

ORDINANCE NO. 2025-16

**AN ORDINANCE APPROVING PAYMENTS IN LIEU OF TAX
FOR STORYVILLE FLATS, AN AFFORDABLE
: HOUSING PROJECT, AND APPROVING AND
AUTHORIZING OTHER ACTIONS IN CONNECTION
THEREWITH**

WHEREAS, Indiana Code (LC. 36-1-8-14.3, *et seq.* and 36-2-6-23, *et seq.*) (the "Act") authorizes the City Council (the "Council") of the City of Logansport, Indiana (the "City") to adopt an ordinance to require a property owner to pay Payments in Lieu of Tax (the "PILOT") at times set forth in the ordinance with respect to real property that is subject to an exemption under Indiana Code 6-1.1-10-16.7; and

WHEREAS, Indiana Code 6-1.1-10-16.7 provides for a property tax exemption for a project where: (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42; (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority; and (3) the owner of the property has entered into an agreement to make payments in lieu of taxes under the Act; and

WHEREAS, [Storyville Flats Limited Partnership], an Indiana limited partnership (the "Owner"), or its successors or assigns, has acquired or will acquire certain real estate in Cass County, Indiana, located at One General Street, Logansport, Indiana, and identified as Cass County Parcel Number(s) _____ (the "Real Estate"), and upon which Owner desires to develop an affordable multi-family housing facility (collectively with the Real Estate, the "Project"), which Owner has represented will be owned and operated as an affordable housing facility pursuant to the federal low income housing tax credit program under 26 U.S.C. 42 with an extended use agreement that is expected to continue for thirty-five (35) years after completion of construction; and

WHEREAS, the City and Owner desire to enter into a PILOT to facilitate the Project and provide additional affordable housing in the City; and

WHEREAS, the terms and conditions of the PILOT are contained in Exhibit A (the "PILOT Agreement"), which include without limitation an annual payment equal to Seven Thousand Four Hundred Dollars (\$7,400) (the "PILOT Payment") during the fifteen (15) year PILOT Payment period; and

WHEREAS, the City recognizes and agrees that, in accordance with the Act, the percentage generated by dividing the annual PILOT Payment by the amount of the property taxes that would have been paid to the City if the Project was not subject to an exemption from property taxation shall be the percentage of the property taxes required to be paid by the Owner to the City on an annual basis during the term of the PILOT Agreement; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to authorize and enter into the PILOT Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOGANSPOUT, INDIANA, THAT:

Section 1. The forgoing recitals are fully incorporated herein by this reference.

Section 2. It is hereby found that the acquisition of the Real Estate and construction of the Project will be of benefit to the health or general welfare of the City and its citizens and does comply with the purposes and provisions of the Act.

Section 3. The PILOT Agreement is hereby approved by the City, and the Owner shall make the annual PILOT Payments in accordance with the terms of the PILOT Agreement, which is conditioned upon, among other requirements, the Owner receiving a property tax exemption for the Project pursuant to Indiana Code 6-1.1-10-16.7.

Section 4. In accordance with the Act, the PILOT Payments shall be deposited in the City's housing trust fund established under Indiana Code 5-20-5-15.5, if such fund shall be established by the City, or distributed to the overlapping taxing units, if the City should not elect to establish a housing trust fund.

Section 5. The Owner has consented to the terms of the PILOT Agreement and the PILOT Payment, which shall be illustrated by the City Executive or his/her designee and the Owner executing the PILOT Agreement in substantially the same form of the attached, subject to necessary and appropriate updates and revisions agreed to by the City and the Owner.

Section 6. The City Executive is authorized and directed to execute the PILOT Agreement approved herein after it has been finalized, and the City Executive's execution is hereby confirmed on behalf of the City. The signature of the City Executive on the PILOT Agreement may be facsimile signature.

Section 7. The City Executive is authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the City as in the City Executive's judgment shall be necessary or advisable in order fully to consummate the PILOT Agreement and carry out the purposes of this Ordinance.

Section 8. By adopting this Ordinance, authorizing and directing the City Executive to finalize and execute the PILOT Agreement, and authorizing the PILOT Payments, the City has undertaken all required action contained within the Act.

Section 9. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 11: That this Ordinance shall be in full force and effect after its passage by the Common Council of the City of Logansport, Indiana, and approval by the Mayor of the City of Logansport, Indiana.

SECTION 12: This Ordinance shall automatically terminate upon the termination of the PILOT Agreement.

INTRODUCED, FILED AND APPROVED on first reading by a vote of 7 in favor and 0 opposed on the 2nd day of June, 2024. 2025

DULY PASSED, ORDAINED AND ADOPTED, this 23rd day of June, 2024, ²⁰²⁵ by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 6 in favor and 1 opposed.

Common Council of the City of Logansport,
Indiana

By: David Morris
Dave Morris, President

ATTEST:

Tyler Pearson, Clerk-Treasurer

Submitted to, approved by, and signed by me, the Mayor of the City of Logansport, Indiana this 23rd day of June, 2024. 2025

Chris Martin, Mayor
City of Logansport