

# DRAFT, for Discussion

## PORTER COUNTY, INDIANA PORTER COUNTY REDEVELOPMENT COMMISSION

### Wood's Edge Residential Housing Development Program

Dated: October 10, 2024

#### Introduction

Indiana Code (“IC”) 36-7-14 (the “Act”) Sections 53 through 57 and Senate Enrollment Act (“SEA”) 566, permits a county or municipal redevelopment commission to establish a residential housing development program (or programs) to induce residential housing development, including the use of a tax increment finance (TIF) to incentivize the program.

The Act defines “residential housing” as housing that consists of single-family dwelling units and defines a “residential housing development program” as a program established by a redevelopment commission for the construction of new (single-family) residential housing or renovation of existing (single-family) residential housing dwelling units.

Pursuant to Section 53(b) of the Act, a redevelopment commission must designate the residential housing development program area as an allocation area in accordance with Sections 39 and 56 of the Act for the accomplishment of the program.

The new tax increment financing allocation area will capture the assessed valuation subsequent to the base assessment date as a result of new residential development on real property within the program’s redevelopment project area. This capture of assessed valuation will generate tax increment revenue to incentivize the program or to pay for qualified expenditures within the designated program allocation area. assessed value in the designated allocation area.

House Enrolled Act 1065 (2020) (“HEA 1065”) added condominiums and townhomes within an economic development target area designated under IC 6-1.1-12.1-7 to the definition. Effective May 4, 2023 through June 30, 2027, the following are not required in order for a redevelopment commission to approve a residential housing development allocation area in a declaratory resolution: (i) impacted school corporation approval and (ii) satisfying the “one percent test.”

A residential housing development program may be adopted as part of a redevelopment plan or an amendment to a redevelopment plan (thereby requiring the approval process similar to a redevelopment project plan (a redevelopment plan, economic development plan, or urban renewal plan) pursuant to Sections 15 through 17.5 of the Act), which includes the approvals of the county or municipal plan commission and the municipal legislative body (a City Common Council) or the executive body of a county (the County Commissioners) as in compliance with official planning documents for the program area. Upon such approvals, a redevelopment commission shall hold a public hearing on the declaratory resolution as required under Section 17 of the Act before confirming (or modifying and confirming) said declaratory resolution.

Prior to establishing a residential housing development program, a redevelopment commission must hold a public meeting to allow for an advisory role of affected neighborhood associations, residents and the township assessor. Additionally, before a declaratory resolution is considered, a public meeting must be held to receive input from fiscal officers of overlapping tax units that may be impacted by the designation of an allocation area.



# DRAFT, for Discussion

The Porter County, Indiana (“County”) Redevelopment Commission (“Redevelopment Commission”) has prepared this residential housing development program, to be known as the **Wood’s Edge Residential Housing Development Program** (“Wood’s Edge RHDP”), to initiate the approval process to designate a redevelopment project area, to approve a plan for the redevelopment project area, and to designate the program area as an allocation area to implement the Wood’s Edge RHDP.

## Program Purposes

The purposes of the Wood’s Edge RHDP are to benefit the public health, safety, morals and welfare of the citizens of the County; increase the economic well-being of the County and the state of Indiana; and serve to protect and increase property values in the County and the state of Indiana. Additionally, the Wood’s Edge RHDP has been initiated to development residential housing development within reasonable proximity of incorporated municipal boundaries to allow for the efficient land use development, infrastructure provisions and smart land development and growth principals for future annexation actions.

The Wood’s Edge RHDP is designed to provide for County and local public improvements in or serving the Wood’s Edge RHDP area and to promote significant opportunities for the residential development, in order to attract and retain permanent jobs, promote a variety of residential housing types and values, increase the number of students within the associated school districts, and increase the property tax base for the benefit of all overlapping taxing units upon sunset or termination of the Wood’s Edge RHDP allocation area.

This Wood’s Edge RHDP area is ripe for residential land development adjacent to the City of Valparaiso, but lacks the necessary public infrastructure and means to provide the infrastructure to attract the private investment needed to spur residential growth within the Wood’s Edge RHDP area.

The Wood’s Edge RHDP area will focus on utilizing the various tools permitted by the Act and other legislative acts governing the Wood’s Edge RHDP area. These tools include the ability to: acquire property for development, construct public infrastructure improvements, and implement public/private partnerships to develop housing opportunities.

The following Wood’s Edge RHDP will initiate the process statutorily to allocate Redevelopment Commission allocation funds and resources to accomplish the goals established within the Wood’s Edge RHDP for the Wood’s Edge RHDP area.

## Description of the Wood’s Edge RHDP Area

The Wood’s Edge RHDP Area consists of approximately 39.146 acres of real property (unimproved land) in unincorporated in the County. Generally, the Wood’s Edge RHDP Area is located southwest of the City of Valparaiso, south of Joliet Road, north of Morthland Drive (U.S. Highway 30), west of Hayes Leonard Road, and east of Skyline Drive in Center Township, Porter County – Tax Unit 003. The Wood’s Edge RHDP Area is served by the following political entities as overlapping taxing units:

- Porter County
- Center Township Trustee
- Valparaiso Community Schools Corporation District
- Porter County Public Library
- Valparaiso Fire Protection Territory
- Porter County Regional Airport Authority

As identified on the plat of the Wood’s Edge PUD, the Wood’s Edge RHDP area is in Lot 24 Lincoln Hills Acres and Part of the Southwest Quarter of Section 22, Township 35 North, Range 6 West, Center Township, Porter County, Indiana. The County Permanent Identification Number (“PIN”) for property within



# DRAFT, for Discussion

the Wood's Edge RHDP area for annual assessment and real property tax liability purposes are:

- **64-09-22-351-010.000-003.** The property as of the January 1, 2023 assessment consisted of 0.829 acres, was classified as Vacant - Unplatted (0 to 9.99 Acres), Property Class 501, and has a non-residential assessment value of \$22,200. The Pay 2024 tax liability is \$375.40.
- **64-09-22-351-011.000-003.** The property as of the January 1, 2023 assessment consisted of 38.317 acres, was classified as Vacant - Unplatted (30 to 30.99 Acres), Property Class 504, and has a non-residential assessment value of \$87,400. The Pay 2024 tax liability is \$1,236.58.

## Boundary Description

The boundary description of the Wood's Edge RHDP Area pursuant to the primary plat last dated May 15, 2024 as prepared by CHRISTIAN F. MARBACH, PS of Surveying And Mapping, LLC (SAM) is identified below:

Lot 24 in Lincoln Hills Acres, as per plat thereof, recorded in Miscellaneous Record 2, page 189, in the Office of the Recorder of Porter County, Indiana. Also, a parcel of land lying in the Southwest Quarter of Section 22, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:

Commencing at a 5/8" rebar with cap marking the Southwest corner of said Section 22; thence North 00°11'39" West along the West line of the South Half of the Southwest Quarter of said Section 22 a distance of 915.38 feet to the **Place of Beginning** of this description, said point being the southwest corner of land conveyed to MJF Development in Document Number 2018-023523, in the Office of the Recorder of Porter County, Indiana; thence continuing North 00°11'39" West along the West line of the South Half of the Southwest Quarter of said Section 22 and along the East line of said Lincoln Hills Acres a distance of 404.67 feet to a stone found marking the Northwest corner of the South Half of the Southwest Quarter of said Section 22; thence North 00°03'59" East along the West line of the North Half of the Southwest Quarter of said Section 22 and along the East line of said Lincoln Hills Acres a distance of 661.24 feet to the Northwest corner of land conveyed to MJF Development, Inc. in Document Number 2017-027194, in the Office of the Recorder of Porter County, Indiana; thence South 89°58'39" East along the North line of said MJF Development, Inc. land a distance of 660.03 feet to the Northeast corner of said MJF Development, Inc. land and a point on the West line of Lot 3 in Center Minor Subdivision 1334-B-1, as per plat thereof, recorded in Document Number 2003-031788, in the Office of the Recorder of Porter County, Indiana; thence South 00°02'37" West along the East line of said MJF Development, Inc. land and the West line of said Lot 3 a distance of 661.24 feet to a 5/8" rebar found at the Southwest corner of said Lot 3 and on the North line of the South Half of the Southwest Quarter of said Section 22; thence South 89°58'39" East along the North line of the South Half of the Southwest Quarter of said Section 22 a distance of 866.58 feet to an iron pipe found marking the Southwest corner of land conveyed to MJF Development, Inc. in Document Number 2017-011244, in the Office of the Recorder of Porter County, Indiana; thence North 00°03'21" West along the West line of said MJF Development, Inc. land a distance of 872.32 feet to a point in the centerline of the former state highway now known as Joliet Road; thence eastwardly along said centerline along a non-tangent curve to the left having an arc length of 235.47 feet, a radius of 1425.29 feet and a long chord of South 87°25'33" East 235.20 feet to a point of tangency; thence North 87°50'13" East along said centerline a distance of 118.02 feet to the Northeast corner of said MJF Development, Inc. land; thence South 00°07'31" East along the East line of said MJF Development, Inc. land a distance of 866.36 feet to a 5/8" rebar marking the Southeast corner of said MJF Development, Inc. land on the North line of the South Half of the Southwest Quarter of said Section 22; thence South 89°58'39" East along said North line a distance of 315.32 feet to a 3/4" iron pipe found marking the Northeast corner of land conveyed to Michael J. Forszt and Mark J. Forszt in Document Number 2004-018617, in the Office of the Recorder of Porter County, Indiana; thence South 00°06'49" East along the East line of said Forszt land a distance of 324.07 feet to the Southeast corner of said Forszt land; thence North 89°59'56" East along the North line of land conveyed to MJF Development in Document Number 2018-023523, in the Office of the Recorder of Porter County, Indiana a distance of 453.00 feet to the Northeast corner of said MJF Development land on the East line of the Southwest Quarter of said Section 22; thence South 00°06'49" East along the East line of said MJF Development land and the East line of the Southwest Quarter of said Section 22 a distance of 79.72 feet to the Southeast corner of said MJF Development land; thence South 89°59'56" West along the South line of said MJF Development land a distance of 2648.56 feet to the **Place of Beginning** of this description, containing 39.146 acres more or less.





# DRAFT, for Discussion

Wood's Edge RHDP area will consist of 46 dwelling units on larger lots with 47 dwelling units on smaller lots with one-level (ranch style) residential structures (reference MAP 2: Wood's Edge RHDP Concept Plan).

**MAP 2: Wood's Edge RHDP Concept Plan**



The Wood's Edge RHDP is proposed to be phased-in over a seven (7) year period with an average of 13 dwelling units constructed annually between 2025 and 2032. The market value of the larger lot dwelling units is anticipated to be \$650,000 with an annual tax liability estimated to be \$5,700. The market value of the smaller lot one-level dwelling units is anticipated to be \$500,000 with an annual tax liability estimated to be \$4,600.

The total assessed valuation of the Wood's Edge RHDP as phased-in and built-out is estimated to be \$53,400,000 with an annual tax liability of \$412,000.

The development will require the installation, construction and/or repair of related infrastructure consisting of rights-of-way to be dedicated to the County consisting of streets with curb and gutter, storm water ways, sanitary sewer lines, water lines, underground electric lines, and public improvements including sidewalks, bike paths, public parks and open spaces, signage, lighting, and trees and landscaping.

## Estimated Project Cost

It is estimated that the cost of the installation, construction and/or repair of infrastructure improvements serving or benefitting the Wood's Edge RHDP area will be \$7,500,000 to \$10,000,000. However, this is just an estimated cost range. As specific infrastructure projects are identified and cost estimates are refined, this Wood's Edge RHDP may be updated. A list of projects in the Wood's Edge RHDP area as well as projects that serve or benefit the Wood's Edge RHDP area is attached as APPENDIX A, which is made a part of the Plan by this reference.



# DRAFT, for Discussion

Currently there are no other major residential housing development projects or developments contemplated within the Wood's Edge RHDP area as the development will be completed in one-phase over the seven (7) year build out period as determined by the developer.

While the Wood's Edge RHDP above represent a significant amount of infrastructure improvements within the Wood's Edge RHDP area, it is not intended to represent a complete list of capital improvement projects and may be updated from time to time as the development is finalized for construction.

All the projects proposed are expected to foster additional economic growth within and adjacent to the Wood's Edge RHDP. The projects contemplated by this Wood's Edge RHDP consists of the design, acquisition, construction and installation of public infrastructure, the costs of which are roughly estimated based on current market conditions and are expected to foster additional economic growth in and surrounding the Wood's Edge RHDP area. If and to the extent permitted by law, the qualified projects are as permitted are included in the next section.

## Permissible Projects

Tax increment revenues from the Wood's Edge Allocation Area to be designated in conjunction with the declaratory resolution establishing the Wood's Edge RHDP as an allocation, or other sources of funds available to the Redevelopment Commission, may be used for the purposes permitted in Sections 53-56 of the Act.

Specifically, tax increment revenues or other sources of funds available to the Redevelopment Commission may be used to finance the cost of public infrastructure improvements in or serving the Wood's Edge RHDP as an allocation area (as well as demolition, in, serving or benefiting the allocation area), including without limitation:

- i. Transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, sidewalk and multiuse pathway improvements, street lighting, traffic signals, and site improvements including landscape buffers;
- ii. Utility infrastructure projects including, without limitation, utility installation or relocation, water lines, water wells, water towers, sanitary wastewater lines, stormwater lines, retention ponds, ditches, and storm water basin improvements; and
- iii. Public park improvements and recreational equipment. Although the precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in or serving the Wood's Edge Allocation Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities.
- iv. Tax increment revenues from the Wood's Edge Allocation Area or other sources of funds available to the Redevelopment Commission may also be used to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or to pay principal or interest on economic development revenue bonds issued by Porter County with the recommendation of the Economic Development Commission with a pledge of tax increment revenue from the Wood's Edge Allocation Area of the Redevelopment Commission to provide financial incentive(s) to developers, in furtherance of the economic development or redevelopment purposes of the Wood's Edge Allocation Area, consistent with this Wood's Edge RHDP. The provision of financial incentives by the pledge of tax increment revenues to offset developer promissory notes that secure economic development revenue bonds, or to pay principal or interest on economic development revenue bonds issued by the County to provide incentives to developers, in furtherance of the economic development or redevelopment purposes



# DRAFT, for Discussion

of the Wood's Edge Allocation Area, has become an established financing tool and an increasingly common form of incentive for attracting economic development and redevelopment.

- v. The acquisition or construction of public capital projects to enhance the cultural attractiveness of the entire unit, including those in or serving the Wood's Edge Allocation Area.
- vi. Acquisition or construction of public capital improvements and including the acquisition of public vehicles and equipment to enhance the public safety of the entire tax unit, including the Wood's Edge Allocation Area. Tax increment revenues from the Wood's Edge Allocation Area that are allocated for police and fire services may be used to finance the cost of police or fire services located in or directly serving or benefiting the Wood's Edge Allocation Area, including the financing of capital expenditures and/or operating expenses of such police or fire services.
- vii. All other projects and purposes permitted by law.

## Acquisition List

This Wood's Edge RHDP does not currently contemplate any real property acquisition within the Wood's Edge RHDP area required to implement the program.

However, should property be required to be acquired, this Wood's Edge RHDP shall be amended, including the redevelopment project plan for the Wood's Edge RHDP area to identify said real property for acquisition.

## Prohibited Use of Eminent Domain and Condemnation Authority

The Redevelopment Commission is prohibited from the use of eminent domain under I.C. 36-7-14-20 to carry out economic development and redevelopment activities under Sections 15 through 17.5 and 41 of the Act.

However, in accordance with Section 20 of the Act (as amended and effective July 1, 2014), the Redevelopment Commission may consider and recommend to the County its intentions to acquire real property in or serving the Wood's Edge Allocation Area or through the County's authority and its exercise of the power of eminent domain. Pursuant to SEA 118 (2014), if the legislative body of the unit that established the department of redevelopment (the County Council) considers it necessary to acquire real property in a redevelopment project area by the exercise of the power of eminent domain, the County Council shall adopt a resolution setting out its determination to exercise that power and directing its legal counsel to file a petition in the name of the unit on behalf of the Department of Redevelopment, in the appropriate Circuit or Superior Court in which the property is situated. The property the Commission intends to acquire through eminent domain through the County Council must be included and identified on the List of Acquisition of the redevelopment project plan for the Wood's Edge RHDP area.

Eminent domain proceedings under Section 20 of the Act are governed by Indiana Code 32-24 and other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired under Section 20 of the Act, but property belonging to the state or any political subdivision may not be acquired without its consent. The Court having jurisdiction shall direct the Clerk of that Court to execute a deed conveying the title of real property acquired under Section 20 of the Act to the Redevelopment Commission for the use and benefit of the County Redevelopment District, specifically the Wood's Edge Allocation Area.



# DRAFT, for Discussion

## Disposal of Property

If the Redevelopment Commission were to acquire real property within the Wood's Edge RHDP area and allocation area, the Redevelopment Commission may dispose of it by sale or lease to the public pursuant to procedures set forth in Section 22 of the Act.

## Statement of Statutory Findings

The Wood's Edge RHDP meets the following required findings under Section 55 of the Act

Therefore, the Redevelopment Commission makes the following findings in advance of a resolution adopting a residential housing development program under Section 53 of the Act.

- i. The public health and welfare will be benefited by accomplishment of the Wood's Edge RHDP, more specifically residential housing development within reasonable proximity of incorporated municipal boundaries to allow for the efficient land use development, infrastructure provisions and smart land development and growth principals for future annexation actions.
- ii. The accomplishment of the Wood's Edge RHDP will be of public utility and benefit as measured by:
  - a. The provision of adequate residential housing to meet the demands of the current housing market within reasonable proximity of incorporated municipal boundaries to allow for the efficient land use development, infrastructure provisions and smart land development and growth principals for future annexation actions;
  - b. An increase in the property tax base, as identified in the Wood's Edge RHDP section titled [Description of the Wood's Edge RHDP](#), more specifically as state therein, the total assessed valuation of the Wood's Edge RHDP as phased-in and built-out is estimated to be \$53,400,000 with an annual tax liability of \$412,000.
  - c. Other similar public benefits, as identified here associated with and for practical, efficient and effective land development within reasonable proximity of incorporated municipal boundaries to allow for the land use development, infrastructure provisions and smart land development, and growth principals for future annexation actions

The Wood's Edge RHDP promotes significant opportunities for the gainful employment of the citizens of the County by the construction of public infrastructure, which will allow for the attraction and retention of permanent jobs. The Wood's Edge RHDP will also meet other purposes of Sections 2.5, 41, and 43 of the Act.

- i. The Wood's Edge RHDP cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41, 43 and 55 of the Act due to a lack of local public improvements. The Wood's Edge RHDP area limited in the scope of land development it can support due to the present capacity, condition and structure of its existing infrastructure. To retain, expand and attract residential housing development that will provide gainful employment opportunity, the County must improve the existing infrastructure in and near the Wood's Edge RHDP area.
- ii. The public health and welfare will be benefited by accomplishment of the Wood's Edge RHDP. The Wood's Edge RHDP will allow the County to accommodate the growing housing needs of the County. In addition, the general welfare of the citizens of the County is inextricably related to the economic opportunities available to them. The Wood's Edge RHDP will accommodate and support the market demand for residential housing opportunities within the Wood's Edge RHDP area and surrounding territory, thus attracting new business enterprises to support the residential population and promoting significant employment opportunities for residents of the County.



# DRAFT, for Discussion

- iii. The accomplishment of the Wood's Edge RHDP will be a public utility and benefit as measured by:
  - a. The attraction or retention of residents to the County and Center Township, including both temporary construction employment opportunities as well a permanent jobs to meet the needs of new residents,
  - b. An increase in the property tax base, and other similar public benefits.

As described above, the Wood's Edge RHDP promotes the benefits and advantages contemplated Sections 53 through 57 of the Act for the designation of a residential housing development program.

## Other State and Local Requirements

All provisions necessary to conform to state of Indiana and local laws have been complied with during the preparation and development of this Wood's Edge RHDP. This Wood's Edge RHDP prepared for the Redevelopment Commission constitutes a residential housing development program for the County, by the Redevelopment Commission, in accordance with 53 through 57 of the Act titled Redevelopment of Blighted Areas, specifically IC 36-7-14 of the state of Indiana.

## Amendment of Wood's Edge RHDP

This Wood's Edge RHDP may be amended by following the procedures described in Section 17.5, under Sections 53 through 67 of the Act.

Any enlargement of the boundaries of the Wood's Edge RHDP area and the Wood's Edge RHDP Allocation Area must be approved by the County Commissioners.



# DRAFT, for Discussion

PORTER COUNTY, INDIANA  
PORTER COUNTY REDEVELOPMENT COMMISSION

Wood's Edge Residential Housing Development Program

## APPENDIX A: Wood's Edge RHDP Budget

### Project Recommendations and Estimated Costs

The Porter County Redevelopment Commission, in working with the administration of the County, and the developer for the Wood's Edge RHDP, prepared a list of project recommendations including cost estimates for implementation of the Wood's Edge RHDP to initiate land development upon construction of new residential housing units in the Wood's Edge RHDP area.

The recommended projects are listed herein to address the public capital investment to implement the Wood's Edge RHDP. These budget for the Wood's Edge RHDP includes public infrastructure improvements, all intended to be catalysts to support the developer's private and the Redevelopment Commission's public investment and development in the Wood's Edge RHDP area.

All public contracts for material or labor in the accomplishment of the projects identified herein shall, to the extent required by law, be let under IC 36-1-12. Any construction work required by the Redevelopment Commission in connection with the projects may be carried out by the appropriate County department or agency.

The Redevelopment Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate County department or agency and the statutory procedures for the letting of the contracts by the appropriate County department or agency are followed by the Commission. The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the projects identified herein or may agree to pay these assessments in installments as provided by statute in the case of private owners.

The projects include private and public infrastructure improvements and community, or land development programs intended to be catalysts to support additional private and public investment adjacent to the Wood's Edge RHDP area.

Redevelopment Commission use of Wood's Edge RHDP Allocation Area funds resulting from anticipated annual tax increment distributions may include reimbursement for capital expenditures made by the County for the purchase of, for example, public safety equipment, such as police cars and fire trucks, or other non-recurring capital expenditures, such as pathways, bike paths, sidewalk paths, municipal parking lot improvements or other one-time public works, public safety, public health or land development projects that the Redevelopment Commission determines are either in, serve or are physically connected to the Wood's Edge RHDP Allocation Area and are in furtherance of its redevelopment and economic development purposes of the Wood's Edge RHDP, consistent with Sections 53 through 57 of the Act.

Reference **Table 1**: Estimated Public and Private Costs: Wood's Edge RHDP.



# DRAFT, for Discussion

**Table 1:** Estimated Public and Private Costs: Wood's Edge RHDP

<b>Public Investment</b>	
Sewer line enhancements	\$ 750,000
Water line enhancements	750,000
Utility (telephone, cable, satellite, etc.) improvements	350,000
Streetscape enhancements (lighting, street furniture, signage, etc.)	1,000,000
Right-of-way and street improvements	1,250,000
Land Acquisition	2,000,000
Demolition and land clearance	400,000
Surveying and recording	100,000
Environmental testing	75,000
Environmental and wetland remediation and mitigation	325,000
Additional site preparation work	1,000,000
<b>Sub-total of Public Investment:</b>	<b>\$ 8,000,000</b>
<b>Private and Other Investment</b>	
Land Acquisition and Land Use Development of Wood's Edge RHDP	\$ 30,000,000
<b>Sub-total of Private and Other Investment:</b>	<b>\$ 30,000,000</b>
<b>TOTAL INVESTMENT: REDEVELOPMENT PLAN BUDGET</b>	
	<b>\$ 38,000,000</b>
Ratio of \$1 of Public to Private Investment:	\$ 3.75
Percent of Public Investment:	21.1%
Percent of Private Investment:	78.9%

