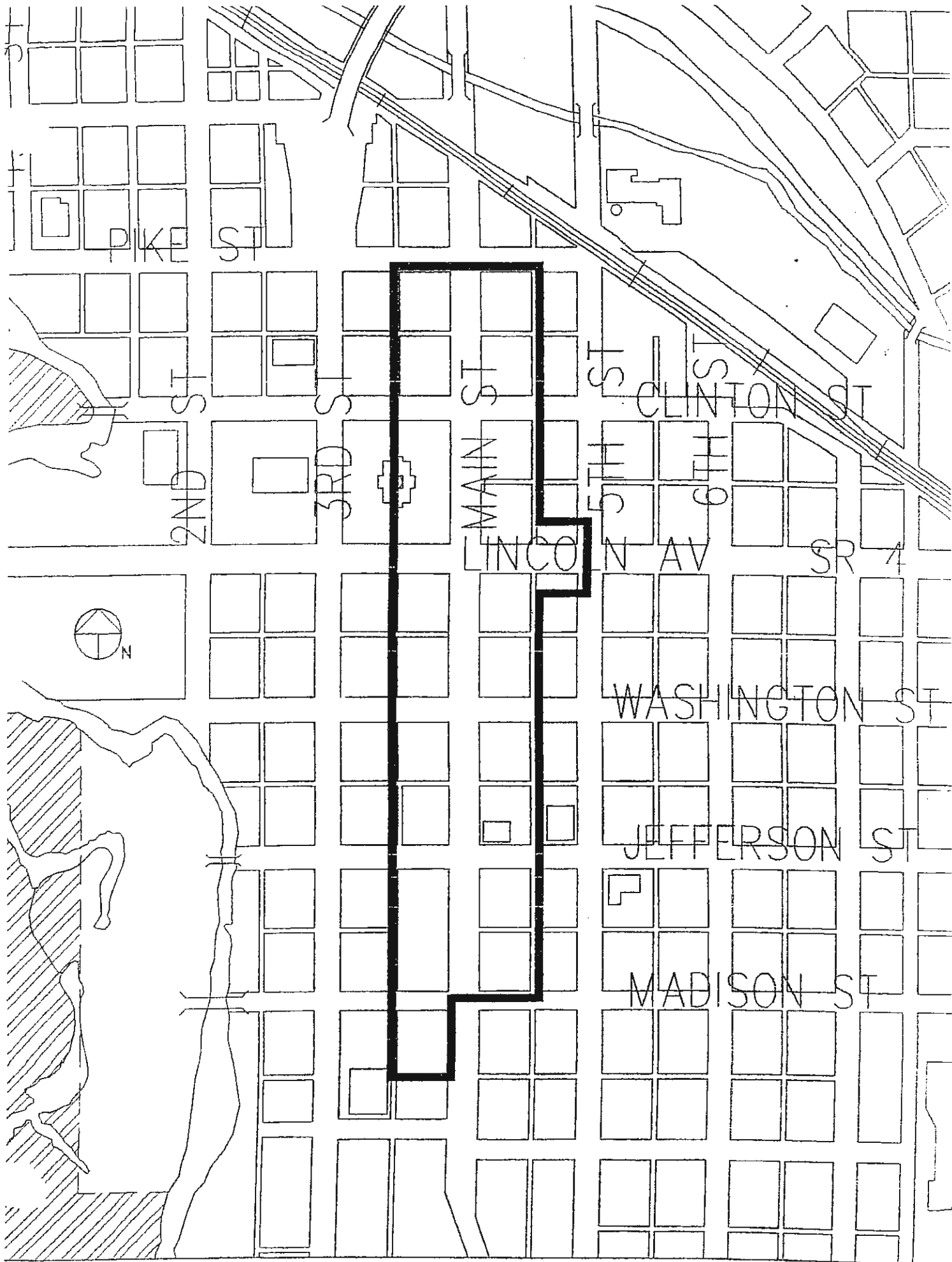
Nancy Hoke  
Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on February 5, 2002.

Nancy Hoke  
Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on February 5, 2002.

Allan Kauffman  
Allan Kauffman, Mayor



PIKE ST

2ND ST

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

8TH ST

CLINTON ST

MAIN ST

LINCOLN AV

SR 4

WASHINGTON ST

JEFFERSON ST

MADISON ST

